



Educator misconduct in the school and classroom: An Education Law perspective

BC Motikitiki

 **orcid.org/0000-0001-6520-0554**

Dissertation accepted for the degree *Master of Education* in
Education Law at the North-West University

Supervisor: Prof M.H. Smit

Graduation: October 2025

A decorative blue wave pattern is located at the bottom of the page, mirroring the style of the top header.

DECLARATION

I, **Boitumelo Charlotte Motikitiki**, declare that this dissertation entitled “**Educator Misconduct in the school and classroom: An education law perspective**” is my own original work and that all sources used are duly acknowledged in the references. I have not submitted this work, in its entirety or in part, to this institution or any other institution for any other qualification.

DEDICATION

I dedicate this study to my evolving self. This journey has been a tapestry of contrasts; through shadows of doubt and illness, through misconceptions that gave way to clarity, and through moments that sparked both joy and reflection. Along this path, I have learned that patience is not just a virtue but a teacher, and that each day brings a chance to meet a new version of ourselves, transformed by the steps we have taken and the wisdom we have gained.

ACKNOWLEDGEMENTS

Glory and praises be to the Lord, for giving me strength, wisdom and determination to achieve my goal. His mercy and grace sustained me, and I will forever be grateful. I want to appreciate the following people and institutions which contributed to the success of this study:

My Husband Thando – My Dearest I appreciate your patience, prayers and encouragement during all the hardships of this journey, and for understanding that this journey comes with sacrifices. You are the wind behind my wings.

My Mother Nondlela and Grandparents, thank you for the warmth childhood and encouraging me that one of the keys to success is education.

My daughter Olwethu and younger brother Likhona, your patience kept me going. Thank you so much.

The Somfula and Motikitiki families for supporting me through this journey.

To the amazing sisters, Monica and Dyna thank you for always cheering me up during the journey.

An appreciation to a remarkable Supervisor, Prof Marius Smit, thank you for creating an enabling environment for me to think, question, try and take a lead while learning in the process. Baie dankie!

All the Principals and educators that shared information and opinions so that the study can be a success. Kea leboga!!

ABSTRACT

This study investigates the legal determinants, principles, and lived experiences of educators regarding misconduct in South African schools and classrooms, despite existing regulatory frameworks. Through a qualitative methodology employing an interpretivism paradigm, the research explored underlying causes and perspectives of educator misconduct. The one-on-one interviews (Semi-structured) were conducted with purposively carefully chosen participants, including educators, departmental heads, site stewards, and school principals, to ensure rich descriptive data collection.

The analysis revealed four significant themes related to educator misconduct. Findings indicate that such misconduct manifests in various forms within classrooms and results in poor academic performance and ill-disciplined learners. Furthermore, educator misconduct contributes to a dysfunctional equilibrium that compromises school effectiveness. The study identified multiple causes, scope, and effects of educator misconduct within the educational environment.

Based on these findings, nine recommendations were suggested to the Department of Basic Education (DBE) and the school principals. Key recommendations include implementing stronger sanctions, statutory and regulatory provisions, and punitive measures to address misconduct. Additionally, the establishment of a legal advisory service by the DBE was recommended to provide ongoing consultation for educators. These recommendations aim to enhance the application of legal frameworks, mitigate educator misconduct, and eventually advance the quality teaching and learning.

Keywords: educator misconduct, legal framework, school discipline, qualitative research, educational leadership.

LIST OF ABBREVIATIONS AND ACRONYMS

SACE	South African Council for Educators
PAM	Personnel Administrative Measures
SA	South Africa
SA-SAMS	South African School Administration Management System
SMT	School Management Team
SASA	South African School Act
LRA	Labour Relations Act
EEA	Employment of Educators Act
PL	Post Level
SADTU	South Africa democratic teachers Union
NAPTOSA	National Professional Teachers' Organisation of South Africa
HIV/AIDS	Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome
SADC	Southern African Development Community
DoE	Department of Basic Education
IQMS	Integrated Quality Management System
WSE	Whole School Evaluation
QMS	Quality Management System
SDC	School Disciplinary Committee
DH	Departmental Head
ATP	Annual Teaching Plan
ELRC	Education Labour Relations Council

TABLE OF CONTENTS

DECLARATION	I
DEDICATION	II
ACKNOWLEDGEMENTS	III
ABSTRACT	IV
LIST OF ABBREVIATIONS AND ACRONYMS.....	V
 CHAPTER 1	 1
 PROBLEM STATEMENT, RESEARCH QUESTIONS AND DESIGN	 1
1.1 Introduction, background and motivation for the research.....	1
1.2 Problem Statement.....	3
1.2.1 Tardiness, late coming and poor time management.....	4
1.2.2 Shirking of duty.....	4
1.2.3 Excessive use of cell phones during contact time	5
1.2.4 Exposing learners to pornography in classrooms.....	6
1.2.5 High rate of educator absenteeism.....	6
1.2.6 Administration of corporal punishment by educators.....	6
1.2.7 Inability to manage and maintain classroom discipline	7
1.2.8 Misuse of sick leave	7
1.2.9 Poor lesson preparation	8
1.2.10 Verbal abuse	9
1.2.11 Educator misconduct incidences reported to SACE	9

1.2.12	Lacunae in the literature	10
1.3	The main research question and sub-research questions	12
1.3.1	The main research question of the study.....	12
1.3.2	Research aim, and objectives	13
1.4	Literature Review.....	14
1.4.1	Theoretical framework.....	14
1.4.2	Conceptual Framework	15
1.4.2.1	Education Law	16
1.4.2.2	Educator misconduct.....	18
1.4.2.3	Educator	18
1.5	Research design and Methodology	19
1.5.1	Research Design.....	19
1.5.2	Research paradigm	19
1.5.3	Research approach	20
1.6	Research Methodology	21
1.6.1	Site selection	21
1.6.2	Population and sampling	21
1.6.3	Data Collection procedures	22
1.6.4	Measures to ensure trustworthiness.....	23
1.6.5	Data analysis.....	24
1.7	Ethical considerations	25

1.8	Researcher's role	26
1.9	Contribution or Significance of the study	27
1.10	Chapter Division	27
CHAPTER 2		29
LITERATURE STUDY		29
2.1	Introduction	29
2.2	Theoretical Framework	29
2.3	The role of an educator in maintaining a safe classroom.....	30
2.3.1	In loco parentis	31
2.4	The relationship between <i>Geborgenheit</i> and discipline	32
2.4.1	Classroom rules.....	32
2.5	The effect of <i>Geborgenheit</i> (or lack thereof) on classroom discipline and academic results of learners	33
2.6	Statutory provisions which address educator misconduct.....	34
2.6.1	The Constitution of South Africa Act, 108 of 1996.....	34
2.6.2	The South African Schools Act 84 of 1996	36
2.6.3	The Labour Relations Act 66 of 1995	39
2.6.4	The Employment of Educators Act, Act 76 of 1998	41
2.6.5	The Personnel Administrative Measures document	43
2.6.6	The South African Council for Educators Act 31 of 2000.....	45
2.7	Forms of educator misconduct and their effects in classrooms	46

2.7.1	Poor lesson preparation	46
2.7.2	Excessive use of phones during contact time.....	47
2.7.3	Pornography.....	48
2.7.4	Inability to manage classroom and classroom discipline	49
2.7.5	Educator absenteeism.....	50
2.7.6	Verbal abuse	57
2.7.7	Corporal punishment	59
2.8	The Causes of Educator Misconduct.....	61
2.8.1	Dysfunctional schools and lack of monitoring of educators	62
2.8.2	Personality and psychological problems.....	62
2.8.3	Lack of enforcement of policies	63
2.8.4	Lack of job satisfaction	64
2.9	The effect of educator misconduct in the classroom and on learners	64
2.10	Strategies to deal effectively with educator misconduct.....	66
2.10.1	Schedule 1A – Incapacity code and procedures for poor work performance	66
2.10.2	Schedule 1B – Incapacity code and procedure in respect of ill-health or injury.....	67
2.10.3	Schedule 2 – Disciplinary code and procedure for educators.....	68
2.10.4	Sanctions for misconduct	69
2.10.5	Intervention of the School principal	70

2.10.6	Use of disciplinary and union representatives	71
2.10.7	Application of policies on educator conduct.....	71
2.10.8	Application of corrective measures.....	72
2.10.9	Regular checking of educator attendance	72
2.10.10	Screening of educators before employment.....	73
2.11	Conclusion	73
CHAPTER 3	75	
RESEARCH DESIGN AND METHODOLOGY.....	75	
3.1	Introduction	75
3.1.1	Research paradigm: Interpretivism.....	75
3.1.2	Research approach	76
3.1.3	Research design.....	76
3.2	Methodology	78
3.2.1	Site selection	78
3.2.2	Participant selection	78
3.2.3	Data collection procedures	80
3.2.3.1	Semi structured interviews: one-on-one interviews	80
3.2.3.2	Advantage of semi structured interviews	80
3.2.4	Data analysis.....	81
3.2.4.1	Coding and development of themes	83
3.2.5	Trustworthiness	84

3.2.6	Researcher's role	86
3.2.7	Ethical considerations.....	87
3.2.7.1	Permission or approval from gatekeepers	87
3.2.7.2	Informed consent.....	87
3.2.7.3	Confidentiality and anonymity.....	88
3.2.7.4	Protection from harm	89
3.3	Chapter summary	90
CHAPTER 4		91
DATA ANALYSIS AND PRESENTATION		91
4.1	Introduction	91
4.1.1	Data analysis and presentation	91
4.1.2	Biographic profile of participants	93
4.2	Theme 1: Educator Misconduct	94
4.2.1	Category 1.1 Types of misconduct	94
4.2.2	Category 1.2. Management of misconduct.....	97
4.3	Theme 2: Scope of Misconduct.....	103
4.3.1	Category 2.1. Unprofessional conduct.....	103
4.3.2	Category 2.2. Contextual factors	107
4.4	Theme 3: Lack of legal knowledge and poor management	115
4.4.1	Category 3.1. Ignorance of the law and policies.....	115
4.4.2	Category 3.2. Insufficient Monitoring	119

4.5	Theme 4: Effects of Misconduct.....	121
4.5.1	Category 4.1. Learner negative effect	121
4.5.2	Category 4.2. Non-functional Education system.....	126
4.6	Chapter summary	128
CHAPTER 5		129
CONCLUSIONS AND RECOMMENDATIONS		129
5.1	Introduction	129
5.2	Overview of the research.....	129
5.3	Findings and Discussions	130
5.3.1	Theme 1: The legal determinants and legal principles that apply to educator misconduct in the classroom	130
5.3.2	Theme 2: Various forms of educator misconduct that are prevalent in the classrooms at public schools.....	130
5.3.3	Theme 3: Legitimate Factors Causing Educator Misconduct	133
5.3.4	Theme 4: Effects on the Educators' Misconduct.....	135
5.4	Recommendations for the study.....	137
5.4.1	Recommendation 1: Principals must be firm when dealing with educator misconduct	137
5.4.2	Recommendation 2: Support for educators	138
5.4.3	Recommendation 3: Improvement in monitoring and evaluation of QMS	139

5.4.4	Recommendation 4: Principals should apply a reasonable disciplinary hearing processes when handling with educators 'misconduct.	139
5.4.5	Recommendation 5: Sanctions, statutory and regulatory provisions and punitive measures should be implemented	140
5.4.6	Recommendation 6: Introduce a system of inspectorate to monitor schools	140
5.4.7	Recommendation 7: Apply Schedule 1A to assist incompetent educators.....	141
5.4.8	Recommendation 8: Training workshops should be provided for novice educators	141
5.4.9	Recommendation 9: Establish a legal advisory service for schools.	141
5.5	Recommendations for further research	142
5.6	Contribution to education law	142
5.7	Conclusion	143
	REFERENCES	144
	APPENDIX A: ETHICS APPROVAL LETTER.....	160
	APPENDIX B: PROVINCIAL PERMISSION TO CONDUCT RESEARCH	162
	APPENDIX C: GOODWILL PERMISSION: SCHOOL PRINCIPAL.....	163
	APPENDIX D: LETTER OF PARTICIPANT CONSENT FORM.....	166
	APPENDIX E: INTERVIEW SCHEDULE	170
	APPENDIX F – EXAMPLE OF INTERVIEW SCRIPT	173
	APPENDIX G: EDITORIAL CERTIFICATE	181
	APPENDIX H: TURNITIN REPORT	182

LIST OF TABLES

Table 1.1: Incidences report on educators' misconduct (Extracted from SACE Annual report (SACE, 2019: 21))	10
Table 3.1: Participants of the study and their codes	79
Table 3.2: Six phases in data analysis	82
Table 4.1: Biographic profile of participants.....	93

LIST OF FIGURES

Figure 1.1: Analysing and interpretation of data steps.....	24
Figure 3.1: Coding-to-theory model (adapted from Saldaña, 2016:14).....	84
Figure 4.1: Coding of raw data and development of sub-categories.....	92
Figure 4.2: Theme 1: Educator Misconduct.....	94
Figure 4.3: Theme 2: Scope of Misconduct	103
Figure 4.4: Theme 3: Lack of legal knowledge & poor management.....	115
Figure 4.5: Theme 4: Effects of Misconduct	121

CHAPTER 1

PROBLEM STATEMENT, RESEARCH QUESTIONS AND DESIGN

1.1 Introduction, background and motivation for the research

In any organisational environment, regardless of its structure or operational model, disciplinary challenges inevitably emerge, making discipline a crucial component across all institutional domains. The school environment, as Oosthuizen (2009:268) emphasises, is no exception to this fundamental principle, as it represents a workplace where maintaining disciplinary standards is essential for effective functioning. Well-ordered conduct of educators may be regarded as of utmost importance in the light of educational value of a good example. Reports of educator misconduct point out that some educators regularly fail their learners in this regard by way of demonstrating conduct characterised by non-compliance to stipulated rules and regulations (Oousthuizen, 2009:268). At times, educator misconduct escalates to an unpalatable peak that results in the disturbance of the smooth running of teaching and learning. Educational institutions must maintain high professional standards to ensure effective decision-making that aligns with their mission and vision. To foster a positive learning environment, schools should regularly evaluate teaching practices and classroom management through systematic observation and feedback. This professional oversight helps maintain educational quality and ensures educators uphold the institution's standards of excellence.

To minimise educator misconduct in the classroom, an educator must make use of the management functions. According to Coetzee (2015:42) thorough planning promotes learning as it considers diverse backgrounds, interests and learner abilities in the class. In line with the explanation of planning above it is very vital for an educator to plan according to what should take place in the classroom. An educator's failure to plan effectively compromises the quality of instruction and educational outcomes. Without proper planning, classroom activities lack structure and purpose, leading to disorganised implementation and diminished learning effectiveness (Coetzee, 2015:42). For an educator, organising amounts to the creation of an environment for effective teaching and learning (Coetzee, 2015:44). An educator must logically

organise a classroom situation where effective teaching would be possible without anything inhibiting the smooth running of lessons. According to Coetzee (2015:45) an educator as a leader in a classroom must ensure that the required tasks are performed effectively, as well as motivating learners and maintaining competency within the education framework. An educator as a leader must often lead by example as learners copy the actions and behaviour of their educators. Control in the classroom setting is important as an educator must see to it that everything is done accordingly to achieve teaching and learning objectives.

Educator misconduct is a matter of grave concern in South Africa. Rossouw and Oosthuizen (2017:110) clarify that educators in schools lack discipline, others abscond from work, and some are involved in crime. Rossouw and Oosthuizen (2017:110) go further to explain that misconduct and educator inefficiency are among other reasons leading to insecurity in the contemporary educational dispensation. However, educator misconduct is not only a phenomenon unique to South Africa, it occurs in many other countries as well. For instance, according to Mabagala (2016:4), educators in Tanzania can be disciplined and may be held accountable for their inappropriate actions in the workplace due to various forms of misconduct (Mabagala, 2016:4). A study conducted by Chirwa (2014: 51) in Malawi showed that educator misconduct was caused by the lack of regular visits by education inspectors. Due to poor monitoring by the Education departmental officials, teachers do not prepare before attending to their classes for lessons (Chirwa, 2014:51).

Just like any other profession, teaching must be regulated to uphold its standards. The SACE Code of Professional Ethics, section 2, stipulates that educators should behave in a proper and acceptable manner, such that their behaviour does not bring the teaching profession into disrepute. Rossouw and Oosthuizen (2017:87) mention that ignorance of basic principles and concepts of labour law may lead to ineffective service and misconduct in the workplace. Section 18 of the Employment of Educators Act (SA, 1998) provide lists of various forms of educator misconduct and section 17 states that educators who are found guilty of serious misconduct must be dismissed from employment. The SACE Code of Professional Ethics, section 7.2, stipulates that educators' behaviour must uphold the worth and reputation of the teaching profession and breakdown in professional educator relations is tantamount to misconduct.

The following sections will address the problem statement, followed by the conceptual framework and research design and methodology.

1.2 Problem Statement

The deleterious effects of educator misconduct and unprofessional behaviour by educators are a matter of grave concern in South African classrooms. Page (2012:2) highlights that in England a wide range of research has been conducted on undisciplined behaviour of learners and why regular reports on these matters are often not published by media houses. However, Page (2012:2) suggests that educator misconduct is under-researched, and this has an undesirable impact on quality education delivery in public schools in England. The same phenomenon seems to be present in South Africa. A key contributing factor to educator misconduct in South Africa is the lack of proper interpretation and understanding of the laws and policies governing professional conduct by educators and school management. This often results in the incorrect or inconsistent application of legal and ethical standards within schools.

Rossouw (2010:63) avers that although educators are expected to behave professionally in and outside the school environment, some educators are found guilty of unprofessional conduct from time to time. Oosthuizen (2017:110) contends that despite the efforts by SACE regarding setting the standards for the teaching profession, there is still indiscipline among educators as some are absent from classes and others have been involved in criminal activities. Oosthuizen (2017: 110-111) avers that the misconduct and inefficiency of educators are some of the causes of insecurity and poor performance of learners in the educational dispensation. The Human Rights Commission (2011:63) also found that educators abscond from their classes, turn up late for classes, and waste an inordinate amount of time in union meetings and professional training workshops; thus, leaving learners unattended. Due to the extent of educator misconduct the Employment of Educator Act was amended in 2000 to include lists of misconduct (sections 17 and 18) for which educators may be disciplined

(Rossouw, 2010: 63). Below are some disturbing instances or examples of misconduct committed by educators in classrooms.

1.2.1 Tardiness, late coming and poor time management

Research indicates that educator absenteeism significantly impacts classroom discipline and effective teaching time. Reyneke (2013:101) argues that in a situation where educators are absent from classes, disciplinary problems are more likely to occur, and notably, educator absenteeism often presents a more severe challenge than student absenteeism. The study identifies several contributing factors to teacher absence, including tardiness, excessive extracurricular responsibilities, and union activities during school hours. Particularly concerning is the finding that educators spend only 46% of designated school time on actual teaching activities (Reyneke, 2013:101).

Building on these findings, Mashaba (2015:50-51) documents various manifestations of poor time management among educators, including:

- Late arrival at work without valid justification
- Attending to personal matters during working hours
- Extended lunch and bathroom break times beyond allocated times
- Taking unauthorised breaks
- Disregarding scheduled timetables by leaving early or returning late from designated breaks

1.2.2 Shirking of duty

Mans (2015:119) identified various forms of educator misconduct prevalent in schools. These included teachers absconding from classes, chronic absenteeism, inappropriate sexual relationships with learners, inadequate lesson preparation, and failure to attend scheduled classes. Additionally, educators were found to administer corporal punishment illegally, demonstrate persistent tardiness, display professional incompetence, and engage in verbal abuse. While examination irregularities were also noted, these occurred less frequently.

Despite the visibility of these infractions within school environments, the disciplinary processes addressing such misconduct often lack transparency. Principals typically handle these cases behind closed doors, and when formal procedures are implemented, they are frequently flawed (Mans, 2015:109).

According to Mashaba (2018:54) several educators shirk their duties. Some educators' interest has vanished in the teaching profession, and they decide to skip classes while they are at work. There is lack of assessment as required, and learners are doing work for their educators as they write notes on their behalf during their subject periods. Educators fail to prepare new lessons and assignments (Mashaba, 2018:54). Mashaba (2018:55) also discovered that several educators simply reuse old assessments, change dates and give them to learners to complete. Nieuwenhuis (2007:81) explains that the progress of learners in the process of learning should be monitored and assessed. Nieuwenhuis further states that assessment is a positive process of recognising achievement and inspiring learners to realise their potential and abilities. The absence of proper assessment does not enable teaching and learning and results in an environment that is not supportive. The educators' competence to teach and assess the learners' abilities is a prerequisite for proper education (Nieuwenhuis, 2007:81). Failure to do this amount to misconduct and infringement of learners' rights (Nieuwenhuis, 2007:81).

1.2.3 Excessive use of cell phones during contact time

Another problem in schools regarding educator misconduct is that educators use cell phones unreasonably during contact time, leading to loss of teaching time or insufficient attention to learners. In the United States of America Sandoval and Santogo (2014:1) documented that educators frequently engage in personal mobile phone usage during instructional hours. Their study revealed that teachers regularly divert their attention from teaching responsibilities to attend to private matters, including responding to personal calls, text messages, and conducting mobile banking transactions. This unauthorised use of mobile devices during contact time compromises instructional quality and diminishes learning opportunities for students. In addition, excessive use of cell phones can lead to a conflict inside and outside the classroom among educators and the principal. It is unclear whether similar instances

of misconduct occur in South African schools as no specific research has been conducted in this regard.

1.2.4 Exposing learners to pornography in classrooms

Research by Coetzee (2015:2108) documents cases where educators have inadvertently displayed inappropriate content to students due to technological oversights. This has occurred, for example, when teachers failed to disconnect their devices from classroom projection equipment before engaging in personal browsing. Sexual harassment by educators in the classroom has not received sufficient attention in research. However, such occurrences are detrimental to the learners' concentration and respect towards educators (Coetzee, 2015:2109). Without doubt, an educator who exposes learners to pornography in the classroom infringes section 18(q) of the Employment of Educators Act, which clearly emphasises that educators must conduct themselves appropriately, graceful and standard manner.

1.2.5 High rate of educator absenteeism

Teacher absenteeism has emerged as a significant concern in South Africa's educational system in recent years (Mothibeli, 2017:6). The issue results in substantial losses of instructional time, particularly affecting previously disadvantaged and under-resourced schools. In these institutions, teaching activities often cease during specific times, such as Friday afternoons, days preceding holidays, paydays, and the final week of school terms (Mothibeli, 2017:6). This pattern of absenteeism compromises educational quality, ultimately producing graduates who are inadequately prepared and frequently unable to pursue higher education opportunities (Prinsloo and Reddy, 2012:7).

1.2.6 Administration of corporal punishment by educators.

The Abolition of Corporal Punishment Act that was promulgated in 1997, explain that corporal punishment is banned in schools. Despite the ban on corporal punishment twenty years ago, educators are still inflicting corporal punishment on learners. No person according to Section 10(1) is allowed to administer corporal punishment at a school towards a learner. Any person that contravenes sub section (1) is guilty of an offence and liable to a conviction or a sentence which could be imposed for assault. Veriava (2014:1) explains that regardless of the section 10 of the South African

Schools Act that prohibits corporal punishment, the practice of corporal punishment remains rife in South African schools. Veriava (2014:6) confirms that corporal punishment is detrimental to the psychological aspect of a learner as it causes emotional damage, disturbs the self-worth of learners and impacts on their academic performance. Smit (2013:346) cited research that found that many educators regardless use corporal punishment to maintain classroom discipline. Reyneke (2018) explains that corporal punishment constitutes assault which is a criminal offence.

Page (2012:2) found that reported cases of corporal punishment are on the rise in British schools. Peterson (2014: 4) asserts that there is substantial research that indicates that corporal punishment increases learner aggression, mental health problems, antisocial behaviour and physical injury.

1.2.7 Inability to manage and maintain classroom discipline

According to Mtsweni (2008:33) management and discipline are the main ingredients in educators' planning. Mtsweni asserts that for schools to have successful teaching and learning, it is important to maintain discipline within the school environment. Mtsweni (2008:4) observed that many educators hold an unrealistic perception regarding the capacity of learners for responsible device usage, incorrectly if students can self-regulate their interaction with mobile phones and other electronic gadgets without supervision. This misconception has significant pedagogical implications, as teachers find themselves compelled to dedicate a disproportionate amount of instructional time to monitoring and regulating device usage rather than focusing on their primary teaching responsibilities. No matter how unruly learners can be in the classroom, educators are obligated to maintain classroom discipline. According to Segalo and Rambuda (2018:1) one of the roles of educators is to establish acceptable behaviour parameters, underpinned by mutual respect, dignity, and tolerance for diversity.

1.2.8 Misuse of sick leave

According to Mans (2015:108) some educators misuse sick leave as they normally absent themselves unnecessarily and submit false sick notes when they return to work. The Personnel Administration Measures stipulate that an educator is entitled to sick leave that may consist of one or two days without submitting a medical certificate,

but it is mandatory to submit a valid medical certificate when the educator's absence exceeds two days (Oosthuizen, 2017:106).

1.2.9 Serious, Non-serious Misconduct. Unprofessional behaviour and Educator Incompetence

Serious misconduct, as outlined in Section 17 of the Employment of Educators Act 76 of 1998 (EEA), involves severe breaches such as sexual offences with learners, assault, possession of drugs, or criminal convictions, and typically results in mandatory dismissal if the educator is found guilty (Republic of South Africa, 1998a, s.17). In contrast, general misconduct under Section 18 of the EEA includes less severe but still inappropriate conduct such as absenteeism without valid reason, insubordination, dereliction of duty, and failure to comply with lawful instructions, which may warrant disciplinary action but not necessarily dismissal (Republic of South Africa, 1998a, s.18). Unprofessional behaviour, as described in the South African Council for Educators (SACE) Code of Professional Ethics, refers to conduct that falls short of ethical expectations, including disrespect towards colleagues, improper relationships with learners, and failure to maintain professional integrity (SACE, 2002). This type of behaviour may not always amount to legal misconduct but violates professional standards. Educator incompetence, as addressed in the Personnel Administration Measures (PAM) document, involves a lack of the necessary knowledge, skills, or ability to perform teaching duties effectively—such as inadequate curriculum delivery, poor classroom management, or failure to meet performance expectations (Department of Basic Education, 2016). Unlike misconduct, incompetence is addressed through developmental appraisal, support, and performance improvement processes rather than disciplinary proceedings.

1.2.10 Poor lesson preparation

A study conducted by Reyneke (2013:100) revealed that several educators do not prepare for their classes. The unpreparedness of educators makes them unable to teach with confidence and results in poor teaching. As a result, learners lose interest and this in turn causes disciplinary problems (Reyneke, 2013:100). One major factor contributing to educators' lack of preparing lessons is that they are not in possession of necessary subject knowledge to teach effectively. Oosthuizen and Coetzer (2010:5)

found that effective educators who manage to maintain good learner discipline, do so because they possess sufficient knowledge of the subject that they teach (Oosthuizen and Coetzer, 2010:5).

1.2.11 Verbal abuse

Mashaba (2015:55) reports that some teachers engage in harmful emotional behaviours toward students, including the use of derogatory labels, mockery, and excessive criticism. The same research indicates that teachers who lose emotional control and yell in the classroom create a detrimental learning environment. These forms of verbal and emotional mistreatment can inflict lasting psychological harm on students, even though such damage may not be physically visible. According to Oosthuizen and Coetzer (2010:15) educators who frequently increase their tone of voice for slight disturbances in class often have noisy or restless classes. A negative atmosphere is created where learners would sometimes wonder if the educator were angry, and why (Oosthuizen and Coetzer, 2010:15). It is the role of the educators to always ensure that communication in class is understood, that learners will feel safe and a conducive space to work is created.

1.2.12 Educator misconduct incidences reported to SACE

The 2018/2019 SACE annual report reveals that most instances of unprofessional conduct reported against educators revolve around corporal punishment, victimisation, sexual harassment, using improper language, alcohol abuse, absenteeism, and insubordination (SACE, 2019:21).

Table 1.1 below is an illustration of the number of teacher misconduct incidences reported to SACE during the 2018/2019 school year. Some of the types of educator misconduct that were reported to SACE nationally took place in the classrooms. These forms of misconducts had a deleterious impact and inhibited quality of teaching and learning in schools during the 2018/2019 academic years.

Table 1.1: Incidences report on educators' misconduct (Extracted from SACE Annual report (SACE, 2019: 21))

Type of Misconduct	Number of incidences reported to SACE
Verbal abuse, sexual harassment, victimisation and intimidation	141
Sexual and indecent assault	93
Corporal punishment and assault	295
Financial misconduct, fraud, theft etc.	65
Usage of improper language, alcohol abuse and insubordination	141
Negligence	7

The issue of educator misconduct in the classrooms remains a problem that has not been adequately addressed. Researchers have studied educator misconduct but not much attention was given to the conduct of educators within the classrooms. This research will primarily focus on educator misconduct in the classrooms and around the school premises as factors that inhibit the proper delivery of quality education. No previous research has examined educator misconduct in classrooms, creating a critical knowledge gap that this study aims to focus on.

1.2.13 Lacunae in the literature

The study conducted by Dirks (2012) in the Fezile Dabi district, Free State focuses more on educators and learners' perceptions and experiences regarding the efficiency of school rules and policies. Rossouw (2003) also conducted a study on learner

discipline in public schools of the North West Province, Free State Province, Western Province and Eastern Province where the major focus was on learner discipline, not educator discipline in classrooms. Masitsa's study (2008) looked at the discipline and disciplinary measures in the Free State township schools not on educator discipline in the classrooms. Another study which was done by Venter (2016) in a secondary school at Ekurhuleni Metropolitan area dwells much on the learner's discipline in schools not on educator misconduct. In a conceptual paper written by Joubert, Waal and Rossouw (2004) the focus was on discipline and its influence on learner access to equal educational opportunities, and not educator misconduct in classrooms.

The existing literature thus indicates that although educator misconduct has been generally researched in schools, the topic of educator misconduct in the classrooms has not been sufficiently research. Therefore, there is a knowledge gap regarding educator misconduct in classrooms. This study intends to supplement research on educator misconduct by specifically focussing on misconduct by educators in the classroom.

1.3 Legal Framework

The legal framework governing educator misconduct in South Africa is grounded in the main sources of law, which entails the statutory law, case law (i.e. reported court judgments that set precedents) and the common law of South Africa. South African law is based on Roman-Dutch law and certain aspects of English law and Customary law. With regard to Education law study the common law principles of the law of delict, contract law, Child law and family law as well as general principles of natural justice (fair procedure) are import. Several key statutes, regulations, and professional codes that collectively establish the standards of conduct expected from educators and the procedures for dealing with violations. The Employment of Educators Act 76 of 1998 (EEA) is the primary legislation outlining what constitutes serious and general misconduct in Sections 17 and 18 respectively, and it provides procedures for disciplinary hearings and sanctions. The South African Schools Act 84 of 1996 reinforces the responsibility of educators to promote a safe and supportive learning environment, while also granting school governing bodies a role in maintaining discipline. The South African Council for Educators Act 31 of 2000 mandates the

registration and regulation of educators, empowering the South African Council for Educators (SACE) to enforce the Code of Professional Ethics, which governs professional behaviour and accountability. In addition, the Personnel Administration Measures (PAM) document issued by the Department of Basic Education outlines competency expectations and performance standards for educators. Together, these legal instruments ensure that educator misconduct is addressed systematically to uphold learner safety, professional integrity, and the quality of education.

1.4 Introduction to research questions and sub-research questions

The development of the main research questions and sub questions is directly informed by the problem statement, which highlights growing concerns on educator misconduct in school, classroom and the negative impact it has on the learning environment. The persistence of educator misconduct despite the existence of legal and policy framework, suggests a gap between regulation and practical enforcement. Therefore, the main research question, what are the legal determinants and principles as well as lived experiences and perspectives of educators regarding educator misconduct in the classroom was identified to explore this issue from legal and experience viewpoint. The sub questions aim to unpack this main question by examining the relevant legal provisions and principles, identifying the specific types of misconduct occurring in classroom, and exploring educator's perspectives on the causes and consequences of such behaviour. Furthermore, the sub questions investigate the impact of misconduct on learner behaviour and academic performance and consider possible strategies to address the problem effectively. Together, these questions form a comprehensive framework for understanding and responding to educator misconduct in a legally sound and practically informed manner.

1.5 The main research question and sub-research questions

1.5.1 The main research question of the study

What are the legal determinants and principles as well as lived experiences and perspectives of educators regarding educator misconduct in the classroom?

The following sub-questions emanate from the main question:

- What are the legal determinants and legal principles that apply to educator misconduct in the classroom?
- Which forms of educator misconduct are experienced in the classrooms at public schools?
- What are the perspectives regarding the causes, scope and effects of educator misconduct in the classroom in public schools?
- How does educator misconduct in the classroom affect learner behaviour and academic performance?
- Which strategies can be applied to deal effectively with educators' misconduct occurring in the classroom?

1.5.2 Research aim, and objectives

Research aim:

The aim of this study is to investigate the legal determinants and principles as well as lived experiences and perspectives of educators regarding educator misconduct in the classroom.

Research objectives:

In line with the research aim and questions, the following are the objectives of the study:

- To investigate the legal determinants and legal principles according to which educator misconduct in the classroom should be addressed.
- To determine the forms of educator misconduct that are prevalent in the classrooms at public schools.
- To investigate perspectives regarding the causes, scope and effects of educator misconduct in the classroom in public schools.
- To examine the effects of educator misconduct in the classroom on learner behaviour and academic performance.
- To identify strategies that can be applied in dealing effectively with educator misconduct occurring in the classroom.

1.6 Literature Review

A thorough evaluation of the academic literature regarding educator misconduct in classrooms will be conducted. According to Bedenlier *et al.* (2019:3), a literature review enables researchers to present relevant previous research findings that connect to their current study. It serves to position the research within broader academic discussions, identify knowledge gaps, and establish the study's significance while enabling comparison with existing findings. The authors emphasise that the review's structure should be guided by specific elements such as research objectives or the central problem being investigated. Literature Review is not a descriptive list of material available, or a set of summaries (University of Toronto, 2017: Online).

1.6.1 Theoretical framework

This study will be grounded on the theoretical framework of Oosthuizen's *Geborgenheit* theory. According to Oosthuizen (2009:16) *Geborgenheit* is translated as security, wellness and safety. The word is uniquely implanted in German languages, and it is difficult to translate it meaningfully into other languages (Oosthuizen, 2009:16). In Education law perspective *Geborgenheit* indicates that learners must be taught in an environment that ensures the well-being, wellness, safety and promotes no fear and the threat of harm (Rapeta and Magano, 2017:260). According to Serame *et al.* (2013:6) one of the important requirements of the best possible education for children is an atmosphere of mental and physical safety - an environment that shelters the child from disorderly and harmful destructions. They must also be sheltered from any form of disruptions and intensions. Where there is teaching and learning, *Gerborgenheit* is needed particularly to promote order and tranquillity in the space (Serame *et al.*, 2013:6).

The legal principle that adults who supervise children (such as educators at schools) act in place of parents (*in loco parentis*) and as such they are obliged to make sure that all learners under their supervision protected (Oosthuizen, 2009:125). Oosthuizen posits that educator misconduct in the classroom may have an adverse impact on the *Geborgenheit* of learners, other educators and the school (Oosthuizen, 2009:125). It seems that if educators commit misconduct by failing to teach or by harming learners under their care, the learners' right to education is infringed. This study will examine

whether the *Geborgenheit* theory holds any water regarding educators' misconduct in classrooms.

The studies by De Villiers & Gerbers (2023), Mokgalane (2021), Mnguni (2016), Calitz & De Villiers (2000), and De Villiers (2022) collectively explore the troubling persistence of educator misconduct in South African schools, yet they vary in focus and analytical depth. De Villiers & Gerbers (2023) offer a recent and comprehensive overview of disciplinary cases, highlighting patterns in educator behavior, though their reliance on statistical data tends to underplay the contextual and human dimensions of misconduct. Mokgalane (2021), writing from a regulatory standpoint, advocates for ethical leadership and stricter enforcement mechanisms, but his work is largely descriptive and lacks empirical rigor. Mnguni (2016) provides a more critical and socially aware perspective, linking educator misconduct to systemic issues such as poor working conditions and insufficient training, yet his arguments are weakened by limited empirical backing. The foundational study by Calitz & De Villiers (2000) is instrumental in framing the legal and policy context, although it now appears outdated given the evolving educational and socio-political landscape. De Villiers (2022) updates these legal critiques but tends to echo earlier conclusions without offering substantially new insights or solutions. Overall, while these studies underscore the complexity of educator misconduct, a more integrated, evidence-based, and interdisciplinary approach is needed to effectively address its root causes and improve accountability in the profession.

1.6.2 Conceptual Framework

In qualitative research, a conceptual framework serves as a guiding map that shapes the design, methodology, and interpretation of the study. It is a system of concepts, assumptions, expectations, beliefs, and theories that supports and informs the research. The framework helps researchers to anchor their inquiry within existing knowledge while also identifying gaps the study seeks to address. According to Maxwell (2013), the conceptual framework in qualitative research is not a fixed structure but rather a flexible guide that evolves throughout the research process, influenced by the researcher's experiences, literature review, and the context of the

study. It ensures coherence between the research problem, questions, data collection, and analysis, thereby enhancing the credibility and rigor of the study.

Furthermore, the conceptual framework enables the researcher to interpret participants' perspectives and experiences through a specific lens. It offers a theoretical basis for explaining the relationships between variables or concepts, particularly in understanding complex social phenomena.

1.6.2.1 Education Law

Education Law encompasses multiple legal disciplines that school personnel must understand, including constitutional law, contract law, law of delict, and administrative law, along with their associated procedures (Russo and Stewart, 2001:19). Oosthuizen (2009:24) defines Education Law as a field that creates a framework of legal security (Geborgenheit) within which educational activities can proceed in an organized, systematic, and harmonious way. This comprehensive definition of Education Law will serve as the operational framework for this research.

-

Following South Africa's 1994 democratic transition, Education Law emerged as a distinct academic discipline, driven by increased litigation in educational matters and growing scholarly research (Mawdsley and Visser, 2007:155). While classified as a social science, law distinguishes itself from other social sciences, including education, through its self-referential nature—it serves as both the subject and object of its own study (Samuel, 2003:42). The South African legal system, rooted in Roman law like other Western legal systems, represents a comprehensive body of knowledge with its own distinct theoretical framework (Samuel, 2003:32).

This epistemological distinction is significant because law differs fundamentally from natural and social sciences, which rely on empirical methodologies to study observable phenomena and physical objects. Law operates within an abstract paradigm, consisting of elements such as legal facts, standards, and prescriptive propositions that cannot be directly observed through traditional scientific methods (Samuel, 2003:60). The autonomous character of legal science necessitates the

application of distinct legal methodologies to systematically describe, analyse, and predict legal outcomes.

This study focuses primarily on educator misconduct through an educational lens, while incorporating relevant legal principles, rather than pursuing a purely legal analysis. This educational perspective offers distinct insights into educational challenges, as it prioritizes the core values and interests of educational stakeholders differently than traditional positivistic legal methodologies. The study's ontological foundation is grounded in educational practice, with specific focus on educator misconduct. Given that the educational system's functions and objectives differ significantly from those of the legal system, this research necessarily deviates from conventional legal research methodologies. Key components of Education law that frame this study include the Employment of Educators Act (No. 76 of 1998), which outlines the types of misconduct (such as negligence, absenteeism, and abuse of learners), the procedures for disciplinary action, and the responsibilities of the employer in addressing such conduct. It clearly defines both misconduct and incapacity, allowing the study to distinguish between deliberate unethical behaviour and professional incompetence. Furthermore, the South African Council for Educators (SACE) Code of Professional Ethics is integral, as it establishes the professional standards and ethical obligations for all registered educators. It guides the study in understanding the moral expectations that go beyond mere compliance with rules.

Additionally, the South African Schools Act (No. 84 of 1996) provides the structural and governance context in which educator misconduct occurs. It highlights the role of school governing bodies and principals in maintaining discipline and promoting accountability. These legal instruments, when viewed conceptually, do not just offer rules to be followed—they represent the values, authority structures, and institutional processes that shape professional behaviour in schools. Thus, education law as a conceptual framework allows the researcher to critically engage with how legal norms influence, restrict, or fail to prevent educator misconduct, and how gaps between policy and practice may contribute to the persistence of unethical behaviour in schools. Education law in this study allows the researcher to critically engage with how legal norms influence, restrict, or fail to prevent educator misconduct, and how gaps

between policy and practice may contribute to the persistence of unethical behaviour in schools.

1.6.2.2 Educator misconduct

Section 18(1) of the Employment of Educators Act 76 of 1998 (SA, 1998) defines educator misconduct as behaviour that fundamentally undermines the employer-employee relationship. Tluway (2015:10) characterises misconduct as behaviour that deviates from professional teaching standards. Such unprofessional conduct encompasses actions that either violate established professional norms or fail to comply with the governing principles of the teaching profession. Using educator misconduct as a conceptual framework allows the study to focus specifically on the behaviours, actions, and omissions by educators that violate ethical, professional, and legal standards within the school environment. Educator misconduct provides a central lens through which to examine the nature, causes, and consequences of unprofessional conduct in education. It positions misconduct not as isolated incidents, but as patterns influenced by systemic, institutional, and individual factors. By conceptualising misconduct, the study can explore categories such as negligence, abuse of power, absenteeism, and unethical relationships, while also interrogating the social and organizational conditions that enable such behaviours. The phenomenon helps to identify gaps in professional accountability, the effectiveness of disciplinary mechanisms, and the impact of misconduct on school performance and learner outcomes—thereby guiding both the structure of the research and its potential intervention.

1.6.2.3 Educator

According to Section 1 of the South African Schools Act (SA, 1996), the term "educator" encompasses not only classroom teachers but also all professionals who provide educational and related professional services. This broad definition includes classroom teachers, educational psychologists, occupational therapists, speech therapists, and other specialised educational service providers, as well as school leadership positions such as heads of departments, deputy principals, and principals. Educator in this study focuses on the professional identity, roles, and responsibilities

of the teacher within the educational environment. For the purpose of this study educator is not viewed merely as an employee but as a key agent in shaping learner development, school culture, and the ethical standards of the profession. This concept frames the study on educator misconduct by emphasizing the expectations placed on educators as moral and professional role models, entrusted with the duty of care, instructional leadership, and adherence to ethical conduct in their interactions with learners, colleagues, and the broader school community.

Central to this conceptualization is the understanding that an educator operates within a complex social and institutional context that demands accountability, integrity, and professional judgment. The educator is expected to uphold values such as respect, fairness, and responsibility, as defined in the South African Council for Educators (SACE) Code of Professional Ethics. When these values are compromised, educator misconduct emerges as a deviation not only from legal standards but from the core identity and purpose of the educator. This framework thus positions misconduct as a failure to fulfil the professional and ethical identity that defines the educator's role.

1.7 Research design and Methodology

1.7.1 Research Design

This study employs a qualitative research methodology, which adopts an interpretive and naturalistic approach to understanding phenomena through the lens of human experience and meaning making (Maree, 2010:263). Qualitative research represents a dynamic and evolving methodological framework that incorporates diverse research approaches and theoretical perspectives (Leavy, 2014:2). This methodology serves as an effective tool for investigating and understanding social realities and human experiences within their natural contexts. For the purpose of this study qualitative research provides an in depth understanding of the statutory provisions that address educator misconduct in the classroom. The research approach will close the gap between existing legal frameworks and their practical implementation

1.7.2 Research paradigm

This study is grounded in the interpretivist paradigm, which, while often conflated with qualitative research, represents a distinct epistemological framework (Klenke,

2016:22). The interpretivist perspective holds that knowledge and meaningful reality emerge from human interaction with the world, being continuously constructed and reconstructed through social interactions and contexts. According to Zuniga and Clarke (2015:52), interpretivism acknowledges the existence of multiple realities and interpretations of single events, recognising reality as a social construct rather than an absolute truth.

1.7.3 Research approach

This research employs a phenomenological methodology, which focuses on understanding how individuals interpret and derive meaning from specific events and experiences in particular contexts (Ary *et al.*, 2019:16). This approach recognises that reality is subjective, with experiences holding distinct meanings for different individuals. Through unstructured interviews, researchers explore participants' perspectives, opinions, and emotional responses to capture their lived experiences.

Phenomenological studies aim to uncover the essential meaning that specific lived experiences hold for participants, seeking to understand both what was experienced and how it was experienced (Maree, 2016:77). Neubauer, Witkop, and Varpio (2019:92) emphasise that this methodology enables researchers to examine experiences as they are subjectively lived, potentially revealing new insights and understanding of these experiences.

This study examines educators' and principals' first-hand experiences with classroom misconduct. These educational professionals' direct engagement with misconduct provides them with unique insights into its various manifestations, impacts, and potential mitigation strategies. The phenomenological approach is particularly appropriate as it allows researchers to set aside their personal biases while gathering rich, detailed data from those who have directly experienced the phenomenon, ultimately developing a comprehensive description of its essential nature (Maree, 2016:78).

1.8 Research Methodology

1.8.1 Site selection

The study was conducted in selected secondary schools within the Dr Kenneth Kaunda district. The district is demarcated into three sub-districts namely: Matlosana with thirty-eight secondary schools, JB Marks having twenty secondary schools and Maquassi hills with nine secondary schools. The schools in the district range between Quintile one to Quintile four and in this study, there is no specific quintile that the researcher focussed on; instead, data was collected from any of the above-mentioned Quintile schools. Six schools were selected in the district to gather more information as the schools are clustered into rural, township, suburban and urban schools.

1.8.2 Population and sampling

According to the SA-SAMS records dated 22 September 2020, 5760 educators are employed in the Dr Kenneth Kaunda District. All 223 schools are functional and there are 69 Secondary schools or combined schools in the district (SA-SAMS, 2020). The determination of population size in research involves systematically identifying and quantifying all potential participants who meet the study's criteria (Creswell, 2014:158). While a comprehensive study of the entire population would be ideal, practical constraints—primarily time and financial resources—often make this unfeasible (Maree, 2012:172). Consequently, researchers must employ sampling techniques to select a representative subset of the population. Maree (2012:172) further delineates two fundamental categories of sampling methods: probability sampling, where each member of the population has a known chance of selection, and non-probability sampling, where participants are chosen based on specific criteria or convenience.

This study employed purposive sampling. According to Hall (2017:58) purposive sampling is applied when the researcher selects certain participants, events or rich cases to include in the study to find relevant data for the study. The study sought the views of educators on the misconduct taking place in schools and in the classrooms. The researcher interviewed educators in their schools to get first-hand information on the misconducts taking place within the school and classroom.

According to Maree (2012:172) the non-probability sampling method involve selection of population elements but not randomly. Non-probability sampling was used as the researcher knew where data would be found. The four methods of non-probability sampling are convenience sampling, quota sampling, snowball sampling, and purposive sampling (Maree, 2012: 172). The researcher conducted purposive sampling at the identified or selected schools where educator misconduct seems most prevalent in classrooms. The researcher collected data from the six selected schools, subject to the attainment of data saturation.

The following participants were interviewed: The school principal, two departmental heads and one site steward from any of the teachers' unions and two PL-1 teachers representing each grade from Grade 8 to 12. Therefore, 36 participants were selected as they will offer qualitative data of viewpoints that is rich, profound and addresses the relevant issues in relation to educator misconduct as they receive and deal with them.

1.8.3 Data Collection procedures

In qualitative research, the researcher serves as a primary instrument of data collection, necessitating substantial time investment in the natural research setting (Creswell, 2014:190). This study employed a qualitative methodology, incorporating multiple data collection methods including observation, interviews, document analysis, and audiovisual materials (Creswell, 2014:190). Within the interview spectrum, Creswell *et al.* (2012:87) identify three distinct types: open-ended, semi-structured, and structured interviews. For this study, semi-structured interviews had been selected as the primary data collection tool, given their inherent flexibility and capacity to accommodate probing follow-up questions that elicit deeper understanding (Leedy and Ormrod, 2014:156). This interview format is particularly well-suited for exploring participants' ideas, views, opinions, perspectives, lived experiences, and behavioural patterns in rich detail (Creswell, 2014:87).

Data gathered through the interviews enabled the researcher to understand how participants construct knowledge and social reality about the research theme (Creswell *et al.*, 2012:87). The study used one-on-one semi-structured in-depth interviews with the purposely selected participants from the six public schools. In addition, focus group interviews were conducted that comprised of two Departmental

Heads and two Site Stewards from each of the five selected schools. According to Ritchie (2013:180) the focus group process encourages interaction between the researcher and the interviewees and among the participants. During all interviews, an audio recorder was used with the prior consent of the participants.

1.8.4 Measures to ensure trustworthiness

The study employed multiple validation strategies to ensure methodological rigor:

Triangulation

The research utilised diverse data collection methods, including observations, interviews, and document analysis (Creswell, 2014:201; Creswell *et al.*, 2012:80). Data triangulation was achieved by comparing literature findings with data from individual and focus group interviews. The inclusion of participants from various positions across different schools enabled comparative analysis, enhancing the trustworthiness of the study.

Credibility and Accuracy

The study upheld data integrity through strict confidentiality protocols and precise transcription of participant responses. Credibility was established by selecting participants with relevant expertise and direct experience with the research subject. This targeted selection ensured the collection of informed and pertinent data.

Extended Field Engagement

Trustworthiness was strengthened through sustained engagement with participants throughout the data collection, analysis, and presentation phases. This prolonged interaction facilitated the gathering of more detailed and accurate information, thereby enhancing the study's validity (Creswell, 2014:202).

Member Checking

To verify the accuracy of findings, emerging themes and categories were reviewed with participants (Creswell, 2014:201). This collaborative verification process ensured that the research findings accurately represented the experiences and perspectives of the participants.

1.8.5 Data analysis

Creswell (2014:195) regards data analysis in qualitative research as a winnowing process whereby the researcher considers and disregard some parts of it. Accordingly, all the data was gathered from participants and then analysed, removing unnecessary information and retaining the useful data. The researcher used content thematic analysis. According to Creswell (2012:10) data analysis is the process consisting of “taking the data apart” to determine individual responses and then “putting it together” to summarise it. On analysing and interpretation of data, the researcher used the steps explained by Creswell as illustrated in Figure 1.1 below (Creswell, 2014: 197).

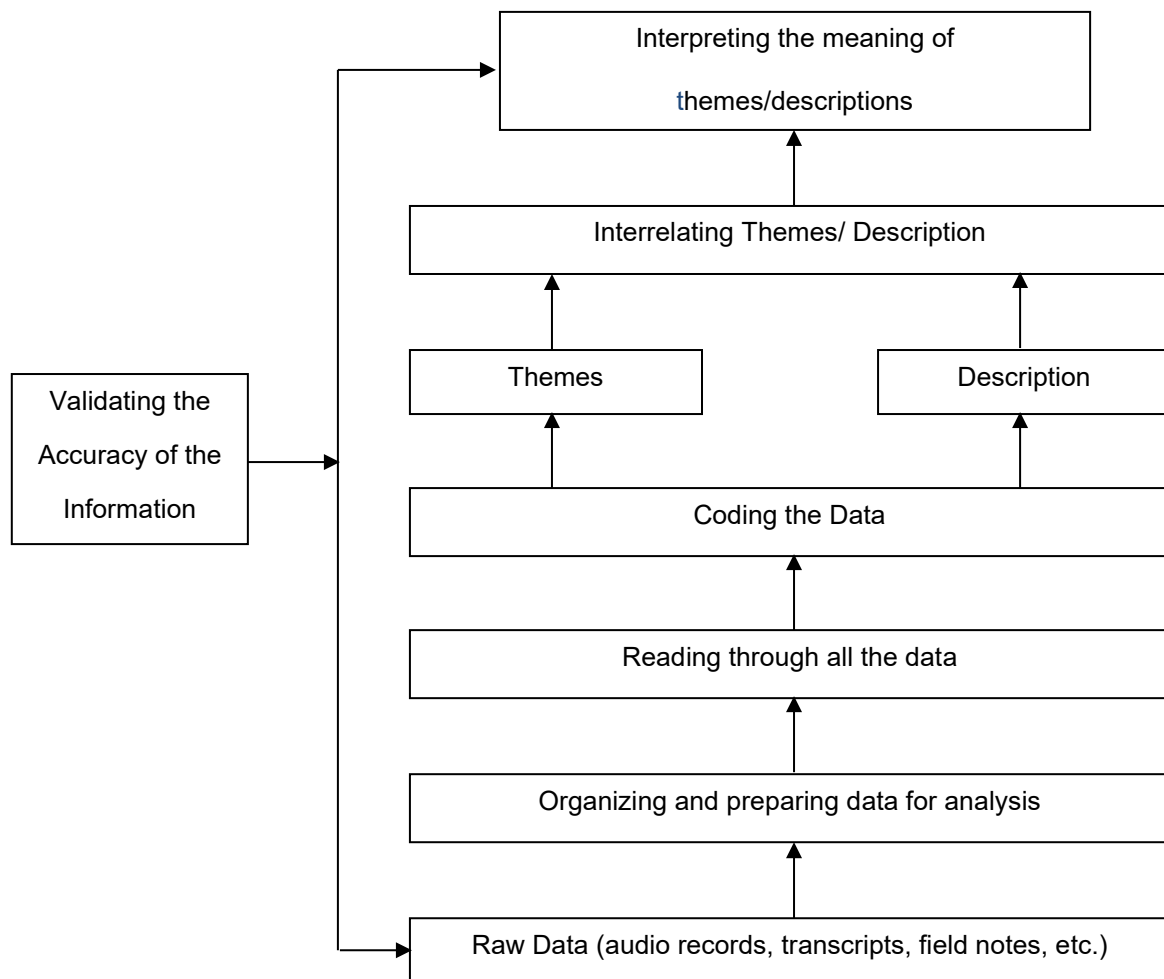


Figure 1.1: Analysing and interpretation of data steps

The researcher transcribed the recorded data from the interviews, reread the transcripts and applied the coding process. According to Ezzy (2013:92) data in open coding is expressed in words and the researcher identifies different concepts and themes. The researcher read data several times from transcript or field notes and other resources to search for thematic connectivity that would lead to theme patterns. According to Creswell (2014:197) coding involves organising the data by bracketing chunks and writing a word representing a category in the margins. Similar codes will be combined to form themes. According to Creswell (2014: 199) these themes must appear as the major findings of the study. The themes were interpreted, considering the researcher's experiences, study theory, and the literature gathered in the study.

The analysis included open coding, axial coding and selective coding processes. Creswell (2012:698) emphasises that in qualitative research the researcher makes sense out of text data, divide it into text or image segments, label the segments, examine codes for overlap and redundancy and collapse the code themes.

1.9 Ethical considerations

Research ethics forms the moral foundation of scholarly investigation. DePoy and Gitlin (2016:24) define research ethics as guidelines governing appropriate conduct throughout the research process, with particular emphasis on protecting human participants. They emphasise that ethical considerations must be addressed prior to initiating research and maintained throughout data collection, analysis, and dissemination of findings.

Key ethical imperatives include:

- Ensuring participants' right to full disclosure regarding study purpose and extent of involvement
- Maintaining appropriate investigator conduct throughout the research process
- Establishing ethical research questions and methodological procedures
- Adhering to ethical reporting practices
- Applying research findings responsibly in professional contexts

The ethical framework extends to protecting participant confidentiality and anonymity throughout the research process (Maree, 2012:42). This includes safeguarding both research findings and participant identities.

The study maintained strict confidentiality protocols to protect participants' identities throughout the research process and in the reporting of findings. All collected data, including audio recordings, were securely stored under lock and key, with recordings subsequently destroyed according to the supervisor's specifications. During data analysis, participants and schools were assigned unique identification codes to ensure anonymity, and no school names were published in the final report.

Prior to data collection, the researcher obtained informed consent from all stakeholders, including individual participants, school administrators, and the Department of Basic Education. As Maree (2012:42) notes, participant consent may be secured through various formal documentation, including consent letters and specific permissions for interviews and data collection activities. The study adhered rigorously to the ethical policies established by the North-West University ethics committee.

The researcher obtained an ethical clearance certificate from the North-West University Ethics Committee before commencing the study. Additionally, formal permission was secured from the Department of Basic Education to conduct research within the selected schools, ensuring compliance with all institutional and departmental requirements.

1.10 Researcher's role

According to Maree (2016:44) the role of the researcher must be to enter a collaborative partnership with the participants to collect and analyse data with the main aim of creating an understanding. To collect qualitative data, the researcher obtained ethical clearance from the North-West University, the Scientific- and Ethics committees of the Faculty of Education, North-West Department of Education to gain access to schools. The researcher obtained permission from the school principals and informed consent from each of the participants. Prior to commencement of the study the researcher visited possible sites for pre-research to glean the suitability of the

school, to gain the trust of the school principal and possible participants and to clarify the purpose of the research and data collection methods to be used.

The participants were aware that participation in the study is voluntary, and they were permitted to quit participation in the study at any time. The researcher formulated research questions in a manner that would not necessitate participants to reveal unduly sensitive information. It is important to be a sensitive observer who records phenomena faithfully and at the same time raising additional questions and analyse the phenomena (Maree, 2016:44).

1.11 Contribution or Significance of the study

Despite robust legal frameworks governing educator conduct in South Africa; including the Constitution of 1996, the Educators Employment Act 76 of 1998, and the South African Council for Educators Act 31 of 2000; professional misconduct remains a persistent challenge in schools. The continued prevalence of misconduct cases, some resulting in dismissal, raises critical questions about the effectiveness of current regulatory mechanisms and implementation practices.

This study addresses three crucial aspects of educator misconduct:

- The gap between existing legal frameworks and their practical implementation
- The underlying factors contributing to persistent misconduct despite established procedures
- The impact of misconduct on the professional status of educators

This investigation contributes significantly to educational law scholarship by examining the intersection of legal frameworks, professional ethics, and classroom practices. The findings will inform policy recommendations and practical interventions to strengthen professional conduct in South African education.

1.12 Chapter Division

Chapter 1: Introduction

The chapter will present the overview of the study, research questions, the aims and objectives of the study and the rationale of the study.

Chapter 2: Literature review

Chapter 3: Research design.

The chapter will present the methodology and design processes that will be used in the study.

Chapter 4: Data presentation and analysis.

This chapter will focus on data analysis, interpretation and discussion

Chapter 5: Conclusion and Recommendations.

This chapter will provide the conclusions and recommendations.

CHAPTER 2

LITERATURE STUDY

2.1 Introduction

Chapter 1 established the foundation of this study by examining the complex issues surrounding educator misconduct in classrooms, presenting the research motivation, problem statement, and methodological framework. Building upon this groundwork, Chapter 2 explores the theoretical and conceptual frameworks that inform our understanding of classroom conduct, while analysing the statutory provisions and principles that govern educator behaviour.

This chapter delves into three key aspects of educator misconduct: its root causes, its impact on the educational environment, and evidence-based strategies for prevention and intervention. The discussion synthesises current research and professional literature to provide a comprehensive examination of these interconnected elements. The chapter concludes with a summary of key findings and their implications for educational practice and policy.

2.2 Theoretical Framework

This study is based on theoretical framework of Oosthuizen's *Geborgenheit* theory. The Oosthuizen's *Geborgenheit* theory state that education is optimised in schools if there is safety, wellness and an orderly environment in which teaching and learning can take place. The *Geborgenheit* theory form the philosophical foundation of Education Law which is regarded as the psychological element of security (Rossouw, 2014:15). In this study the place is the classroom. For effective teaching and learning to take place, order and security must reign in the classroom and it is the educator's responsibility to establish and maintain such an environment.

According to Wolhuter *et al.* (2015:357) the core of the term *Geborgenheit* is the verb bergen which means to hide, shield, conceal, save or keep safe. The learners allocated to an educator deserves to be kept safe and given proper education that they are entitled to. All role-players in the Education system or school disciplinary system should comprise of the School Management Teams (SMT), school governing bodies,

educators, parents and the school community that strive to create an orderly and safe environment for learners. From an education law perspective, *Geborgenheit* indicates that learners must be taught in an environment that ensures proper school and classroom discipline, orderly conduct, responsible task-performance by educators and learners and the well-being, wellness and safety that is free of fear and the risk of harm (Rapeta and Magano, 2017:260). An educator should be a central figure for creating and maintaining such environment (Rapeta and Magano, 2017:260).

Geborgenheit includes different meanings such as order, discipline, safety, shelter, caring, protection against threats, having few worries, certainty and is used to include security in the workplace (Oosthuizen, 2009:16). In the school setting, it is the responsibility of educators to ensure *Geborgenheit* by establishing order and discipline. Educators are the primary role-models and must implement order and discipline in the classroom themselves for *Geborgenheit* to take root or occur.

2.3 The role of an educator in maintaining a safe classroom

Educators bear primary responsibility for cultivating a learning environment conducive to effective teaching and learning. Effective classroom management, characterised by well-directed student behaviour, represents a fundamental component of successful educational practice (Segalo and Rambuda, 2018:1). The maintenance of a harmonious classroom atmosphere is essential for uninterrupted learning processes. Research consistently demonstrates that student performance improves when clear behavioural expectations are established, and effective classroom management strategies are implemented. The educator's fundamental role involves establishing behavioural parameters that promote mutual respect, preserve human dignity, and foster appreciation for diversity (Segalo and Rambuda, 2018:1).

According to Serame, Oosthuizen, Wolhuter, and Zulu (2013:6) one essential requirement of the best possible education for learners is an environment of mental and physical safety - an environment that shelters the learner from disorderly and harmful effects. Learners must also be sheltered from any form of disruptions and harmful or threatening situations. In the teaching and learning environment,

Geborgenheit is needed to promote order and tranquillity in the classroom space (Serame *et al.*, 2013: 6). Applying to classroom educators should endeavour to ensure a physically and psychologically safe working environment. The state of order in schools and classrooms can be ensured through the discipline, rules, proper policies, good practice and the regulatory function of legislation (Serame *et.al.* 2013). The inner experience of security and *Geborgenheit* could be fostered through positive collegial relationships in the workplace and support in the application of policy in the school context. The educator must respect all the close colleagues and learners to create a conducive environment in the classroom. This implies that educators must comply with the directives from their superiors on how they must conduct themselves in the classroom.

2.3.1 In loco parentis

The in loco parentis is an education principle that positions an educator to act in the place of the parent. The principle emphasises that educators that supervises learners act in place of their parents (Rossouw and De Wet, 2017: 83). Educators are obliged to ensure that all learners under their supervision are safe and protected (Oosthuizen, 2009:125). The school as the social institution should be a safe space, educators should provide pedagogical space for the learners to become mature and responsible young people who can enter the world of adulthood competently and confidently (Oosthuizen, 2009:125). Educators should guide, equip and enable learners to become fully educated young people (Wolhuter *et al.*, 2015:356).

Wolhuter *et.al.* (2015:359) suggest that, to determine whether school safety and *Geborgenheit* exist, one must begin with theory building that explains phenomena within its scientific domain, data and practices. An educational theory such as *Geborgenheit* can be used to determine whether a school is indeed a safe place for learners. Oosthuizen posits that educator misconduct in the classroom may have a negative impact on the *Geborgenheit* of learners, other educators and the school (Oosthuizen, 2009:125). When educators commit misconduct by failing to teach or by harming learners under their care, the right of learners to education is infringed (Oosthuizen, 2009).

2.4 The relationship between *Geborgenheit* and discipline

Lack of discipline of educators and learners in the classroom poses a high risk to the safety, wellness and protection in the classroom. Manyau (2014: 1530) and Emekako (2016) state that a school and particularly a classroom must be conducive, and all the participants in the school (learners, educators, parents and the state) are responsible for promoting a secure place for teaching and learning. Oosthuizen (2018:9) explains that an environment of *Geborgenheit* not only discourages educator misconduct, but also encourages harmonious co-operation in the classroom setting. In addition, the mental and physical *Geborgenheit* of learners, in an environment that enhances *Geborgenheit*, also undergirds an orderly and secure environment for the teaching and learning process (Oosthuizen, 2018:10).

Professional educators bear collective responsibility for maintaining discipline within schools (Mtsweni, 2008:43). Effective discipline, encompassing both educator and learner conduct, is fundamental to educational success and the well-being of all school community members. Educators play a crucial role in reinstating and sustaining a productive culture of teaching and learning, as disciplinary breakdowns significantly impede the achievement of institutional objectives and mission (Mtsweni, 2008:43-44). Both the Educators Employment Act (SA, 1998) and South African Schools Act (SA, 1996a:8) mandate the maintenance of classroom discipline as a prerequisite for effective education. This legal framework emphasises that learning can only flourish in an environment free from disruptive behaviour. Educators must prioritise creating harmonious learning environments while ensuring student safety and well-being. Furthermore, the entire school premises must be maintained as a secure environment, free from potential safety threats (Hlatshwayo, 2018:3).

2.4.1 Classroom rules

Effective classroom management requires the implementation and consistent enforcement of clear classroom rules. These guidelines enable educators to execute their professional responsibilities effectively while maintaining proper classroom order (Mtsweni, 2008:44). Well-defined classroom rules provide both educators and learners with explicit behavioural expectations and a clear understanding of the consequences associated with both appropriate and inappropriate conduct.

The development of classroom rules should be a collaborative process involving student participation. This inclusive approach recognises learners as stakeholders in classroom management and promotes their buy-in to the established guidelines (Mtsweni, 2008:44; Oosthuizen, 2019:161). Furthermore, these rules establish a framework that compels educators to model exemplary behaviour, thereby providing learners with concrete examples of expected conduct.

2.5 The effect of *Geborgenheit* (or lack thereof) on classroom discipline and academic results of learners

Classrooms that lack safety and do not accommodate the wellness of learners are more likely to affect the learners' behaviour and academics. Segalo and Rambunda (2018) explain that an educator is essential to maintaining a classroom environment that enables learning and teaching and protecting learners from harm or danger. Joubert, De Waal and Rossouw (2004:78) posit that a school has important goals which are to ensure the safety of learners and educators and to create an environment conducive to learning and teaching.

2.5.1 Educator discipline

Effective classroom discipline is fundamental to successful education, yet it remains one of education's most complex and understudied management challenges (Venter, 2016: 213). A well-structured disciplinary framework is essential for creating an environment conducive to meaningful teaching and learning. However, even experienced and well-qualified educators may struggle with classroom management due to insufficient interpersonal skills (Masokameng, 2010: 21).

When educators fail to prioritise their learners' interests and concerns, disciplinary issues often arise. Students naturally seek opportunities for active participation and self-expression during lessons (Masokameng, 2010: 21). If an educator lacks the skills to effectively channel this enthusiasm or consistently suppresses student engagement, learners may become disengaged, unresponsive, and ultimately resistant to participating in classroom activities.

2.5.2 Classroom Management

The concept of classroom management encompasses the strategies educators employ to ensure effective lesson delivery while addressing disciplinary challenges (Naicker, 2014: 40). Its primary objective is to foster and sustain an environment conducive to learning and productivity. However, maintaining classroom order remains one of the most formidable challenges in education, with many teachers considering it the most demanding aspect of their profession (Bechuke & Debeila, 2012: 241). Students cannot reach their full academic potential in an environment that lacks *Geborgenheit* (a sense of security and comfort), as the absence of discipline creates an atmosphere unsuitable for meaningful learning and development.

2.6 Statutory provisions which address educator misconduct

In this section the most applicable statutory provisions and regulations such as the Constitution of South Africa, South African Schools Act, Labour Relations Act, Employment of Educators Act, Personnel Administrative Measures and the SACE Act with an emphasis on legal principles applicable to educators and educator misconduct, will be discussed.

2.6.1 The Constitution of South Africa, Act 104 of 1996

The South African constitution is a regulation that is used in the country to guide the behaviour of every human being entitled to human rights (SA, 1996). The Constitution in South Africa stipulates the rights and the responsibilities of the citizens and specifies that no one may do what is contrary to it (SA, 1996). The Constitution is the supreme law of the country and any law or conduct that is inconsistent with it, is invalid (SA, 1996: s2). The obligations imposed by the Constitution must be fulfilled by the State and the citizens of the country (SA, 1996: s2). The supremacy of the Constitution of South Africa makes it the supreme law of the country against all inconsistent enactments and conducts are null and void. This means that the validity and application of education specific legislation, for instance, is subject to constitutional principles (Liwane-Mazengwe, 2017: 32). The Constitution of South African does not directly address educator misconduct in schools, but it guides the behaviour of the educator in the workplace indirectly. The law protects and promotes citizens' fundamental rights as according to Chapter 2 of Constitution.

According to Chapter 2 Section 12(1) (c) (d) and (e) of the Constitution (SA, 1996), no one may be deprived from freedom, everyone must be free from violence, and no one must be tortured in a cruel way. Educators cannot punish and treat learners in a degrading manner as the constitution prohibits the action. The reason educators are liable to be charged if they use corporal punishment on learners emanates from the constitution. De Waal, Joubert, and Rossouw (2004:79) utters that one of the goals of school discipline is to provide a safe environment for all learners and educators.

The South African Constitution, particularly through its Bill of Rights, establishes fundamental protections for all citizens, with special emphasis on education and children's rights. Sections 12 and 24 guarantee everyone's right to freedom from violence and to a safe environment. Section 28(d) specifically protects children's rights to education while safeguarding them from maltreatment, neglect, abuse, and degradation. The Constitution's founding values, outlined in Subsection 7(1), emphasise human dignity, equality, and freedom, principles that are particularly crucial in the context of school discipline. As Liwane-Mazengwe (2012) notes, these constitutional principles should fundamentally shape both society and the education system.

In the educational context, these rights create clear obligations: educators must respect learners' rights regardless of classroom circumstances, and any disciplinary measures must align with constitutional principles of non-violence and human dignity. This framework ensures that educator conduct, especially in matters of discipline, must always protect and uphold learners' constitutional rights.

2.6.1.1 Section 36: Limitation of rights

The limitation of human rights in South Africa is considered lawful and it can happen to protect the citizen's rights under certain conditions. According to Oosthuizen (2019:54) the basic purpose of the limitation is to balance people's rights and obligations within the context of democratic values of the Constitution in an endeavour to create a fair and just environment for all. Smit (2013:91) affirms that fundamental human rights are not absolute, and they are subject to limitation. In addition, he

explains that the limitation cannot happen for any reason or societal rule but in accordance with the law (Smit, 2013:92).

When limiting the rights of people, the following factors must be considered: the nature of the right, importance of the purpose of limitation, and the relation between limitation and its purpose (SA, 1996). On specific importance for this study, is section 29 of the Constitution which enshrines the right to education. The current era we are living in, no learner may be denied the opportunity to learn in South Africa. Acts of misconduct that takes place in the classroom denies learners their right to education.

The moment educators are found guilty of misconduct whether serious or less serious, learners' fundamental rights are often infringed. If the rights of learners are weighed against those of educators as employees, the only conclusion can be reached is that the rights of the learners, being in the most vulnerable position must be protected (Rossouw, De Waal, 2004: 288). As postulated in Section 28(2) of the Constitution, the best interests of learners must certainly be of paramount in every matter concerning them. According to Rossouw, De Waal (2004: 288) the best interest of learners should be ample justification for the limitation of the rights of educators.

2.6.2 The South African Schools Act 84 of 1996

The South African Schools Act serves as the cornerstone legislation governing both public and independent schools in South Africa, establishing comprehensive operational guidelines for the entire education system. The Act's preamble articulates a vision for transforming the educational landscape by fostering an atmosphere that promotes active teaching and learning, while firmly committing to eliminate discriminatory practices, uphold human rights, embrace diversity, and cultivate tolerance (South Africa, 1996). Smit (2009:23) emphasises that this legislation establishes a robust legal framework for a standardised system of state-supported schools, with the fundamental goal of delivering progressively higher quality education to all learners.

Section 8(1) and (2) of the South African Schools Act mandates that School Governing Bodies (SGBs) adopt and implement a code of conduct. This code must explicitly outline disciplinary rules and procedures for the school. Educators are legally obligated to align their disciplinary strategies with this established code of conduct. Any educator

who administers corporal punishment, whether in anger or otherwise, violates not only the school's code but also fundamentally breaches the South African Council for Educators (SACE) Code of Professional Ethics.

Section 10 of the Schools Act explicitly prohibits educators from administering corporal punishment in South African schools. Despite this legal ban, some educators in public schools continue to employ physical disciplinary measures (Department of Education, 2000:5). The Department of Education defines corporal punishment as any intentional act that inflicts pain or physical discomfort on a learner as a form of discipline. Such actions encompass slapping, hitting (whether with hands or objects), forceful pulling, paddling, and mandatory physical exercises as punishment (Department of Education, 2005:6).

The prohibition of corporal punishment stems from its violation of fundamental human rights, specifically a learner's right to physical integrity, human dignity, and equal protection under the law. Research has demonstrated that corporal punishment inflicts significant physical and psychological harm on students. Moreover, it proves ineffective as a disciplinary tool and severely damages the crucial relationship between educators and learners (Department of Education, 2000:6).

This ban applies universally across all educational institutions in South Africa, including public, private, and independent schools. The legislation recognises that physical punishment has no place in modern educational settings, where the focus should be on constructive disciplinary approaches that respect the rights and dignity of learners.

According to Section 10(2) of the Schools Act, educators who administer corporal punishment can face criminal charges equivalent to those imposed for assault. The legislation specifically addresses this form of educator misconduct and emphasises that all disciplinary measures must align with the school's established code of conduct.

The fundamental right to basic education encompasses both learners' and educators' rights to operate in a safe, violence-free environment. Any disciplinary actions taken by educators must respect learners' rights by avoiding physical punishment. As

Rossouw and De Wet (2017:78) explain, corporal punishment was abolished through Section 10 of the South African Schools Act (SASA), in accordance with Section 12(1) of the Constitution. The law explicitly states:

- No person may administer corporal punishment at a school to a learner
- Any person who contravenes subsection (1) is guilty of an offense and liable on conviction to a sentence equivalent to assault

Despite this clear legal prohibition, Smit (2013:346) notes that some educators continue to employ corporal punishment. This practice can have counterproductive effects, often triggering further misbehaviour among learners. Today's learners are well-informed about their rights and may actively resist when these rights are violated. Furthermore, physical punishment tends to generate anger and hostility, damaging the crucial educator-learner relationship.

Smit (2013:346) also observes that many educators feel not empowered in the current human rights-focused environment, particularly following the phasing out of corporal punishment. Some educators attribute declining discipline in schools to the lack of effective alternative disciplinary measures. This highlights the need for developing and implementing alternative disciplinary strategies that maintain order while respecting student rights and dignity.

Despite the prohibition of corporal punishment under the South African Schools Act 84 of 1996, there remains significant debate about its abolition. Some educators and parents advocate for its reinstatement, arguing that learners have become increasingly defiant of school authority in the post-ban era. International studies reflect similar sentiments: a 2000 survey in England and Wales revealed that 51% of respondents supported reintroducing corporal punishment in schools, while in Canada, 79% of participants indicated that corporal punishment could be justified (Mohapi, 2014:433). Njoroge (2014:294) notes that the rise in student misconduct has been frequently attributed to the ban on corporal punishment. This perception has created a challenging dynamic where educators, fearing legal repercussions, have become increasingly hesitant to implement any form of disciplinary measures, even those permitted by law.

While some segments of society continue to advocate for corporal punishment, its abolition remains firmly established in law. This was reaffirmed in the landmark 1999 case of *Christian Education SA v Minister of Education*, where a group of Christian parents challenged Section 10 of the Schools Act before the Constitutional Court. The parents argued that their religious beliefs supported the use of corporal punishment as a legitimate means of child-rearing. However, the Court rejected their application, noting that while biblical interpretation might grant parents the authority to physically discipline their children, this right does not extend to school officials. This ruling helped solidify the distinction between parental rights and institutional authority in matters of discipline.

Research by Mestry and Khumalo (2012) reveals that despite its legal prohibition, corporal punishment persists in some schools, with certain principals secretly maintaining that physical discipline remains the most effective behavioural deterrent. Their study uncovered that these administrators knowingly violate the law by continuing this practice covertly. The researchers argue that this continued reliance on corporal punishment reflects a broader failure of schools to successfully implement alternative disciplinary measures as required by their institutional codes of conduct. Most significantly, they demonstrate that physical punishment proves counterproductive to its intended purpose; rather than building self-discipline, it breeds aggression, provokes retaliation, and fosters antisocial behaviour among learners. Thus, the ongoing use of corporal punishment in schools creates a troubling cycle where disciplinary problems are intensified rather than resolved.

2.6.3 The Labour Relations Act 66 of 1995

The Labour Relations Act (LRA) serves as a comprehensive framework for managing workplace relationships and protecting employee rights. Its primary objectives are to foster rational collective bargaining, enhance worker participation in workplace decision-making, and establish effective dispute resolution mechanisms through statutory conciliation, mediation, and arbitration processes (SA, 1995).

For educators and other employees, the LRA provides crucial guidance on disciplinary procedures that may be initiated following misconduct or violations of constitutional

principles. While the Act clearly delineates worker rights, it also emphasizes that these rights must be exercised responsibly and not abused.

Regarding dismissal procedures, the LRA establishes clear guidelines for fair termination based on misconduct. Section 111 mandates that any dismissal must be justified by a fair reason and implemented through proper procedures, considering relevant codes of good practice (SA, 1995). Schedule 8 of the Act further requires employers to establish and communicate clear disciplinary rules that set behavioural standards for employees. These rules must be provided in writing and in a language accessible to all employees (SA, 1995).

The Act specifically addresses issues of absenteeism and workplace desertion. According to Clause 12(3) (ac), employment contracts may be considered terminated if an employee:

- Deserts their position
- Is absent without authorisation for more than five consecutive working days
- Is absent for six working days within a six-month period

However, this provision does not apply when absence is due to incapacity as defined in Clause 14(3)(b) (RSA, 1995).

The Act makes an important distinction regarding incapacity-related absences. Clause 14(3)(b) defines incapacity as the inability to work due to illness or injury, provided these conditions were not self-inflicted through misconduct. For workplace accidents covered by the Compensation for Occupational Injuries and Diseases Act (1993), periods of absence are only considered incapacity when no disablement payment is due under that Act (RSA, 1995).

Hence, the LRA assist with regulating the educator's conduct in the workplace. It addresses issues regarding educators' rights on industrial action in chapter 3 section 1, 2 and 3, in conformity with the constitution.

2.6.4 The Employment of Educators Act, Act 76 of 1998

The Employment of Educators Act (EEA) 76 of 1998 serves as the foundational legal framework governing the professional conduct and employment conditions of educators within the South African education system. This comprehensive legislation empowers provincial departments of basic education to manage their teaching workforce effectively while establishing clear guidelines for service conditions and professional conduct.

The Act's scope encompasses crucial aspects of the educator's professional life, including:

- Terms and conditions of service
- Disciplinary procedures and standards
- Retirement protocols
- Grounds and procedures for discharge

A key feature of the EEA is its approach to misconduct, establishing a clear hierarchical structure between serious and less serious infractions through Sections 17 and 18. This distinction ensures proportional responses to different levels of professional misconduct, allowing for appropriate disciplinary measures based on the severity of the offense.

This structured approach demonstrates the Act's commitment to maintaining high professional standards while ensuring fair treatment of educators through clearly defined procedures and protocols.

2.6.4.1 Serious Misconduct

Section 17 of EEA outlines serious misconduct in the workplace as

- "Theft, bribery, fraud and corruption regarding examination or promotional reports
- Sexual assault on a learner, student or another employee
- Having a sexual relationship with a learner of the school where the educator is employed

- Seriously assaulting, with the intention to cause grievous bodily harm to a learner, or the other employee.
- illegal possession of substances”

An educator must be dismissed if found guilty of any serious misconduct explained above.

2.6.4.2 Less Serious Misconduct

In terms of section 18(1) “Misconduct refers to a breakdown in the employment relationship and an educator commits misconduct if he or she:

- Fails to comply with or contravenes this Act or any other statute, regulation or legal obligations relating to education and the employment relationship.
- Wilfully or negligently mismanages finances of the State, a school, or an adult learning centre.
- Without permission possesses or wrongly uses the property of State, a school, an adult learning centre, another employee or visitor.
- Wilfully, intentionally or neglecting damages or causes loss of property of the state, a school or an adult learning centre.
- In the course of duty endangers the lives of him or her or others by disregarding set safety rules and regulations.
- Unjustifiable prejudices the administration, discipline or efficiency of the Department of Basic Education, an office of the state or a school or adult learning centre.
- Accepts compensation in cash or otherwise from a member of the public or another employee for performing his or her duties without written approval from the employer.
- Fails to carry out a lawful order or routine instruction without just or reasonable cause.
- Absent himself or herself from work without a valid reason or permission.
- Unfairly discriminate against other persons based on race, gender, age, disability, sex, pregnancy, marital status, ethnic, and social origin, colour, sexual orientation, status, political opinion or other grounds prohibited by the Constitution.
- Perform poorly or inadequately for reasons other than incapacity.

- Without the written approval of the employer, performs work for compensation for another person or organisation either during or outside working hours.
- Without prior permission of the employer accepts demands in respect of the carrying out of or the failure to carry out the educators' duties, any commission, fee or reward
- Without authorisation, sleeps on duty.
- While on duty, is under the influence of an intoxicating, illegal, unauthorised or stupefying substance, including alcohol.
- Assaults, or attempts to or threatens to assault, another employee or another person.
- Incites other personnel to un-procedural and unlawful conduct.
- Display disrespect towards others in the workplace or demonstrate abusive or insolent behaviour.
- Intimidates or victimises fellow employees, learners or learners".

Educators should be role models for learners, and they can influence learners' behaviour positively or negatively. Okeke and Drake (2014: 1728) affirm that educators serve as role models through how they perform their duties and the manner they conduct themselves. Okeke and Drake (2014: 1728) argue that learners copy the educators in various ways such as the way they dress, speak and behave. It could be argued that if an educator commits serious misconduct such as being involved in fraudulent examinations as in section 17(1) (a) or having a sexual relationship with a learner as stated in section 17(1)(c), he/she will negatively affect learners' respect for an educator. In this way educator misconduct could bring disharmony in the classroom and the school.

The school as a workplace is no different than other workplaces, and disciplined conduct by educators is of utmost importance in the light of the educational value of a good example (Oosthuizen, 2009:268).

2.6.5 The Personnel Administrative Measures document

The Personnel Administrative Measures (PAM) are part of the combined regulations to the Educator Employment Act. PAM is applicable to institution or school-based educators, technical colleges that renders services designed to educate and teach

pupils/students in respect of formal and non-formal education (SA, 2016). This document outlines and prescribes the educators' core duties, responsibilities according to their job title, ranks, and post levels from item 4.2 to 4.5 of PAM (SA, 1998). The conditions mentioned in the document covers the core duties and responsibility of the job, namely teaching, extra and co-curricular activities, administrative obligations, interaction with stakeholders and communication. It is an important document as it helps educators to know what is needed from them in their workplace. When educators know what they are responsible for, they are not likely to do what is opposite to their duties.

Educational staff are required to fulfil 1,800 working hours annually, according to Personnel Administrative Measures (PAM). The policy outlines two key requirements: First, educators must be present at school for a minimum of seven hours daily, inclusive of breaks and periods when students are not present. Second, educators are held accountable for various duties during and outside regular work hours, including:

- Classroom teaching
- Substitute teaching
- Student supervision (playground duty, detention monitoring, and scholar patrol)
- Administrative tasks
- Management responsibilities
- Extra-curricular and co-curricular activities
- Lesson planning, preparation, and assessment
- Professional development (workshops, meetings, seminars)

Teaching time allocations vary based on school size, type (primary or secondary), and position level:

- Level 1 and 2 educators: 85-92% of scheduled teaching time
- Deputy Principals: 60% of scheduled teaching time
- Principals: 5-10% of scheduled teaching time

These allocations are determined by the educator's appointed position level, as specified in the Personnel Administrative Measures of South Africa (1998).

2.6.6 The South African Council for Educators Act 31 of 2000

The South African Council for Educators (SACE) Act governs all educators in public and independent schools. A fundamental requirement under Section 21(1) is that all qualified teachers must register with SACE before they can begin classroom instruction.

The SACE Act 31 of 2000 was enacted in August 2000, replacing Chapter 6 of the Employment of Educators Act (Oosthuizen, 2009:223). The Council's core objectives are to:

- Maintain a comprehensive registry of educators
- Advance professional development
- Establish and uphold professional teaching standards
- Monitor compliance with these standards

The SACE Code of Professional Ethics serves as the benchmark for evaluating educators' professional and ethical conduct. This code addresses teachers' responsibilities and relationships across multiple domains:

- Students
- Parents
- Community members
- Professional colleagues
- The teaching profession
- Their employer
- The Council of Educators

Notably, Section 3 of the Code emphasises the educator-learner relationship, stating explicitly that "An educator must respect the dignity, beliefs and constitutional rights of learners including the right to privacy and confidentiality."

An educator must refrain from improper physical contact with learners and take sound steps to ensure their protection (SA, 2000c). The educator must use appropriate language and behaviour in his or her interaction with learners, and act in such a way as to elicit respect from learners (SA, 2000c). According to the Employment of

Educators act, actions contrary to that will lead to an educator's disciplinary action. The SACE's emphasis on professional ethics assists immensely in minimising misconducts by educators. Davids (2016:277), argues that professionalism in teaching is necessary as schools are experiencing challenges such as learner violence which can be perpetuated if educators administer corporal punishment. Davids (2016: 277) further says educators are often late for class, poorly prepared for the lesson, encompassed by lack of pedagogy knowledge, resorting to practices of humiliation, exclusion and physical punishment as a means of punishment for learners.

Educator misconduct is reported to SACE. During the period of April 2016 – March 2017 the council received a report of 99 incidents of sexual misconduct involving educators (Sobuwa, 2019). SACE, as a body that regulates educators, implemented the process of police clearance before entering the system (Sobuwa, 2019). Through this process, SACE wants to assure the public that registered educators are beyond reproach. The educator unions such as SADTU and NAPTOSA applauded the decision, and it is believed to alleviate educator misconduct in schools (Sobuwa, 2019).

2.7 Forms of educator misconduct and their effects in classrooms

The 2018/2019 SACE annual report discloses the unprofessional incidences reported against educators that are corporal punishment, absenteeism, educator negligence and verbal abuse. Section 18 of the Employment of Educators Act 76 of 1998 (SA, 1998) specifies that educator misconduct is referred to a breakdown in the employment relationship. The forms of misconducts will be discussed below.

2.7.1 Poor lesson preparation

A fundamental competency required of educators is effective lesson preparation. Reyneke (2018:100) observes that educators who fail to adequately prepare for classes often lack the confidence necessary to deliver effective instruction. Pitsoe (2013:4) underscores this point, positioning lesson planning as central to pedagogical effectiveness. The author further elaborates that lesson planning constitutes a creative process that integrates an educator's understanding of their students, curriculum requirements, and teaching context (Pitsoe, 2013:5).

Du Plessis and Mestry (2019:S6) emphasise that lesson preparation and daily planning are not merely administrative tasks but form the cornerstone of classroom organisation and effective teaching. However, their research reveals a concerning trend: many educators deviate from or disregard the prescribed guidelines in the Curriculum Assessment Policy Statement, potentially compromising educational outcomes.

Effective teaching requires thorough preparation and thoughtful planning, yet many educators prioritise speed over quality in their lesson delivery. Research by Du Plessis and Mestry (2019:S6) reveals a concerning gap in instructional leadership: many departmental heads lack sufficient knowledge of instructional programs, leaving them unable to effectively mentor or guide teachers in their planning and pedagogical development. The critical relationship between preparation and educational outcomes cannot be overstated. When educators fail to adequately prepare, both teaching and learning outcomes suffer. Pitsoe (2013:3) emphasises that exceptional educators consistently over-prepare for their lessons, maintaining a state of continuous planning and reflection. These educators are perpetually engaged in thinking ahead, refining their approach for upcoming lessons. This level of dedication to preparation and planning, as Pitsoe (2013:4) notes, has a profound positive impact on students' learning capabilities.

2.7.2 Excessive use of phones during contact time

Coetzee (2019:2) highlights a growing concern in educational settings which relates to the escalating unprofessional use of mobile phones by educators during instructional time. While Mashaba (2015:53) acknowledges that mobile devices offer unprecedented access to global information resources through handheld technology, their misuse presents significant challenges in the educational environment.

Excessive or compulsive mobile phone usage by educators can generate multifaceted problems. It creates tension among staff members and administration, compromises instructional effectiveness, and diminishes meaningful face-to-face interactions with learners (Mashaba, 2015:53). The adverse impacts of inappropriate mobile phone use in educational settings manifest in three primary ways:

- Disruption of classroom focus and learning continuity
- Diversion of attention toward non-educational matters

- Financial burden of connectivity costs

Baron (2011:120) highlights a growing concern in educational settings: the disruptive impact of personal mobile phone usage during instructional time. Educators who engage in private calls, text messaging, or mobile banking during lessons not only compromise valuable teaching time but also undermine the learning environment. The compulsive habit of frequently checking phones can develop when educators fail to establish appropriate boundaries around device usage.

This behaviour has far-reaching consequences. Learners' motivation and engagement deteriorate when instructional flow is repeatedly interrupted, leading to a diminished learning experience. Baron emphasises that educators who accept calls during class time risk damaging their professional credibility and weakening the crucial learner-educator relationship. While mobile phones offer unprecedented connectivity and convenience, the absence of strict usage policies can lead to inappropriate accessibility during teaching hours. As Baron (2011:121) notes, educators often find themselves caught between constant availability via their phones and their primary responsibility to protect and maximise student learning time.

2.7.3 Pornography

The prevalence of pornography exposure in educational settings remains understudied, despite significant concern from parents and the broader community. This section examines both the impacts of pornographic material on students and the professional consequences for educators involved in such cases.

The Film and Publication Act 65 of 1996 provides a comprehensive definition of child pornography, encompassing any images or descriptions, whether real or simulated, that depict individuals appearing to engage in sexual conduct. Such material inherently constitutes sexual exploitation and degradation of minors. Research by Coetzee (2015:2119) emphasises that exposing students to sexually explicit material violates human dignity and can promote harmful behaviour. The potential damage to children can be assessed through both immediate and long-term impacts of exposure to such content.

Professional consequences for educators are severe. Those found in violation of the South African Council for Educators (SACE) Code of Professional Ethics face potential deregistration, effectively ending their teaching career (Coetzee, 2015:2120).

Pornography in classrooms practiced by an educator may result in severe effects on the learners. The psychological impact on the learners varies (Muridil, 2020:31). The negative impact could result in devastating effects on learners, such as the lack of concentration, low self-esteem, mood disorders such as anxiety, depression, anger and aggression, self-harming behaviour, difficulty in maintaining relationships and post-traumatic disorder (Muridil, 2020:31). The above-mentioned effects emanate from an educator who is causing harm to the innocent learners and watch pornography in class. Pertaining to educator discipline, educators are too likely to display violence on learners, unable to maintain educator-learner relationships (Nako & Muthukrishna, 2018: 371). Educators also victimises learners, punish them in corporal manner and that is contrary to what should happen in the classrooms. Educators must protect learners in classrooms and ensure that they avoid watching degrading videos around learners (Nako & Muthukrishna, 2018:371).

2.7.4 Inability to manage classroom and classroom discipline

Classroom management encompasses the strategies and techniques educators employ to ensure effective lesson delivery while addressing behavioural challenges (Naicker, 2014:54). At its core, successful classroom management aims to create and sustain an environment conducive to learning and academic achievement (Naicker, 2014:40). Maintaining classroom order represents the foremost challenge in the teaching profession, with many educators considering it the most demanding aspect of their role (Bechuke & Debeila, 2012:241). Mtsweni (2008:33) emphasises that effective planning must integrate both management strategies and disciplinary approaches as fundamental components of educational practice.

Mtsweni asserts that for successful teaching and learning to take place, it is important that discipline is maintained within the school environment. Most educators believe that learners can effectively make use of their gadgets and cell phones without proper supervision, which is not the case. Educators are forced to do more policing than teaching as a result (Mtsweni, 2008: 4). No matter how unruly learners can be in the classroom, educators are obligated to maintain classroom discipline.

According to Segalo and Rambuda (2018:1) the role of the educator is to establish acceptable behaviour parameters, underpinned by mutual respect, dignity, and tolerance for diversity. Naicker (2014:54) identify that commitment, being resourceful and perseverance are vital in the quest for effective classroom management. An educator cannot be able to manage and maintain discipline in the classroom when they lack commitment, discipline, respect for their work and learners.

2.7.5 Educator absenteeism

Educator absenteeism is a great concern in today's evolving educational climate (Bipath *et al.*, 2019: s1). It is a significant factor that takes away from building a conducive learning environment not only in South Africa, but globally (Bipath *et al.*, 2019: s1). Absenteeism is being frequently away from work or school especially without good reasons (Mothibeli, 2017: 24). This notion is supported by Mashaba (2015: 38) who refers to absenteeism as failure of an employee to report for work or to remain at work as scheduled regardless of reason. Educator absenteeism refers to a situation where educators are present at school but fail to visit classes to teach or not being in a condition to teach the learners effectively (Mothibeli, 2017: 25).

Absenteeism is also defined as a habitual absence from work for one or more days due to personal interests and poor sense of duty and is distinguished into two kinds which are educator absenteeism from school and educator absenteeism from class. Educator absenteeism from school is when educators are not at school for whatever reason and educator absenteeism from class is when educators, although present at the school, are not in the classroom (Mothibeli, 2017:2)

An educator can be at school but not involved at all in teaching and learning activities. According to Khalabai (2012:38) an educator might be present at school but fail to attend to their classes to teach or not being in a fit condition to teach the children effectively. Poor time management is a major problem with some educators arriving late, finishing early, leaving their classes during the day, having extended tea or lunch breaks, attending to private business during working hours, not attending to assigned roles during working hours, extended toilet breaks, feigned illness and undue length of fetching water reducing the total teaching time (Mothibeli, 2017:325). Minister Angie Motshekga reported that about 10 percent of South African educators were absent for

an average of 19 days annually. To effectively monitor educator attendance, a biometric log-in system was planned to replace manual attendance registers to allow the department to collect real arrival time data of educators (SA news, 2013: Online). The log-in system in schools never came to effect as SADTU protested it. The manual clock in register opens excuses for educators to be dishonest about times of clocking in (SA news, 2013: Online).

Educator absenteeism remains a significant challenge in South Africa's education system. According to Mothibeli (2017:3), the Free State Department of Education reported substantial losses due to teacher absences in 2012. In September alone, these absences cost approximately R16 million, while June of the same year saw 24,000 recorded teacher absence days, representing between 10% and 12% of the teaching workforce. Mothibeli (2017) asserts that educator absenteeism is a global challenge, not unique to South Africa. The study reveals that teacher absenteeism rates in economically disadvantaged schools are twice as high as those in wealthy schools, highlighting a significant educational inequality. This disparity in teacher attendance directly undermines the principle of equal educational opportunities for all students. In Uganda it was revealed that the educators fake their illness and can be seen roaming around the villages and tend to engage themselves in income generating jobs to augment their salary and attend funerals at the expense of teaching (Mothibeli, 2017:3-4).

2.7.5.1 Educator absenteeism in schools

Teacher absenteeism represents a significant challenge in educational institutions worldwide. The patterns and frequency of absenteeism vary considerably among educators, with multiple underlying causes. As Mothibeli (2017:39) notes, the factors contributing to both voluntary and involuntary teacher absences differ across countries and regions.

The causes of teacher absenteeism can be categorised into several key areas:

- Personal and demographic factors like individual characteristics, employment status, health conditions, family responsibilities, and transportation challenges.

- Professional and institutional factors like job satisfaction levels, professional commitment, employment type, school management quality, inadequate monitoring systems, incentive structures, class sizes, and training levels.
- Environmental and infrastructural factors like school facility conditions, distance to workplace, quality of learning environment, community socioeconomic status, school leadership, and community engagement.

Furthermore, teachers often face motivational challenges due to:

- Overcrowded classrooms
- Inadequate facilities
- Impact of HIV/AIDS
- Unfavourable teacher-student ratios
- Excessive workload
- High stress levels
- Staffing shortages
- Administrative burdens
- Insufficient training for managing diverse learning needs
- Declining professional status
- Growing social disparities between teachers and public-school communities

This complex interplay of factors suggests that addressing teacher absenteeism requires a comprehensive approach that considers both personal circumstances and systemic challenges in education.

Lack of accountability and additional incentives for educators to work well result in the withdrawal of carrying out daily work as planned and failing to report for work which allows educators to justify their absence (Mothibeli, 2017:2). Herzberg motivational theory, that is also known as the two-factor theory explains that there are certain factors that causes job satisfaction and job dissatisfaction to employees (Herzberg, 1959). These factors include hygienic and motivational factors. Hygienic factors include policies and procedures, relationship with co-workers, physical work environment, compensation and job security. While motivating factors are satisfaction, recognition, responsibility, and growth (Herzberg, 1959). Although Mothibeli (2017)

and Mashaba (2015) argues that incentives are crucial in reducing absenteeism, fact is what really encourages workers to work is accountability and disciplinary measures.

According to Mampane (2013), educators face several significant workplace stressors that contribute to absenteeism. These stressors have significant educational consequences. As Mothibeli (2017:3-10) points out, frequent teacher absences directly impact student achievement through:

- Incomplete coverage of required curriculum
- Diminished academic performance
- Disruption of learning continuity

This relationship between teacher stress, absenteeism, and learner outcomes highlights the importance of addressing these underlying factors to improve educational quality and consistency.

Research indicates that excessive workload significantly impacts educator attendance and performance. According to Mashaba (2015:76-77), high workload correlates with job dissatisfaction, diminished perception of work meaningfulness, and increased stress levels, ultimately leading to absenteeism. This workload strain is often exacerbated by several factors: overcrowded curricula, large class sizes, multiple subject assignments, and frequent curricular changes, all of which serve as significant demotivating factors for educators.

Personal demographic factors also play a crucial role in educator absenteeism patterns. Multiple studies (Mothibeli, 2017:71; Mashaba, 2015:52; Mthombeni, 2010:34) demonstrate that female educators tend to have higher absence rates due to family responsibilities, particularly childcare obligations. Age is another contributing factor, as older educators may experience more health-related absences.

Additionally, an educator's administrative position appears to influence attendance patterns. Higher administrative roles, which typically correspond to increased salary scales, generally correlate with improved job satisfaction. This suggests a complex relationship between organisational hierarchy, compensation, and attendance behaviour.

According to Mothibeli (2017:35) there is a culture which tolerates a very loosely bounded timetable whereby educators come and go as they please, teaching happens desultorily due to lack of supervision policies by the school and ministry of education, and poor leadership styles of the school principal. The study of Mans (2015: 104) found that 'culture' is the negative effect/dark side of ubuntu. Mans found out that ubuntu might prevent educators from being disciplined and makes them find it easy to commit misconduct. That result in the opposition to accountability and responsibility of our educators in schools. Circuit managers and subject advisors hardly visit rural schools due to reasons of bad roads, among others. Therefore, the absence of inspection results in high absenteeism in these areas (Mothibeli, 2017:34-40). According to Khalabai (2012: 78) poor motivation and lack of accountability is reported to result in high levels of educator absenteeism. Local educators are less likely to be absent because of the closeness to the local community and greater sense of accountability. There is lack of community interest in the school system sometimes resulting in high educator absenteeism; also trade unions contribute to absenteeism through industrial actions and strikes (Khalabai, 2012:78).

2.7.5.2 Effects of absenteeism

Regular educator absenteeism brings a huge change in learners' academics and the ability of the educator to teach learners. The negative effects of educator absenteeism cut across from developed to developing countries with effects more relatively high in poor nations (Mashaba, 2015: 68). According to Mothibeli (2017:35, 38), South Africa reports the highest rate of educator absenteeism, which manifests through late arrivals, early departures, and complete absences from school. These disruptions severely impact educational delivery by forcing educators to rush through the syllabus, reduce time spent on tasks, and limit opportunities for student questions and engagement. The financial implications are equally concerning. Khalabai (2012:68) notes that schools face increased budgetary pressure due to multiple factors: the cost of hiring substitute staff, decreased productivity, diminished quality of education, and the diversion of administrative time from strategic activities to managing attendance issues.

Mothibeli (2017:7) highlights the cascading effects of educator absenteeism on school operations. When teachers are absent, productivity decreases while remaining staff face increased workloads, including the additional burden of training and orienting substitute teachers. This situation often leads to decreased staff morale and diminished service quality, while also generating additional expenses through overtime payments and administrative costs. Mthombeni (2010:16-17) emphasises that absenteeism creates both management challenges and economic burdens, particularly affecting non-profit organisations like schools. The impact is especially critical in educational institutions where service delivery, the core function of teaching and learning, is directly compromised by staff absences.

Educator absenteeism has far-reaching consequences that extend beyond the classroom. Khalabai (2012:68) emphasises that when educators are frequently absent, learners lose valuable learning opportunities, compromising the delivery of quality education. This educational deficit creates a cascading effect, with Mothibeli (2017:7) noting that affected learners often exit the school system inadequately prepared, limiting their access to tertiary education opportunities.

The impact of educator absenteeism manifests in declining educational standards and suboptimal academic performance. As Mthombeni (2010:17) argues, this educational shortfall has significant economic implications. Learners fail to develop crucial skills and knowledge essential for economic growth, entering the workforce without the fundamental competencies required for productive employment. These skills gaps ultimately undermine national economic competitiveness in the global marketplace, creating long-term detrimental effects on economic sustainability.

Mashaba (2015:69) identifies several far-reaching consequences of educator absenteeism, including increased student absenteeism, higher dropout rates, and diminished community confidence in public education. This erosion of trust often leads to increased enrolment in private schools, creating further educational disparities as disadvantaged families cannot afford private education alternatives. The academic impact is particularly severe. Students report declining grades due to incomplete syllabus coverage when their teachers are absent (Mothibeli, 2017:10). Beyond direct academic effects, high rates of teacher absenteeism create a domino effect: remaining

educators become demoralised as they struggle to manage additional planning and teaching responsibilities for absent colleagues, further compromising educational quality (Mashaba, 2015:39). Mothibeli (2017:34) emphasises that consistent teacher presence is crucial for effective education delivery. Frequent absences create fragmented learning experiences, leading to poor academic outcomes. The physical presence of educators in classrooms remains fundamental for effective knowledge and skills transmission to learners.

Educator absenteeism has far-reaching consequences that can severely undermine a school's operational effectiveness and learning environment (Mothibeli, 2017:3). When classrooms are left without supervision due to teacher absences, learners often become disruptive and unruly. The lack of adult oversight frequently leads to behavioural issues, including interpersonal conflicts among students and excessive noise levels that disturb other classes. These disruptions can escalate into more serious disciplinary problems, ultimately eroding the school's overall atmosphere of order and academic focus (Mothibeli, 2017:41).

Teacher absenteeism significantly compromises educational quality through multiple cascading effects (Mothibeli, 2017:35). When teachers are absent, schools often resort to combining classes, resulting in overcrowded classrooms that far exceed recommended teacher-learner ratios. This situation creates a ripple effect throughout the school community. Remaining teachers experience diminished morale and struggle to maintain their usual standard of instruction while managing additional students (Mthombeni, 2010:18).

The burden of supervising unattended classes places considerable strain on present teachers, who must divide their attention between their assigned learners and those left without instruction. This additional responsibility not only consumes valuable teaching time but also breeds resentment among staff members. Ultimately, these circumstances can deteriorate into strained professional relationships, leading to conflicts between teachers and affecting their interactions with learners (Mothibeli, 2017:41-42).

Educator absenteeism poses significant challenges to educational institutions, affecting their viability and effectiveness. When teachers are frequently absent, the

reduced instructional time directly impairs learners' ability to acquire essential knowledge and competencies. This chronic absence not only disrupts the learning process but also damages the school's credibility as an educational institution. Over time, this deteriorating reputation may lead learners to seek alternative schools that offer more consistent and reliable instruction (Mthombeni, 2010:17). Conversely, educators who maintain consistent attendance can effectively manage classroom discipline, maximise student engagement through regular contact, and provide crucial subject-specific guidance to their learners.

2.7.6 Verbal abuse

Violent communication, particularly in the form of verbal abuse, has profound detrimental effects on learners' psychological development. Research indicates that when directed at learners, verbal abuse can significantly impair their self-esteem and foster feelings of inferiority (Afifah, 2016). The impact of such abuse extends beyond immediate emotional harm. A comprehensive survey conducted across Asian countries revealed that learners exposed to verbal abuse demonstrate increased vulnerability to depression and anxiety disorders (Afifah, 2016).

Verbal abuse is one of the most common types of violence taking place in classrooms and schools in general and are never given attention (Naicker, Myburgh, Poggenpoel, 2014: 1). Verbal aggression is defined as the attack on a person's self-concept of the other to cause psychological pain as attack on character, competence and physical appearance in the form of teasing, ridicule, threats, swearing and profanity which leads to negative outcomes (Bekiari and Tsiana, 2016:159). According to Naicker *et al.* (2014:1) words do have power to harm more than punches and it is often harder to see and stop verbal abuse. Dlamini and Makondo (2017:59) says cases of abuse in schools are still on the rise and some abused learners drop in academic performance. Verbal aggressiveness negatively affects a learner's motivation, learning, behaviour, thinking and satisfaction. Learners who perceive educators as verbal aggressive report lower levels of support and motivation than those who perceive their educators as less verbally aggressive (Dlamini and Makondo, 2017:59).

2.7.6.1 Effects of verbal abuse

Verbal abuse is associated with feelings of inferiority, and low self-esteem when directed to learners by educators. Learners that are victims of verbal abuse tend to be aggressive. Verbal abuse is when an individual uses verbal language to embarrass, mock or insult another person (Naicker, Myburgh, Poggenpoel, 2014: 1). Verbal abuse takes place in classrooms and have a negative effect on the general well-being and mental health of learners (Naicker *et al.*, 2014:1). Naicker further explains that verbal abuse taking place in classrooms drives a learner away from social cooperation. Educators should avoid verbal aggressive behaviour as it creates a mental block that impedes language learning. Rather, they should adopt an argumentative behaviour which creates a supportive classroom climate where students feel more self-confident and motivated to participate in the learning process and interact with their educators and peers (Bekiari and Manoli, 2016: 155-163).

According to Naicker *et al.* (2014:2) the following forms of verbal abuse take place in classrooms by an educator: shouting, swearing, name-calling, inappropriate jokes and teasing. Aggressive behaviours can affect learning, behaviour, thinking and motivation (Bekiari and Manoli, 2016:155). Children observe people around them behaving in various ways and model that behaviour and abused children are more likely to be abusers in their adult life (Dlamini and Makondo, 2017:59). Abused children learn that aggression is a correct way of solving problems and is an acceptable way of life. In an education system verbal abuse is a demotivating force in the classroom that is negatively related to social, task and physical attraction. Learners that consider their educators to be verbally aggressive presents a tendency to learning loss and adopting a similar aggressive behaviour (Bekiari and Tsiana, 2016:159).

Verbal abuse is a demotivating force in the classroom leading to learners to forced discipline, negatively affecting their behaviour, task, orientation, intrinsic motivation, learning environment and satisfaction (Bekiari and Tsiana, 2016:164). Abused learners tend to have less concentration in class resulting in lower grades (Dlamini and Makondo, 2017:60).

2.7.7 Corporal punishment

We still have educators that administer corporal punishment to learners despite being outlawed in South Africa for almost two decades (Mncube and Dube, 2019:87). The continued practice has never been a refrain from researchers who study school violence to investigate it. According to Heekes et.al (2020:1) corporal punishment in schools is a form of institutionalised violence against children that is prevalent around the world. Corporal punishment can have serious and enduring consequences for the children which include injuries that requires medical attention and mental health problems. In South Africa corporal punishment was prohibited by law in 1996 but from a nation study carried out in 2012 by the centre for Justice and crime Prevention, it was found that pupils were still being caned or spanked by educators as punishment for misbehaviour (Ngubane *et al.*, 2019:84).

Reyneke (2018:59) documents that despite its prohibition, corporal punishment remains prevalent in educational settings, where it is used as a disciplinary measure and to address alleged student misconduct. The methods of physical punishment are often severe, with educators employing various implements such as straps, sticks, and plastic pipes to strike students on multiple body parts including their faces, legs, buttocks, and arms. Some educators also resort to kicking students. In certain cases, these assaults have resulted in grave consequences, including students being rendered unable to walk, suffering permanent disabilities, or even death (Reyneke, 2018:59). In the Netherlands specifically, Reyneke notes that educators employ different forms of physical punishment, including forced physical exercises, requiring students to pick up paper, pinching, and compelling students to maintain uncomfortable postures for extended periods.

Reyneke (2018:59) reports that many parents endorse and actively encourage educators to implement corporal punishment, viewing it as a legitimate disciplinary method, despite its illegality. In the Netherlands specifically, when educators attempt to discuss behavioural concerns with parents, some respond by physically punishing their children themselves. While certain educators have moved away from direct physical discipline, Reyneke (2018:60) notes that they have adopted alternative punitive measures that are equally problematic and psychologically violent. These

alternative disciplinary approaches include the use of sarcasm, deliberate humiliation, social exclusion, excessive criticism, discouragement, verbal aggression through shouting, creating intentional obstacles to learning, and the use of cruel or demeaning humour.

2.7.7.1 Effects of applying corporal punishment

The practice of corporal punishment in schools is negative and harmful, it damages the learner and never yields results from its application (Ngubane, Mkhize, Singh (2019: 85). The use of corporal punishment sends a message that violence is acceptable and make learners to be angry and due to anger, they will engage in violence (Nhambura, 2020:172). It has little value in augmenting educational potential, rather it produces a malicious cycle of violence and can be detrimental if experienced during early childhood as it has a strong influence on the development of behavioural and social skills of children (Ngubane *et al.*, 2019:84). The practice is not only harmful to learners, but it undermines the ability of schools to carry out their mission of providing education (Heekes *et al.*, 2020:1).

The practice may aggravate rather than eliminate behavioural problems in children (Heekes *et al.*, 2020:1). According to Ngubane *et al.* (2019:85), corporal punishment is associated with several unwanted outcomes such as aggression, delinquent and antisocial behaviours. It is associated with serious deficits in learners' ability to learn, in their physical and mental health and the likelihood of their committing violent acts that may continue into life later (Heekes *et al.*, 2020:17-18). This notion is supported by Ngubane *et al.* (2019:85) who state that physical punishment simulates violent behaviour that will be adopted by the children and can also create a vicious circle of conflict and violence that carries on to adulthood.

Learners' academic work also suffers (Heekes *et al.*, 2020:1). Corporal punishment not only perpetuate the cycle of child abuse, but they impact negatively on academic performance and perpetuate a culture of violence in vulnerable societies (Ngubane *et al.* (2019:85). It makes pupils to hate their educators, have difficulty on concentrating and learning, perform low in school and avoid or even drop out of school (Gershoff, 2017:232). Corporal punishment involves the use of objects including sticks, straps and wooden boards or even being hit by hand on virtually every part of the body

although hands, arms, head and buttocks are common targets and although rarely may result in death (Gershoff, 2017:224-232). During its use in South Africa educators used to injure learners and it resulted in learners being more rebellious, more violent as they sometimes retaliate violently to an educator applying it (Nhambura, 2020:171). Such school environment is marked by violence that can result in injuries and fatalities (Maphosa and Shumba, 2010: 396).

Educators at times punish learners by forcing them to stand in painful positions, stand in the sun for long periods, to carry heavy objects, dig holes and ingest noxious substances among others, which sometimes causes emotionally humiliating when punished in front of the class (Gershoff, 2017:225-232). Corporal punishment is linked to mental and behavioural problems and causes depression, greater hostility, and pessimism among learners. Furthermore, learners who receive corporal punishment are more disobedient, stubborn, verbally aggressive and likely to lie (Gershoff, 2017:233).

2.8 The Causes of Educator Misconduct

Various elements contribute to educator misconduct, which can be categorised into three main areas according to Mothibeli (2017:40). These areas are:

Personal Elements:

- Demographic factors (age and gender)
- Health circumstances (of the educator or their family)
- Professional aspects (experience, satisfaction at work, and educational qualifications)

School-Related Elements:

- Absence of collectively agreed-upon standards
- Ineffective school management
- Insufficient oversight from both school administration and the Department of Basic Education
- School's current standing
- Overcrowded classrooms
- Additional administrative responsibilities

Community-Based Elements:

- School's geographic position
- Where teachers live in relation to the school
- How isolated the school is
- Economic conditions of the surrounding community

According to Mothemane (2004:62) late coming and absenteeism of educators is caused by lack of discipline, lack of transport, family commitments and health conditions. Educator's personal status, which includes gender, number of children and age affect work. Mothibeli (2017:71), Mashaba (2015:52) and Mthombeni (2010:34) maintain that women are absent more frequently than men because of family responsibilities.

2.8.1 Dysfunctional schools and lack of monitoring of educators

Makoella and Plessis (2019:351) explain that schools become dysfunctional when they fail to operate normally and cannot fulfil their core educational mission. When schools deteriorate to this state and teachers lose their motivation, it can spark various forms of inappropriate behaviour that may escalate into serious violations (Makoella and Plessis, 2019:14).

Mothibeli (2017:34) points out that rural schools face challenges with educator misconduct due to limited oversight. Circuit managers and subject advisors often avoid visiting these schools because of infrastructure issues like poor road conditions.

Several additional factors contribute to misconduct in schools (Mothibeli, 2017:35):

- Poor supervision of teaching time
- Limited community engagement with schools
- Delayed or inadequate disciplinary measures
- Lack of suitable housing for teachers near their workplace

2.8.2 Personality and psychological problems

Research suggests that educators experiencing psychological difficulties may be more prone to professional misconduct. Those facing personal or family challenges might have difficulty regulating their emotions, potentially leading to inappropriate interactions with students and coworkers. Studies indicate that verbal aggression can manifest in multiple ways, such as personal insults, mockery, intimidation, and

profanity, which damages professional relationships. Some research has noted patterns of verbal misconduct among female educators related to personality conflicts.

Studies indicate that inappropriate educator conduct is a growing global concern, with many incidents remaining undisclosed despite serious implications for the teaching profession. Research suggests contributing factors include insufficient oversight, inadequate professional development, and workplace challenges such as compensation issues. Some cases involve individuals who struggle to maintain appropriate professional boundaries and relationships. Additional factors cited in the research include attendance problems and changes in disciplinary standards, with many incidents occurring away from public view.

2.8.3 Lack of enforcement of policies

There is a lack of enforcement of policies and legal determinants that regulate educator misconduct in schools especially the educator's code of conduct. Educators' code of conduct is meant to guide and control educator behaviour. However, inadequate orientation of the educators on code of conduct, lack of enforcement and low level of job satisfaction cause inappropriate behaviour from educators (Chirwa, 2014:13-15). Educators sometimes come to school under the influence of alcohol which according to Mothemane (2004:63) is attributed to financial and family problems. Educators are also involved in examination malpractice because of financial, material and other intangible gains received. The malpractice is when educators encourage cheating so that they can be praised for a job well done (Chirwa, 2014:17). Ubuntu tolerates a very loosely bounded timetable as educators and learners come and go as they please and teaching happens desultorily (Mothibeli, 2017:39).

Negligence and sleeping on duty are caused by not feeling healthy and having nothing to do in class (Mothemane, 2004:63). Educators with financial problems are likely to abscond from work or come to work late and negligence of duties (Makoella and Plessis, 2019:14). Lack of accountability and absence of incentives for educators to work well result in the withdrawal of carrying out daily work as planned and failing to report for work (Mothibeli, 2017:2).

2.8.4 Lack of job satisfaction

Lack of job satisfaction leads to low morale, which can result in educators disregarding the professional code of conduct that governs their behaviour at school. An educator's position within the administrative hierarchy also influences misconduct rates; those in higher administrative positions typically earn better salaries and report greater job satisfaction (Mashaba, 2015:77). Conversely, low salaries and restrictive government policies tend to increase absenteeism among teachers (Mashaba, 2015:78). However, teachers who live in the local community are less likely to be absent, likely due to their stronger connection with the community and heightened sense of accountability to their neighbours (Mashaba, 2015:78).

Research indicates that educators cite multiple systemic challenges as contributing to professional difficulties. These include infrastructure issues (such as limited transportation access and long commuting distances), insufficient access to essential services, and workplace concerns (including high workloads and limited administrative support). Personal factors identified in the research include health challenges, financial pressures, and work-life balance issues. Studies also note that institutional factors, such as limited oversight and inadequate resources like housing, play a role. Additionally, research suggests that labour actions can impact educational continuity (Mashaba, 2015:78).

2.9 The effect of educator misconduct in the classroom and on learners

Teacher misconduct significantly impacts student academic performance and classroom behaviour. When teachers behave inappropriately, it creates a hostile learning environment. Research shows that how teachers modulate their voice is crucial for maintaining classroom order. Teachers who frequently yell at minor infractions typically have more disruptive classrooms, as this creates confusion and uncertainty among learners about the teacher's emotional state (Coetzer *et al.*, 2010:15).

Poor teacher conduct can also lead to incomplete curriculum coverage. Some teachers may resort to making exam predictions or only teaching familiar content, leaving students inadequately prepared for examinations and potentially leading to

failure. Teachers struggling with personal stress may exhibit aggressive behaviour in class, creating tension with students. Those experiencing difficulties in their personal relationships often struggle to maintain work-life balance and may become overly reactive to minor behavioural issues they would normally ignore.

Inadequate lesson planning contributes to classroom management problems. Effective teaching requires both strong classroom management skills and thorough understanding of curriculum requirements and teaching methods. Having detailed lesson plans that connect to overall syllabus objectives provides essential structure for both teachers and students.

Evidence suggests a strong link between teacher competency and student behaviour. Key competencies include subject expertise, ability to maintain student attention, and classroom management skills. Professional conduct is crucial for creating an effective learning environment. Teachers who come to class unprepared often lack confidence, struggle to deliver engaging lessons, and fail to maintain student interest, which leads to disciplinary issues (Naicker, 2014:41).

An educator's authority can be significantly enhanced by demonstrating positive personal qualities. Research has shown that exemplary behaviour by teachers plays a paramount role in effective classroom management (Engunlusi, 2020:101). Educators must serve as role models worthy of emulation, as students naturally respect teachers who demonstrate admirable character and conduct. Their lives should essentially be living textbooks from which students can draw meaningful lessons and inspiration.

Teachers must demonstrate consistency between their words and actions (Engunlusi, 2020:101). Mashaba (2015:51) emphasises that the educators' role-modelling behaviour significantly influences student conduct. Consequently, when educators engage in misconduct, it not only damages their personal reputation but also erodes respect for them among both their colleagues and the broader community. Furthermore, such misconduct can diminish the dignity of the teaching profession and may promote indiscipline among students who observe and potentially mimic their teachers' inappropriate behaviour on school grounds (Mashaba, 2015:51).

2.10 Strategies to deal effectively with educator misconduct

Educator misconduct in the classroom has significant negative impacts on learning environments and student outcomes, making it crucial to develop effective prevention strategies. Misconduct refers to any behaviour that deviates from the professional standards outlined in sections 17 and 18 of the Employment of Educators Act, encompassing actions that violate the profession's ethical codes (Mothemane, 2004:18).

To address this challenge, educational institutions must develop comprehensive approaches that both prevent misconduct and foster professional growth. As Mashaba (2015:64) emphasises, empowering educators through targeted support systems is essential for cultivating positive attitudes and promoting personal development. This empowerment can serve as a proactive measure against potential misconduct while strengthening the overall educational environment.

2.10.1 Schedule 1A – Incapacity code and procedures for poor work performance

An educator is regarded incapable in the workplace when they cannot perform duties for reasons such as insufficient training, inadequate qualifications, insufficient experience, wrong practices, laziness, poor teaching practice, poor preparation, inadequate implementation of classroom teaching and inappropriate teaching methodology. Regarding incapacity on the grounds of poor performance, the Integrated Quality Management System (IQMS) informed by Schedule 1 of EEA must be carried out. According to Dhlamini (2009: v) Integrated Quality Management System is an instrument designed by the department of basic education with the purpose of preparing an environment for educator development and to promote accountability. The Integrated Quality Management System was implemented to identify specific needs of educators for support and development. It is meant to be a dependable tool to improve quality teaching and learning (Dhlamini, 2009: v).

In South Africa, educational quality assurance is maintained through the Integrated Quality Management System (IQMS), which employs three essential assessment tools to promote excellence in teaching and learning. These interconnected components work together to create a comprehensive evaluation framework. These

tools work synergistically, with each educator's performance being measured against clearly defined standards outlined in the IQMS documentation. This systematic approach ensures consistent evaluation criteria across all educational institutions while promoting continuous improvement in South Africa's education system.

In IQMS, educator evaluation is used to measure educator performance. The evaluation of an educator involves setting performance standards, criteria or norms. The IQMS training manual (2005) explains educator evaluation as a function of human decision-making that result from judgment about how good or bad work performance is. Based on pre-determined performance standards, feedback to the educator must be made after the evaluation (IQMS manual, 2005). The educator's poor performance is spotted from where the expected standards are not met. That will be determined by the appraiser's evaluation, self-evaluation and peer evaluation.

2.10.2 Schedule 1B – Incapacity code and procedure in respect of ill-health or injury

Schedule 1B of the Employment of Educators Act (SA, 1998) provides the correct procedure the employer must follow in cases of ill-health or injury. Section 1(a)(b) of the Employment of Educators Act explains that the employer for educators in the Department of Education is the Director General and the Head of Department in the service of provincial department of education. The employer is not the school principal, the school principal is only the representative of the employer (Rossouw, 2001:124; Deacon, 2012). The procedure with regards to ill-health or injury is clearly explained in item 3 of schedule 1B. When the employer is of the view that an educator is not performing according to post requirements due to ill-health, an investigation must be initiated (Employment of Educators Act SA, 1998).

Following the process of schedule 1B, a medical examination must be conducted by the medical practitioner. A detailed report explaining the nature, extent and firmness of incapacity must be compiled. Dismissal must be taken as the last option, alternative employment or adaptation of the educator's duties of work circumstances may be considered (Mans, 2015:39). If the educator's ill-health is permanent, the employer may consider the termination of educator's service with effect from a date selected by employer. Item 3(7) describe that when an educator refuses or fails to be subjected to

an examination contemplated in sub item (3) when requested by the employer, disciplinary proceedings may be initiated. Item 3(9) explain that if ill-health is caused by alcohol or drug abuse, the employer may arrange counselling or recommend rehabilitation at the cost of employee. The employer is expected to observe the employer., If the conduct is repetitive the employment contract must be terminated.

2.10.3 Schedule 2 – Disciplinary code and procedure for educators

Disciplinary procedures for educators must be implemented following acts of misconduct, with employers required to follow fair processes (Mans, 2015:37). According to Sections 1(c) and 1(e) of the Employment of Educators Act (EEA), the disciplinary procedures aim to establish a shared understanding of misconduct and discipline between employers and educators, while providing an accessible reference for implementing disciplinary measures.

The disciplinary hearing process, as outlined in Item 7 of Schedule 2, follows specific steps (Mans, 2015:42). Initially, the employer must issue a Form C notice of hearing detailing the allegations against the educator at least five working days before the hearing. The educator must acknowledge receipt by signing a copy. During the hearing, the educator has the right to be present with a trade union representative if desired. If the educator fails to attend without valid reason, the hearing may proceed in their absence.

The hearing commences with the reading of the notice, followed by the employer's representative presenting evidence of the alleged misconduct. Both parties have specific rights regarding witnesses:

- The educator or their representative may cross-examine the employer's witnesses
- The educator may request witnesses, and the employer must facilitate their attendance
- Witnesses must be summoned using Form D of Schedule 2
- The educator or their representative must be allowed to present evidence
- The employer's representative may question the educator's witnesses

The presiding officer must then:

- Make a finding regarding the alleged misconduct
- Inform the educator of the finding and its rationale
- Allow the educator to present mitigating evidence
- Consider any aggravating circumstances presented by the employer's representative
- Communicate the outcome within five working days
- Ensure the outcome is recorded in the educator's personal file

Section 18(3) of the EEA prescribes a progressive disciplinary approach with the following sanctions:

- Counselling for less serious misconduct
- Verbal warning, during which the educator may respond to charges
- Written warning (Form A, Schedule 2) issued in the presence of a witness
- Final written warning (Form B, Schedule 2) if previous warnings prove ineffective

Severe sanctions including:

- Fines not exceeding one month's salary
- Suspension without pay for up to three months
- Demotion (SA, 1998)

2.10.4 Sanctions for misconduct

A sanction is an informal action the employer starts when having concerns with regards to conduct of an employee in the workplace. Section 18(3) of EEA outlines the following sanctions that may be imposed by the employer on educator misconduct. Counselling is usually conducted if the seriousness of the misconduct warrants it. The educator is given the chance to answer to the charges imposed to him or her. The school principal follows with verbal warning to caution the educator and emphasise the seriousness of misconduct. Subsequently a written warning in according to Form A (Schedule 2) must be presented to the educator in front of a witness. If verbal and

written warnings are not effective, a final written warning will follow in accordance with form B of Schedule 2. A fine not exceeding one month's salary, suspension without pay for period not exceeding three months and demotion are implemented (SA, 1998). However, according to Rossouw and Waal (2004:284) formal procedures do not have to be invoked every time a rule is broken. Informal advice and correction are said to be the best and most effective way for an employer to deal with minor violations of work discipline.

2.10.5 Intervention of the School principal

The school principal plays a crucial role in monitoring educators' conduct. As the major school overseer, the school principal must account for the conduct of the educators assigned to his or her school. Mothemane (2004:56) says to manage misconduct requires the school principal or manager to have a clear understanding of all requirements entailed in each misconduct case. In some cases, misbehaving educators are disciplined by the school principal or higher authority. Misbehaving educators may be given a warning by the school principal and if they repeat the offence a formal warning is given by the inspector of schools. Sometimes educators are dismissed although it should be the last resort (Chirwa, 2014:19). Generally, the school principals give advice to educators. This is so because there is a perception among school principals that if they take formal steps against educators misconduct their working relationships will be affected; therefore, the adoption of verbal warnings (Mothemane, 2004: 63 - 64). The advice can be given as a strategy to misbehaving educators by the school principal to remind educators of the accepted standards of work to prevent indiscipline in schools (Chirwa, 2014:19).

The school principal employs several different ways to deal with the problem of educator misconduct with forms cutting across all forms of misconduct and can be general (Betweli, 2020: 24). Ordinary misconduct is dealt with at school level by the school principal whereby the transgressor is entitled to representation during the meetings, enquiries and discussions with the school principal. The transgressor is given a chance to respond to the charge within a specified period (Makoella and Plessis, 2019:9).

2.10.6 Use of disciplinary and union representatives

Educators who are suspected to have committed a misconduct are supposed to appear before disciplinary process. The union representative from such educator's organisation such as South Africa Democratic Teachers Union (SADTU), plays a crucial role during the process of disciplinary hearing. According to Mothemane (2004: 64) school principals find it very suitable to let union representatives in the school deal with problem of educator's misconduct. The use of School Disciplinary Committees (SDCs) in addressing educator misconduct is predominant with the SDC consisting of educators selected by the school principal (Betweli, 2020:30). The School Management Team in almost all schools is involved in dealing with educator misconduct. The significant role played by the team is to give advice or caution educators that they will take further steps if such behaviour is repeated. The school principals can delegate the duty of dealing with misconduct to deputy Principals, or union representative. General reference to problems to all educators in staff meetings without directly making an individual educator aware of such behaviour, is not accepted (Mothemane, 2004: 64).

2.10.7 Application of policies on educator conduct

Schools maintain policies on educator discipline as part of their comprehensive school policy framework. These policies are developed collaboratively by educators, non-teaching staff members, and other school stakeholders (Mothemane, 2004:64). Upon entering the profession, educators must commit to upholding the educators' code of conduct, which guides their professional behaviour while ensuring their professional needs are addressed (Chirwa, 2014:19). However, rules need to be applied consistently, firmly and fairly to everyone for the strategy to work effectively. This means that for every offence there should be an action taken which may be informal verbal warning or written warning depending on the magnitude of the offence (Mothemane, 2004: 65). Therefore, schools should make sure that the code of conduct does not have loopholes. Schools must regularly review and consistently enforce their code of conduct through collaborative engagement between key stakeholders. This review process requires meaningful participation from both educators and parents to establish consensus on disciplinary standards and expectations. Through this

collaborative approach, the code of conduct becomes a living document that reflects shared values and commitments within the school community.

2.10.8 Application of corrective measures

To minimise educator misconduct in the classroom there is a need to apply relevant corrective measures. According to Rossouw and De Waal (2004:284) repeated misconduct warrant warnings which may be graded according to degrees of severity. If advice fails, the school principal make a recommendation for a possible transfer to another school or dismissal. While this strategy may be employed it may perpetrate further misconduct as is transferring a problem to another school, therefore root cause analysis may be employed to address the problem rather than recommending a transfer (Chirwa, 2014:19). More serious or repeated misconduct may call for a final warning or other action short of dismissal (Rossouw and Waal, 2004:284). However, according to Betweli (2020:25) other disciplinary measures which include demotion, reduction of salary and dismissal from service are not exercised by the head teacher's power and authority.

According to Rossouw and Waal (2004:284) the disciplinary processes in recent education legislation in South Africa have moved away from a punitive approach to progressive discipline. There is a need for staff or professional development through regular training and in-service programs to educate staff, parents and students about behaviours that are unacceptable in school. Educators need to be involved in decision making to avoid frustration. Such strategy encourages a sense of responsibility among employees therefore leadership that promotes participation contribute to ethical conduct among educators (Chirwa, 2014:21). The offering of guidance and counselling to some educators who are involved in misconduct due to job frustration and loss of hope in the profession, is vital. This help educators to adhere to professional conduct while waiting for their claims to be fulfilled by the government (Betweli, 2020:30).

2.10.9 Regular checking of educator attendance

Attendance registers and regular checking of educators' records such as lesson plans and schemes of work have been a widely employed strategy by most school principals to mitigate educator absenteeism, lateness and commitment to work. A study conducted in Tanzania demonstrated that evaluating educators' work performance

through portfolio assessment and record-keeping was an effective monitoring tool. This systematic approach enabled administrators to identify educators who were not meeting their professional obligations, allowing for timely and appropriate disciplinary interventions. The use of attendance registers is one of the main strategies employed both in urban and rural schools and are employed specifically to mitigate absenteeism and lateness as educators are required to sign in daily. However, in urban areas such measures as signing attendance registers could not work effectively. As a result, the school principal employs another strategy that requires educators to sign in whenever they left the school premises before the normal time (Betweli, 2020:24-34).

2.10.10 Screening of educators before employment

Screening potential educators through criminal background checks is a critical strategy in preventing the recruitment of individuals who may demonstrate unethical or immoral conduct. The recruitment process should include comprehensive screening procedures that evaluate candidates' values and educational philosophies to ensure alignment with professional standards (Chirwa, 2014:20). However, when misconduct occurs, school principals often face limitations in their disciplinary authority and must escalate serious cases to higher administrative authorities. In such instances, principals are required to immediately consult with Human Resource representatives upon discovering misconduct. This escalation pathway typically serves as a final recourse when other disciplinary measures have proven ineffective. The significance of this strategy lies in its potential consequences for educators, as reported cases may result in dismissal, depending on the severity of the misconduct (Betweli, 2020:25-31).

2.11 Context of the study

The study was conducted within Dr Kenneth Kaunda district in the North West province. Educator misconduct has become an increasingly pressing concern, with various forms of unprofessional behaviour such as absenteeism, neglect of duty, inappropriate relationships between educators & learners, and general disregard for professional ethics becoming more visible in both classrooms and school environments. Educator misconduct negatively impacts learner performance, school culture, and public trust in the education system. The frequency and intensity of these violations call for focused investigation, especially in regions where these trends are persistent yet under-researched.

The selection of this research area is deeply rooted in the researcher's own professional experience as an educator within the district. Having worked in several schools across Dr Kenneth Kaunda, the researcher has personally witnessed an alarming decline in the performance and ethos of schools that were once known for their excellence. Educator misconduct has emerged as a recurring theme in these deteriorations, with once-thriving schools now struggling with discipline, academic results, and morale. This direct exposure has driven the need to systematically explore the patterns and causes of educator misconduct, as well as the institutional responses or lack thereof within the district.

While existing literature provides valuable insights into educator misconduct at a national and provincial level, it often lacks the contextual depth needed to understand specific regional dynamics such as those in Dr Kenneth Kaunda. Studies tend to generalise the causes and implications of misconduct, failing to capture the nuanced socio-economic, cultural, and institutional factors that influence educator behaviour in specific localities. Furthermore, limited attention is paid to the voices of educators themselves in understanding these issues. Therefore, this study not only seeks to fill a geographic gap in the literature but also aims to contribute a contextualised and practitioner-informed perspective to the broader discourse on professional ethics in education.

2.12 Conclusion

This chapter provides evidence from scholarly research that educator misconduct in the classroom remains to be a problem in schools. Attention is given to the relationship between *Geborgenheit* and discipline and the effect of *Georgenheit* on the academic results of learners. The lacuna of *Geborgnheit* in classrooms exist and it emanate from educator misconduct. Statutory provisions which educator misconduct should be addressed, are explained. In conclusion the strategies to deal effectively with educator misconduct are discussed in detail. The next chapter will discuss research design and methodology in detail.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

The preceding chapter focused on the evaluation of relevant literature regarding educator misconduct in the classroom. This chapter discusses the execution of the qualitative research design and methodology. The study used a qualitative research design, using phenomenology as a method and interpretivist as research paradigm. This chapter will look at the population of the study, sample and method used to sample participants, data collection instruments used, data analysis, trustworthiness, and ethical considerations.

3.1.1 Research paradigm: Interpretivism

Research paradigms serve as fundamental frameworks that guide scientific inquiry. A paradigm represents a comprehensive worldview comprising core assumptions and beliefs about reality, epistemology, and methodology (Maree, 2020:58). These frameworks shape how researchers understand and investigate phenomena, influencing everything from research design to data interpretation. As Sefotho (2021:5) notes, a research paradigm functions as an archetype that guides how disciplines achieve their objectives within specific temporal contexts.

In educational research, four major paradigms predominate: post-positivism, constructivism, transformative, and pragmatism (Creswell and Guetterman, 2019:06). Each paradigm offers distinct philosophical assumptions and methodological approaches, allowing researchers to select the framework that connects best with their research objectives and worldview. Understanding these paradigmatic differences is crucial for developing a coherent and explicit research approach.

This study, which examines educator misconduct in the classroom, employs an interpretivist paradigm within a qualitative research framework. Interpretivism posits that those human beings construct meaning through their engagement with and interpretation of the world around them (Creswell and Guetterman, 2019:8). This

paradigmatic choice is particularly appropriate given the focus of the study and on understanding the manner which educators perceive, experience, and make sense of misconduct within their professional environment.

The selection of interpretivism permits a detailed exploration of the phenomenon through semi-structured interviews with educators in their respective schools. These participants, having direct experience with instances of educator misconduct, are uniquely positioned to provide rich, contextual insights into this complex issue. Their first-hand knowledge and interpretations offer valuable perspectives on both the nature and impact of misconduct within educational settings.

The paradigm was applied on the data collection as the researcher engaged with the participants through conducting semi-structured interviews. Through semi-structured interviews participants gave meaning to educators' misconduct. The paradigm was applied by the researcher when analysing the data. The researcher had interpreted the data transcribed by producing codes that were grouped into categories that were further grouped to create themes.

3.1.2 Research approach

This study adopted a qualitative research approach to recognise people's lives from their standpoint, examine the meanings they construct, and analyse how they interpret reality. The qualitative methodology allowed the researcher to investigate complex phenomena and describe them from the participants' viewpoint. This approach aligns with Locke *et al.* (2014:96), who assert that qualitative research involves immersion in participants' daily lives through interaction to understand their perspectives and meanings.

Creswell and Poth (2018:326) define qualitative research as an inquiry process based on distinct methodological approaches that explore social or human problems. The social problem under investigation was educator misconduct in the classroom. Understanding of this issue was developed through direct engagement with educators who had experienced the problem first-hand.

3.1.3 Research design

This research used phenomenology as its research design, a methodology particularly suited to examining lived experiences in their natural context. Research design, as

defined by Creswell (2013:12), encompasses specific methodological approaches within qualitative, quantitative, or mixed-method frameworks that guide investigative procedures. Phenomenological inquiry, specifically, offers a systematic approach to understanding human experiences from the perspective of those who live them. Phenomenology is distinguished by its focus on capturing and analysing the essence of lived experiences while maintaining their complexity and contextual richness. As Nieuwenhuis (2012b:75) explains, phenomenological research investigates contemporary phenomena within their real-life contexts, predominantly valuable when the restrictions amongst the phenomenon and context are fluid and multiple sources of evidence must be considered. The methodology's primary objective, according to Yin (2016:338), is to identify, describe, and analyse participants' subjective experiences, allowing researchers to develop deep, nuanced understandings of how individuals perceive and make meaning of their experiences.

Phenomenological research operates from the premise that knowledge of the world is grounded in lived experiences, requiring researchers to describe, understand, interpret, and explain these experiences (Cohen *et al.*, 2018:300). This study investigated educators' experiences with classroom misconduct through a phenomenological lens, aiming to develop comprehensive insights into this phenomenon. In-depth semi-structured interviews were conducted to examine the causes and effects of educator misconduct, and to identify potential strategies for its prevention and management in the classroom environment.

The implementation of in-depth semi-structured interviews aligns with Creswell's (2014:14) conceptualisation of phenomenological research as an inquiry design rooted in philosophy and psychology. This methodology enables researchers to capture and analyse participants' lived experiences of specific phenomena. Phenomenological inquiry culminates in distilling the essential nature of these experiences through detailed description and analysis (Creswell, 2014:14). The design's philosophical foundation emphasises the centrality of interviews as a primary data collection method to access and understand participants' lived experiences.

3.2 Methodology

3.2.1 Site selection

The process of data collection was conducted in selected secondary schools within the Dr Kenneth Kaunda district. The district is demarcated into three sub-districts namely: Matlosana with thirty-eight secondary schools, JB Marks having twenty secondary schools and Maquassi hills with nine secondary schools. The schools in the district range between Quintile one to Quintile four. For this study, six public schools were selected in the district to gather more information as the schools are clustered into rural, township, suburban and urban schools.

3.2.2 Participant selection

The most common sampling strategy used in a qualitative strategy is purposive sampling (Creswell and Poth, 2018:326). The researcher for this study used purposive sampling. Aurini *et al.* (2016:55) mention that purposive method of sampling requires several strategic choices about where, how and with whom the researcher will conduct the research, and it is the backbone of qualitative research.

Purposive sampling was actively used to select participants according to their extensive knowledge of educator misconduct. This sampling approach aligns with Cohen, Manion, and Morrison's (2018:219) assertion that random sampling offers limited value in qualitative research, as it cannot ensure participants selection with relevant expertise in the focal areas of the study. The criteria for selecting participants in this study were carefully established to ensure relevance, depth, and credibility of the data collected. Participants were chosen based on their post level within the school, with a preference for those occupying senior positions such as heads of department or school principals, as they are more likely to have insight into issues of educator misconduct. A minimum of three years of experience in the education field was required to ensure that participants had sufficient professional exposure and understanding of school policies, disciplinary procedures, and legal responsibilities. Additionally, all selected participants had direct exposure to the phenomenon of educator misconduct, either through observation, management, or involvement in disciplinary processes. By focusing on experienced and senior educators, the study

aimed to gather informed perspectives grounded in practical and institutional experience.

Participant sample comprised 18 education professionals:

- One school principal per school
- Two departmental heads per school
- One educators' union site steward per school
- Two PL-1 teachers per school (two representatives from each grade, 8 through 12)

These participants provided rich, detailed qualitative data through their perspectives on educator misconduct, drawing from their direct experience in addressing and managing such issues. Their collective insights facilitated a comprehensive understanding of the phenomenon under investigation.

The following participants formed part of the study:

Table 3.1: Participants of the study and their codes

SCHOOL	QUINTILES	PARTICIPANTS	CODES
SCHOOL A	3	The School Principal (PL4) Departmental Head (PL2) Departmental Head (PL2) Educator (PL1) Educator (PL1) Site steward (PL 1)	SP 1 DH 1 DH 2 ED 1 ED 2 SS 1
SCHOOL B	3	The School Principal(PL 4) Departmental Head(PL2) Departmental Head(PL2) Educator (PL1) Educator(PL1) Site steward(PL1)	SP 2 DH 3 DH 4 ED 3 ED 4 SS 2
SCHOOL C	3	The School Principal(PL4) Departmental Head(PL2) Departmental Head(PL2) Educator (PL1) Educator(PL1) Site steward(PL1)	SP 3 DH 5 DH 6 ED 5 ED 6 SS 3

3.2.3 Data collection procedures

The study employed an interpretive paradigm utilising one-on-one interviews as the primary data collection method. This approach was selected to gain deeper perceptions into the views of the participants and perceptions of educator misconduct. All interviews were audio-recorded to ensure accurate data capture and analysis.

3.2.3.1 Semi structured interviews: one-on-one interviews

Creswell and Poth (2018:162) define interviews as a social interaction based on a conversation where knowledge is constructed in the interaction between the interviewer and interviewee. Questions were asked to collect data and learn about the ideas, beliefs, views, opinions, and behaviours regarding the research topic. The aim of qualitative interviews was to see the world through the eyes of the participant, as they are a valuable source of information, provided they are used correctly (Maree, 2019:108).

Individual semi-structured interviews were conducted with all participants to generate comprehensive data on educator misconduct in selected public schools. The interviewer employed probing questions to encourage detailed disclosure and clarification of responses. Open-ended questions, prepared in advance and documented in an interview guide, structured these interactions.

One-on-one interviews proved advantageous as they enabled participants to share personal experiences and life stories in a confidential setting. This format facilitated the collection of rich, detailed information from principals and other educators. Additionally, the private nature of individual interviews allowed participants to express their opinions, perceptions, and presumptions freely, without the potential embarrassment or constraints that might arise in group or public settings.

3.2.3.2 Advantage of semi structured interviews

Semi-structured interviews enabled participants to part their individual experiences, life stories, and feelings relevant to the study's objectives (Creswell, 2014:191). This interview format offered flexibility and frequently yielded information beyond the initial scope of inquiry (Leedy, 2014:156). The approach facilitated follow-up exploration of

significant issues raised by participants, a capability not available in structured interviews (Leedy, 2014:156).

The semi-structured format allowed for standardised pacing and systematic progression through interview questions while maintaining conversational flexibility (Maree, 2019:109). As Denzin and Lincoln (2018:579) note, semi-structured interviews, compared to unstructured formats, enable the interviewer to guide discussions toward topics significant to the research objectives. This approach accommodates the formulation of follow-up questions or probes based on participants' responses, enhancing the depth and relevance of data collection (Roulston and Choi, 2018:233).

3.2.4 Data analysis

Creswell (2014:195) characterises qualitative data analysis as a systematic inspection procedure where researchers carefully examine data, making deliberate decisions about which elements to focus on and which to set aside. This process involves collecting participant data and conducting a thorough analysis to distil essential information from peripheral details. The analysis framework encompasses several key stages: data organisation, coding, theme development, presentation, and interpretation (Creswell, 2016:181).

Building on this framework, Creswell and Poth (2018:183) present a comprehensive view of qualitative data analysis, describing it as a sequence of interconnected steps: first, preparing and organising the raw data (whether textual data like transcripts or visual data like photographs); second, reducing this data through coding and condensation into thematic categories; and finally, representing the findings through visual aids (figures or tables) or detailed discussion.

For rigorous qualitative analysis, Creswell (2014b:55) emphasises the importance of following a structured analytical process. Table 3.2 outlines Creswell's six-step approach to data analysis, which was implemented in this study.

Table 3.2: Six phases in data analysis

Phases	Description
1	Categorise and prepare the data for analysis by arranging and sorting the information.
2	Read through all the data to get a general sense of the information, and note down general ideas about the data.
3	Code the data by organising the data into chunks of information, and write-down categories.
4	Provide meaningful descriptions of the categories or themes for analysis.
5	Present the results of the analysis narratively to convey the findings, including a detailed discussion of several themes, or a discussion of connecting themes.
6	Interpret the results of the analysis to answer the research question.

(Adapted from Creswell, 2014b:55)

The one-on-one interviews were audio-recorded and subsequently written down into a line-numbered narrative format to facilitate systematic analysis. The transcription process served as the initial phase of coding, converting audio data into structured textual content. Data reduction followed, where interview content was systematically summarised and condensed to extract meaningful insights aligned with the research objectives and theoretical framework.

To ensure data integrity and organisation, each participant's transcribed interview underwent member checking before being imported into a dedicated electronic folder within a structured filing system. The analytical process employed a three-stage coding approach:

- Open coding to identify initial concepts and categories
- Axial coding to establish relationships between categories
- Selective coding to integrate and refine the theoretical framework

Open coding is a process where data, which had already been gathered, is broken down, examined, compared, conceptualised and categorised (Coe R.J., Authur J. Hedges L.V. Waring M, 2021:124). The data was separated according to sections and then examined for data that is common and reveal categories or themes.

Subsequently, the data had been classified, they were further reviewed for qualities to describe each category.

According to Maree (2020:139), in axial coding data is put together in new ways by seeking to identify explicit connections between categories and subcategories of data. After open coding, the next step was examining and re-investigating the codes formulated. The researcher made a link between categories and the subcategories by making a comparison of the transcript, between the codes to get new findings.

Selective coding involves the process of selecting and identifying the core category and systematically relating it to other categories (Maree, 2020:139). In this final coding themes were built to respond to the research questions. Data was verified by making reference to the axial coding and the participants. The themes and categories recognised were compared with relevant literature. After analysis of data, the findings were deduced to get a holistic picture of the research.

3.2.4.1 Coding and development of themes

The analysis followed Saldaña's (2016:14) codes-to-theory model for qualitative inquiry. Each interview transcript underwent independent coding through a hybrid approach combining predetermined (a priori) codes with emergent codes identified from the original data. After completing the initial coding of all interviews, both a priori and emergent codes were systematically consolidated into subcategories based on conceptual similarities. These subcategories were then organised into broader analytical categories, which ultimately led to the development of overarching themes. The final themes directly addressed the research questions and illuminated key dimensions of educator misconduct. Figure 3.1 shows the order of the procedure to coding engaged in this study.

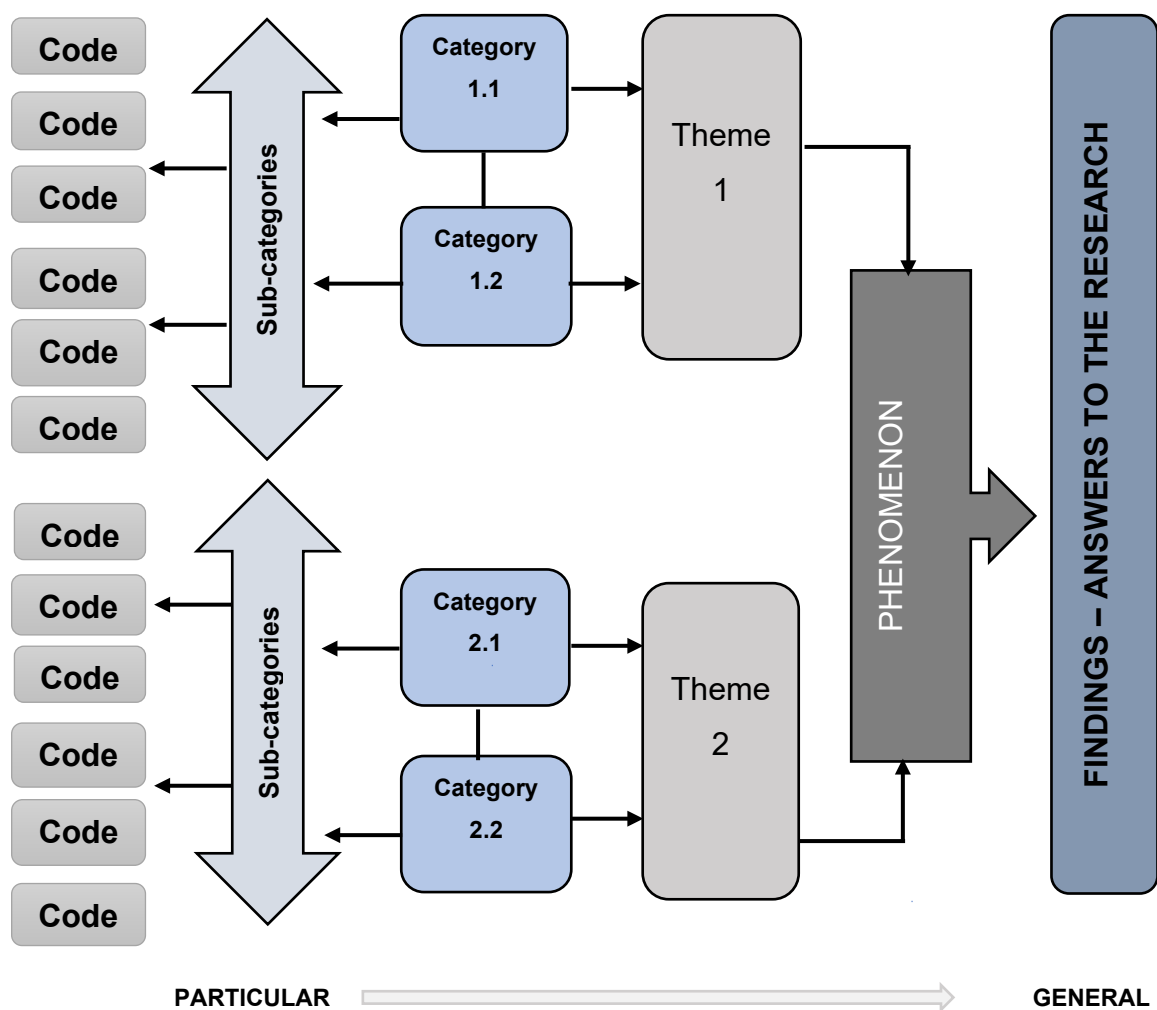


Figure 3.1: Coding-to-theory model (adapted from Saldaña, 2016:14)

Saldaña (2016:10) conceptualises the code-to-theory model as a systematic analytical progression from raw data to theoretical understanding. The model outlines a hierarchical process where researchers first assign codes to segments of text from the collected data, then aggregate related codes into categories, and finally develop these categories into broader themes that illuminate the central phenomenon. Importantly, Saldaña emphasises that codes should align with and address the study's primary research questions, ensuring analytical coherence throughout the process.

3.2.5 Trustworthiness

Miller and Beaudry (2016) define trustworthiness in research as the degree of confidence that can be placed in a study's data, interpretation, and methodological

rigor. They emphasise that researchers must establish robust protocols and procedures to ensure their work merits scholarly consideration.

Expanding on this concept, Nowell *et al.* (2017:3) characterise trustworthiness as the mechanism through which researchers demonstrate the value and merit of their findings to both them and their audience. Their framework refines the concept by introducing four essential criteria that parallel traditional quantitative research standards of validity and reliability: Credibility, Transferability, Dependability, and Confirmability.

This conceptualisation is reinforced by Connelly (2016:435), who underscores trustworthiness as a comprehensive measure of confidence across multiple research dimensions, encompassing data quality, interpretative accuracy, and methodological soundness.

To establish the trustworthiness of this study, several criteria were implemented, with particular emphasis on credibility. Credibility serves as the qualitative research equivalent to internal validity in quantitative research (Schurink *et al.*, 2021:395). The primary objective is to demonstrate that the research was conducted systematically, with accurate identification and description of research participants. Maree (2016:123) emphasises that credibility requires researchers to present findings that readers find convincing and authentic. In this study, the researcher ensured that credibility was strengthened through three key strategies: member checking, audit trail maintenance, and prolonged engagement.

Member checking involves sharing research materials with participants to verify the researcher's interpretation of their contributions (Patten & Newhart, 2018:157). This process was implemented through:

- Sharing interview transcripts with participants for verification
- Discussing emerging themes and interpretations with participants
- Incorporating participant feedback into the final analysis
- Validating the analysed themes and categories against participants' original intentions

An audit trail provides transparent documentation of the researcher's decision-making process throughout the study (Nowell *et al.*, 2017:3). The following elements were maintained to ensure a comprehensive audit trail:

- Detailed raw data records
- Field notes from each research interaction
- Complete interview transcripts
- A reflexive journal documenting the researcher's thoughts and methodological choices
- Systematic cross-referencing of data sources
- Post-interview notes recorded immediately after each participant encounter
- Regular reflection notes comparing existing knowledge with newly gathered data

Prolonged engagement aims to develop a deep understanding of participants' behaviours, values, and social relationships within their specific contexts (Schurink *et al.*, 2021:397). This was achieved through:

- Sustained interactions with participants throughout the study period
- Multiple contact points with each participant
- Immersion in the research context to ensure comprehensive data collection
- Regular follow-up sessions to clarify and expand on initial findings

3.2.6 Researcher's role

Qualitative researchers serve as the primary instruments of data collection, immersing themselves in the research process through direct engagement with participants (Creswell, 2014:234). This immersion is crucial as it enables researchers to capture nuanced perspectives and contextual details that might otherwise be overlooked using conventional research tools. As Maree (2014:305) emphasises, active participation in the research community is essential not only for data collection but also for maintaining ethical standards and building trust with participants.

In this study, the researcher's role encompassed multiple interconnected responsibilities across both data collection and analysis phases. Primary responsibilities included:

- Conducting semi-structured interviews with participants
- Creating detailed field notes during interviews
- Managing and securing audio recordings
- Producing verbatim transcriptions

- Systematically analysing and interpreting participant responses

To ensure data integrity, all interviews were audio-recorded and transcribed verbatim, with particular attention paid to capturing both verbal and non-verbal cues that might influence interpretation. This meticulous approach to documentation helped maintain the authenticity of participant contributions while facilitating rigorous analysis.

Careful attention was given to establishing and maintaining appropriate research conditions. The research site was secured against unauthorised access and potential disruptions, while maintaining an environment conducive to open dialogue. Professional protocols were followed to ensure participant comfort and dignity throughout the data collection process.

3.2.7 Ethical considerations

Research ethics form the cornerstone of responsible academic inquiry. Cohen, Manion, and Morrison (2018:11) define ethics as "concerns of what is good and bad, right and wrong," emphasising its fundamental role in shaping research practices. When investigating human subjects, researchers must adhere to a comprehensive framework of ethical principles to protect participant rights and maintain research integrity (Creswell, 2014:188).

3.2.7.1 Permission or approval from gatekeepers

The study application for the approval of the research ethics was submitted to the Ethics Committee of the North-West University and approval was given. The researcher used the letter of approval to seek permission to enter schools from the North West Department of Education. Approval letters were written to the School Principals of all participating schools explaining the purpose of the study and the procedures of the research process.

3.2.7.2 Informed consent

Informed consent is a fundamental ethical requirement that extends far beyond mere documentation. As Cohen *et al.* (2018:122) emphasise, it "is not merely a form that is signed, but a process in which the subject understands the research and its risks." This process requires comprehensive communication with potential participants about the study's protocols, procedures, and implications. Crucially, participants must be

able to make their choice freely, without fear of negative consequences should they decline to participate (Cohen *et al.*, 2018:126).

In implementing these principles, this study followed a rigorous informed consent process. Prior to data collection, the researcher:

- Layered out the detailed research purpose and objectives
- Outlined the data collection and reporting procedures
- Discussed potential risks and corresponding mitigation strategies
- Ensured participants understood their right to withdraw without consequences
- Documented the agreement through a comprehensive consent form

The informed consent process encompassed all stakeholder groups within the selected secondary schools in the Dr Kenneth Kaunda district, including principals, departmental heads, educators, and site stewards. Each participant received a thorough briefing on the study procedures and voluntarily indicated their informed consent through signed documentation. This systematic approach ensured that participation was both informed and voluntary, aligning with established ethical research principles.

3.2.7.3 Confidentiality and anonymity

Maintaining participant confidentiality is a cornerstone of ethical research practice and was rigorously upheld throughout this study. As Cohen *et al.* (2018:130) emphasise, while researchers necessarily possess identifying information about participants and their contributions, they bear the ethical responsibility to protect this link from public disclosure. Confidentiality serves not only as an ethical imperative but also as a practical necessity; any breach can significantly undermine participant trust, potentially compromising both current research efforts and future scholarly inquiry in the field.

In this study, confidentiality was safeguarded through:

- Secure storage of participant information
- De-identification of data in research documentation
- Careful management of all research materials
- Strict protocols for handling sensitive information

This systematic approach to confidentiality protection helped establish trust with participants while maintaining the integrity of the research process. The commitment to confidentiality extended beyond data collection to the analysis and reporting phases, ensuring that individual participants could not be identified through their contributions to the study.

Strict confidentiality protocols were implemented throughout the research process to protect all participants and institutions. The study encompassed multiple stakeholders, including School Principals, Departmental Heads, Educators, and site stewards, all of whom were assured comprehensive confidentiality protections for both personal and institutional identities.

Data security measures were implemented at multiple levels:

- Interview recordings were transcribed with rigorous attention to accuracy
- Digital data was secured on an encrypted USB flash drive
- Participant identities were protected in all research documentation
- Educational institutions were assigned anonymous identifiers (School A, School B, and School C) to ensure institutional privacy

These confidentiality measures aligned with ethical research principles and were maintained consistently throughout data collection, analysis, and reporting phases.

3.2.7.4 Protection from harm

Ethical safeguards were implemented throughout the research process to ensure participant wellbeing and autonomy. A voluntary participation framework was established, with participants retaining the right to withdraw at any stage of the study. Data collection methods were carefully selected and implemented to minimise any potential risks or discomfort to participants.

Professional dignity and respect were maintained in all interactions with stakeholders, including school principals, departmental heads, educators, and site stewards. Privacy considerations extended beyond basic confidentiality to encompass comprehensive protection of participant autonomy and personal boundaries throughout the research process.

3.3 Chapter summary

This chapter presented a comprehensive overview of the research methodology and design framework employed in the study. A qualitative research approach was adopted to examine and categorise participant perceptions regarding educator misconduct in the classroom, situated within an interpretive paradigm.

The methodological framework encompassed:

- Data collection through structured interviews and interview guides
- Detailed data collection and analysis procedures
- Implementation of rigorous ethical protocols
- Establishment of the researcher's role
- Application of trustworthiness criteria

Each methodological element was systematically explained to demonstrate the study's academic rigor and ethical compliance. The subsequent chapter presents the research findings, including data presentation, interpretation, and discussion.

CHAPTER 4

DATA ANALYSIS AND PRESENTATION

4.1 Introduction

Building on the methodology outlined in Chapter 3, this chapter presents a comprehensive analysis of educator misconduct in the classroom, addressing the research questions established in Chapter 1. Through rigorous analysis of extensive data collected from multiple instruments, four key themes emerged regarding the legal framework and educators' lived experiences with classroom misconduct.

The findings draw from systematically coded and categorised data, organised to illuminate both the legal determinants of misconduct and participants' firsthand perspectives. Each research question is examined through triangulated evidence, strengthening the validity of the conclusions and providing a nuanced understanding of this complex phenomenon.

Figure 4.1 beneath outlines a synoptic overview of the data analysis in stages, from the preliminary coding of data to the sub-categories. The sub-categories were joint into categories (refer to Figure 4.1), that led to the four themes.

4.1.1 Data analysis and presentation

Later the coding process was completed, and the code list was created. A total of 67 codes emerged which were clustered into 20 sub-categories (showed in the cluster boxes below refer to figure 4.1). The sub-categories made 8 categories to explain the four themes that relates to educator misconduct, as demonstrated in figure 4.1. Data for this study was gathered mainly by the interviews.

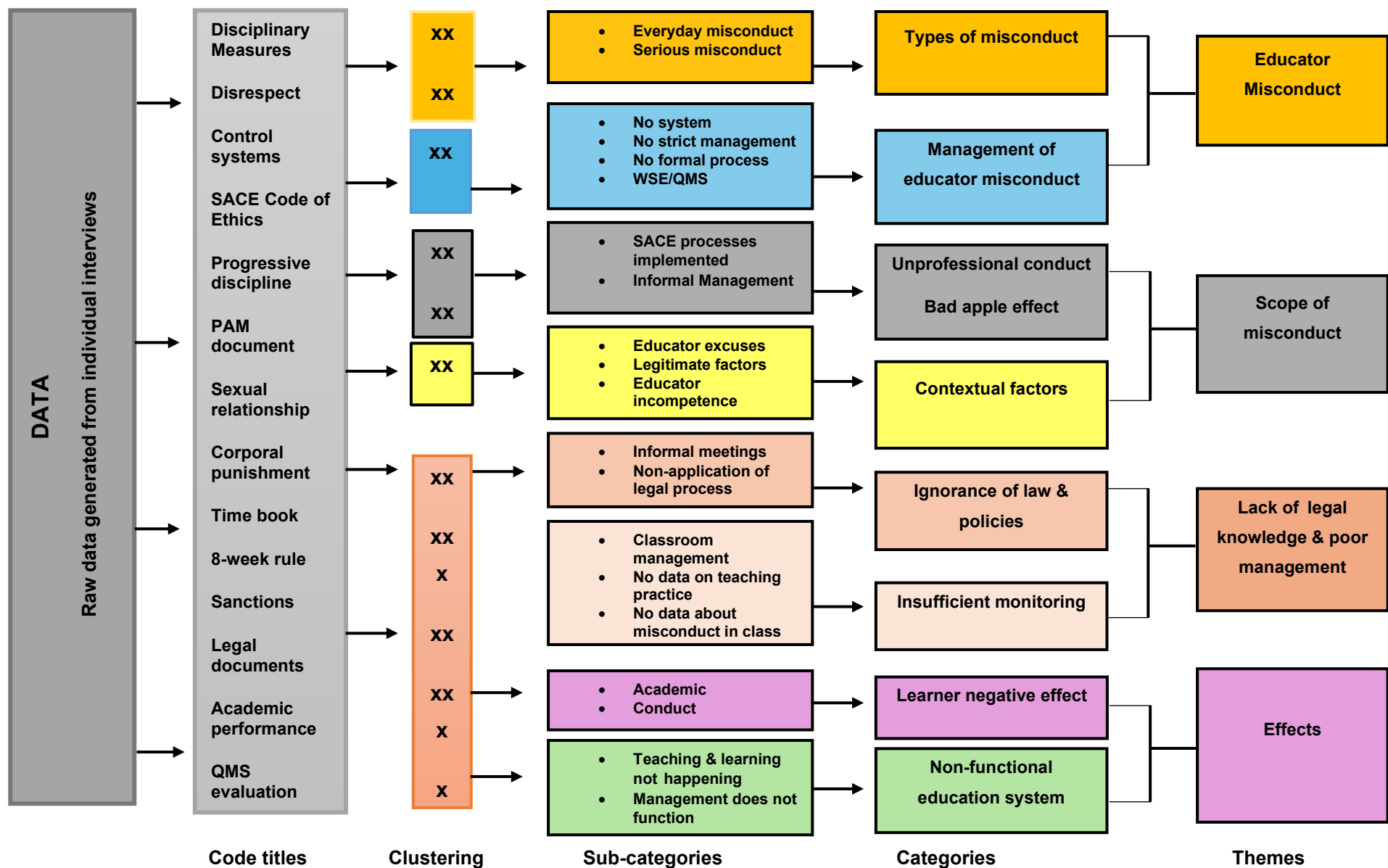


Figure 4.1: Coding of raw data and development of sub-categories

4.1.2 Biographic profile of participants

The biographic information was collected from the participants through one-on-one interviews and was utilised to gather participants' profile and sample. The role of participants in the school is clearly indicated in the table below that also show demographic composition. The original target of 36 participants to the study was established to get experiences and perspectives of educators with regard to educator misconduct in the classroom. The interviewed participants' number, nonetheless, did not reach the original target since the data reached a saturation point. As indicated in the following table, interviews were conducted with school principals, educators, departmental heads, and site stewards. Different codes were assigned to participants in order to protect their identity. SP was used for School Principal. ED was used for Educator. DH was used for departmental head. SS was used for Site Steward.

Table 4.1: Biographic profile of participants

Participants profile	
Teaching position	Number
School Principal (SP)	3
Departmental Head (DH)	6
Educators (ED)	6
Site Steward (SS)	3
Total	18

The analysis and interpretation of the data and the findings that developed under each of the four themes are discussed next.

4.2 Theme 1: Educator Misconduct

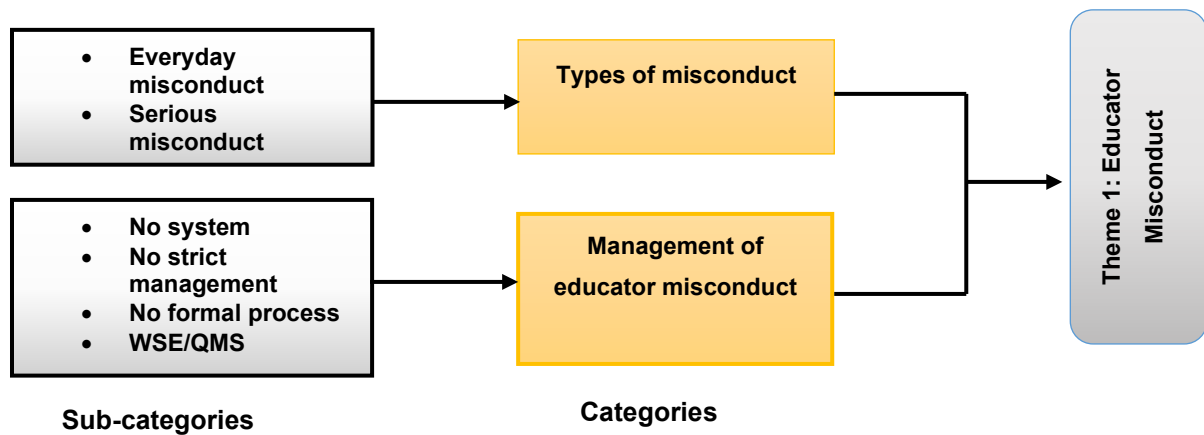


Figure 4.2: Theme 1: Educator Misconduct

4.2.1 Category 1.1 Types of misconduct

4.2.1.1 Subcategory 1.1.1. Everyday Misconduct

According to the data from the sampled schools a school principal and an educator admitted that there are various types of misconduct that often occurred. When asked about the types of misconduct that took place in the classrooms, a school principal mentioned the following as common: educator absenteeism, arriving late for work, not attending classes promptly, disrespecting fellow colleagues, not submitting work on time and that the educators do not cover all of the work with learners that is expected in the Annual Teaching Plan (SP1PL5, 2022: Ln 24). Corporal punishment and verbal abuse were alleged to have cases in the school's principal office and sexual relationships between educators and learners, theft, and bribery were infrequent incidences (SP1PL5, 2022: Ln 26-28). During an interview, one educator explained that many educators often arrive late for the first period of the day. The school principal repeatedly used the school's WhatsApp group to remind educators of their contractual obligation of going to classes on time. (ED1PL1, 2022: Ln 33-36).

Section 18 of the Educators Employment Act provides a comprehensive description of educator misconduct. According to data collected from the sampled schools, both a

school principal and an educator acknowledged the prevalence of various forms of misconduct. When queried about the types of misconduct occurring within the classroom environment, a school principal (SP1PL5, 2022: Ln 24) enumerated the following as common occurrences:

- Educator absenteeism
- Tardiness in arriving at work
- Failure to attend classes promptly
- Disrespectful behaviour towards colleagues
- Untimely submission of work
- Inadequate coverage of material as indicated in the Annual Teaching Plan

In addition, the school principal noted that while corporal punishment and verbal abuse were occasionally reported to the principal's office, incidents of sexual relationships between educators and learners, theft, and bribery were infrequent (SP1PL5, 2022: Ln 26-28). During an interview, one educator admitted that many of their colleagues frequently arrived late for the first period of the day. In response to this recurring issue, the school principal repeatedly utilised the school's WhatsApp group to remind educators of their contractual obligation to commence classes punctually (ED1PL1, 2022: Ln 33-36).

4.2.1.2 Subcategory 1.1.2. Serious Misconduct

Section 17 of the Educators Employment Act delineates serious misconduct by educators and the associated consequences. A school principal explained that corporal punishment is an approach that is the last resort for educators to curb learners' ill-discipline. In a Quintile 3 school that was sampled, the school principal reported that some educators received SACE warning letters as they applied corporal punishment (SS3PL4, 2022: Ln 25-26). Despite these warnings, corporal punishment is still being used. The principal tried to caution the educators about the repercussions but has been unsuccessful in convincing them of the deleterious effects of corporal punishment. Section 10 of the Schools Act extensively addresses the issue of corporal punishment. The Abolition of Corporal Punishment Act, No. 3 of 1997, banned the use of corporal punishment in schools. Section 10(1) of the Schools Act state that no person may administer corporal punishment at a school or to a learner. Subsection 10(2) specifies that any person who

administers corporal punishment is guilty of an offense and liable, upon conviction, to a sentence equivalent to that imposed for assault.

The principal of the school emphasised that administering corporal punishment, which violates Section 10 of the South African Schools Act (SASA), remains a significant concern that could result in serious consequences for educators. Managing student discipline has become increasingly challenging for teachers at our school. Despite regular warnings during staff meetings against the use of corporal punishment, some educators continue to resort to this prohibited practice when faced with disciplinary challenges.

As the principal explained:

"I consistently caution educators during our meetings about the prohibition of corporal punishment, yet some persist with this practice. This situation deeply concerns me as it could lead to serious professional consequences for our staff" (SP1PL5, 2022, Lines 48-54).

The research findings indicate that both serious misconduct and routine behavioural issues have a detrimental effect on the teaching and learning environment. This pattern of disciplinary challenges presents a complex problem for school administration, requiring alternative behavioural management strategies that comply with SASA regulations while effectively maintaining classroom order.

A school principal revealed that corporal punishment is occasionally perceived as a last-resort approach to address learners' disciplinary issues. In a sampled Quintile 3 school, the principal reported that certain educators received warning letters from the South African Council for Educators (SACE) due to their application of corporal punishment, resulting in physical harm to a learner (SS3PL4, 2022: Ln 25-26). Notwithstanding these admonitions, the practice of corporal punishment persists. Despite the principal's attempts to caution educators about the ramifications, efforts to persuade them of the deleterious effects of corporal punishment have been unsuccessful.

Section 10 of the Schools Act comprehensively addresses the issue of corporal punishment. The Abolition of Corporal Punishment Act, No. 3 of 1997, explicitly prohibits the use of corporal punishment in educational institutions. Specifically, Section 10(1) of the Schools Act stipulates that no individual may administer corporal punishment at a school or to a learner. Furthermore, Subsection 10(2) explicitly states that any person

who administers corporal punishment is culpable of an offense and, upon conviction, is liable to a sentence equivalent to that imposed for assault.

This legislative framework underscores the gravity with which the South African education system views corporal punishment, positioning it as a serious form of misconduct with legal repercussions. The persistence of this practice, despite clear legislative prohibitions and institutional warnings, highlights a significant challenge in aligning educational practices with legal and ethical standards.

4.2.2 Category 1.2. Management of misconduct

A challenge observed about sampled schools regarding misconduct is that schools do not manage educator misconduct. According to the data obtained managing educator misconduct in selected schools was found to be inadequately handled. Responses from participants were vague, with many claiming that control systems were in place according to the education legal framework. However, it was evident that these issues were often addressed informally, and the legal framework was not properly applied (ED3PL1, 2022: Ln 55 – 62). It was apparent from the interviews that school principals and departmental heads do not properly manage misconduct in schools.

A significant challenge that was observed in the sampled schools pertains to the inadequate management of educator misconduct. Analysis of the data obtained reveals that the handling of educator misconduct in selected schools is notably deficient. Responses from participants regarding control systems were often vague, with many asserting the existence of procedures aligned with the educational legal framework. However, evidence showed that these issues are frequently addressed through informal channels, indicating a failure to properly apply the established legal framework (ED3PL1, 2022: Ln 55 – 62).

4.2.2.1 Subcategory 1.2.1. No system

On a question regarding the school management of misconduct, the principal of the school responded as follows:

The school applies control systems to condemn or discourage educators from late coming. We apply an 8-week rule in terms of absenteeism to check if an

educator develops a pattern of being absent from work. We institute progressive discipline where we would counsel an educator and if the misconduct persists, we give a verbal warning, written warning and elevate the matter to the higher office if needs be. If the educator doesn't improve on the alleged misconduct. (SP1PL1, 2022: Ln 28-34)

The following admission by a school principal confirmed that the selected schools have less control over management of misconduct:

The story always has three sides. You get the truth; you get the educators part and somebody who might have seen the incident. It is always advisable to first sit down, try to understand what has happened, why it has happened, and can the situation be remedied, or we go to the PAM document. One can foresee that school management have no proper system in place to curb educator misconduct that occurs except holding meetings, observing educators, and hoping that they will refrain from doing such acts. (SP2PL4, 2022: Ln 66 – 69)

The way the school management dealt with misconduct cases is not always a visible process. When queried about misconduct management strategies, one school principal provided the following response:

The school implements control systems to discourage and penalize tardiness among educators. We employ an 8-week rule to monitor patterns of absenteeism. Our approach involves progressive disciplinary measures, beginning with counselling. If the misconduct persists, we escalate to verbal warnings, followed by written warnings. In cases where improvement is not observed, the matter is referred to higher authorities. (SP1PL1, 2022: Ln 28-34).

This statement suggests a structured approach to addressing misconduct. However, another school principal's admission revealed limitations in the selected schools' ability to effectively manage misconduct through time book control:

Each situation typically presents three perspectives: the objective truth, the educator's account, and potential witness observations. Our protocol involves a preliminary discussion to comprehend the incident's nature, its causes, and potential remedies before resorting to the Personnel Administrative Measures

(PAM) document. It is evident that school management lacks robust systems to curtail educator misconduct, relying primarily on meetings, educator observations, and the hope that such behaviours will cease. (SP2PL4, 2022: Ln 66 – 69)

This latter statement indicates a more reactive and less formalised approach to misconduct management. The disparity between these accounts suggests that the way school management addresses misconduct cases is not always a transparent or consistent process. This inconsistency points to potential gaps in policy implementation and the need for more standardised procedures across educational institutions.

4.2.2.2 Subcategory 1.2.2. No strict management

The responsibility for managing educator misconduct in schools extends beyond the principal of the school to encompass the entire School Management Team (SMT). When asked about their approach to addressing various forms of educator misconduct; including the administration of corporal punishment, verbal abuse of learners, and failure to perform professional duties; the Head of Department responded as follows:

I call the educators and talk to them; also show them the repercussions of such misconduct. In most instances when that is done educators start to refrain from such act after one has showed them how that lead to dismissal. If educators keep on doing such act it can really lead to a dismissal (DH2PL2, 2022: Ln 32 – 35).

The schools do not have a plan to strictly manage educator misconduct.

The responsibility for managing educator misconduct in schools does not fall solely on school principals but is shared by the entire School Management Team (SP1PL5, 2022: Ln 37). When asked about their approach to addressing instances of corporal punishment, verbal abuse of learners, or failure to perform duties adequately, one stated that he informally have meetings with transgressor educators in the school to get their perspectives.

It is worth noting that schools often lack a comprehensive, stringent plan for managing educator misconduct effectively.

4.2.2.3 Subcategory 1.2.3. No formal process

Generally, from the data of the sampled schools, departmental heads, site steward and school principals give advice to educators. No formal steps are taken and procedural steps of dealing with misconduct are not followed. There is a common perception among SMTs that formal processes affect working relationships, and individual educators are never given written warnings to make educators aware of the seriousness of their conduct. No charge sheets are issued except giving remarks about the unacceptable behaviour during staff meetings.

Based on data collected from the sampled schools, it appeared that departmental heads, site stewards, and school principals primarily resort to giving verbal advice to educators when addressing misconduct. Formal disciplinary procedures are rarely implemented, and the established protocols for dealing with misconduct are often not followed.

There is a prevalent perception among School Management Teams (SMTs) that initiating formal disciplinary processes could negatively impact working relationships. Consequently, individual educators are seldom issued written warnings to alert them to the severity of their misconduct. Instead of issuing formal charge sheets, SMTs typically limit their actions to making verbal remarks about unacceptable behaviour during staff meetings. This lack of formal documentation and adherence to proper disciplinary procedures raises concerns about the effectiveness of misconduct management in these school

4.2.2.4 Subcategory 1.2.4. WSE/QMS

The research revealed that participants demonstrated a comprehensive understanding of the Quality Management System (QMS) and its prescribed implementation procedures. While the visited schools adhered to the mandated QMS protocols, several participants expressed concerns about the system's effectiveness. Specifically, they highlighted issues regarding the accuracy of QMS evaluations and questioned whether the system achieved its intended objectives. In support of the process of QMS a school principal confessed that:

I admit that the evaluation of educators is done but does not serve its purpose as they complete it every year and we are doing quite well. Educators complete it

just for malicious compliance so that they can receive something. We do it thoroughly and often submit on time (SP2PL4, 2022: Ln: 230 – 232).

QMS was stated as an assessment that “has monetary implications if educators take it seriously. However, if not monitored educators have a tendency of being dishonest, scoring themselves higher only to ensure that they qualify for pay progression”.

The main purpose of QMS was understood as to evaluate the performance levels of educators to achieve high performance in the subjects and school performance. A school principal declared that educators cheat on the key tasks such as extra-curricular activities and lifelong learning (SP1PL5, 2023: Ln 60). QMS completion is regarded as a mere formality. Educators score themselves marks that they do not deserve. A school principal stated that the educators were given high scores on extra-curricular activities, yet they do not participate in the extra-curricular activities (SP1PL5, 2023: Ln 65).

Another factor raised by school principals is that the evaluation of educators has a huge amount of paperwork involved and consumes a lot of time. The evaluation meetings, and class visits made it not to be thoroughly conducted. The factors stated above implies that evaluation of educators is not properly done in schools.

Participants demonstrated a clear understanding of the Quality Management System (QMS) and the correct procedures for its implementation. While the prescribed processes were followed in the visited schools, some participants highlighted inaccuracies in the QMS and questioned its effectiveness. A school principal candidly admitted:

I acknowledge that educator evaluations are conducted, but they don't serve their intended purpose. We complete them annually, and we appear to be doing well. Educators complete the process merely for malicious compliance to receive benefits. We do it thoroughly and often submit on time (SP2PL4, 2022: Ln: 230-232).

QMS was described as an assessment with monetary implications, which prompted educators to take it seriously. However, it was noted that without proper monitoring, educators tend to be dishonest, scoring themselves higher to ensure they qualify for pay progression.

The main purpose of QMS was understood to be evaluating educators' performance levels to achieve high performance in subjects and overall school performance. However, a school principal revealed that educators often cheat on key tasks such as extra-curricular activities and lifelong learning (SP1PL5, 2023: Ln 60). QMS completion is often regarded as a mere formality, with educators awarding themselves undeserved marks. Another principal stated that educators were given high scores for extra-curricular activities despite not participating in them (SP1PL5, 2023: Ln 65). School principals also raised concerns about the extensive paperwork and time-consuming nature of the educator evaluation process. The combination of evaluation meetings and class visits made it challenging to conduct thorough assessments. These factors collectively suggest that the evaluation of educators is not being properly executed in schools, undermining the effectiveness of the QMS.

Participants responses have verified that evaluation of educators through the Quality Management System (QMS) is not conducted effectively, which undermines its intended purpose of professional development and accountability. Most educators regard QMS evaluations as a mere compliance exercise, with little emphasis on genuine performance review, feedback, or developmental support. The School management teams also lacks the necessary training or commitment to implement QMS thoroughly, which results to biased assessments or superficial evaluations that do not reflect the actual teaching practices of educators. Educators view the process with suspicion, seeing it as punitive rather than supportive, which further erodes the trust, effectiveness of the system and lack of growth.

4.3 Theme 2: Scope of Misconduct

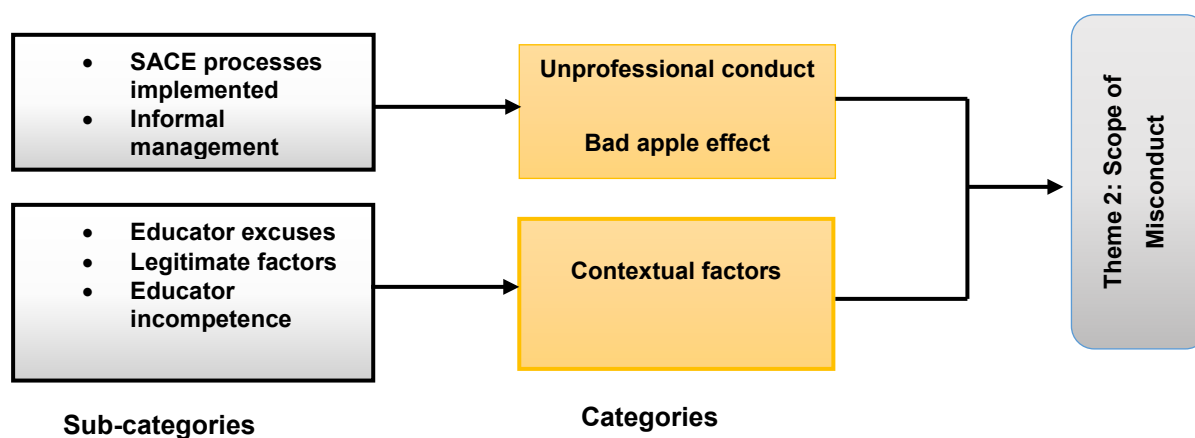


Figure 4.3: Theme 2: Scope of Misconduct

4.3.1 Category 2.1. Unprofessional conduct

4.3.1.1 Sub-category 2.1.1. SACE processes implemented

According to the Personnel Administration Measures (SA, 1998b) which form part of the personnel regulations of the Employment of Educators Act, educator's roles and responsibilities are clearly outlined. Any conduct displayed in the workplace by an educator that contradicts the stipulated roles, is regarded as unprofessional conduct.

The Preamble of the South African Council for Educators (SACE) Code of Professional Ethics stipulates that registered educators must conduct themselves in a manner that upholds the dignity of the teaching profession (SACE, 2000, Section 2). This includes fulfilling their professional duties diligently and avoiding negligent or indolent behaviour. SACE, as the professional body for educators, upholds professionalism as a core value. Its vision encompasses promoting excellence in education by empowering educators, fostering their commitment to the profession, and ensuring adherence to the constitutional ethos (SACE, 2000). In alignment with this vision, the Personnel Administration Measures, as outlined in the Employment of Educators Act (SA, 1998b), clearly defines educators' roles and responsibilities. Any conduct that deviates from these prescribed standards is deemed unprofessional and subject to disciplinary action.

During the interview, the researcher found that a few educators do not behave professionally in their workplaces. Educators leave the school premises before school

ends without reporting. They do not supervise learners during break time when they have a duty roster (ED2PL1, 2022: Ln 46-48). One of the contributing factors to that is that they lack knowledge of the legal framework that governs their profession. A departmental head was asked about unprofessional conduct of educators, and he affirmed that educators are unprofessional:

Educators act unprofessional because there are no systems in place that help one to draw a line and understand the importance of behaving professionally. The other thing is that educators do not understand their code of conduct that guides them on how they should behave as educators towards learners and other stakeholders (DH1PL2, 2022: Ln 75-79).

In addition, a school principal admitted that the unprofessional conduct by educators, in most cases, has been displayed and this attitude has also affected the attitude of learners towards some educators (SP1PL5, 2022: Ln 64-65). Although the sampled schools followed SACE Professional Ethics, educator misconduct was observed to be prevalent.

During the interviews, the researcher found that a subset of educators fails to behave professionally in their workplaces. Some educators leave school premises before the end of the school day without reporting, while others neglect their duty to supervise learners during break times, despite being assigned to the duty roster (ED2PL1, 2022: Ln 46-48).

One contributing factor to this unprofessional behaviour appears to be a lack of knowledge regarding the legal framework governing their profession. When asked about the unprofessional conduct of educators, a departmental head affirmed:

Educators act unprofessionally because there are no systems in place that help one to draw a line and understand the importance of behaving professionally. Additionally, educators often do not understand their code of conduct, which should guide them on how to behave towards learners and other stakeholders (DH1PL2, 2022: Ln 75-79).

Furthermore, a school principal acknowledged that:

Unprofessional conduct by educators has been frequently displayed, and this attitude has also negatively affected learners' attitudes towards some educators (SP1PL5, 2022: Ln 64-65).

Despite the sampled schools following the South African Council for Educators (SACE) Professional Ethics guidelines, educator misconduct remains prevalent. This suggests a disconnection between the established ethical standards and their practical implementation in school environments.

4.3.1.2 Subcategory 2.1.2. Toxic personalities and the bad apple effect

During data collection participants reported that there are educators that have toxic personalities that result to the bad apple effect. The bad apple effect in this case referred to the idiom “a rotten potato spoils the whole bag” and captured the core idea of negative individuals having an asymmetric effect on others (DH 2: Ln 110). As per the interviews, the participants had an experience of occurrences on the content related issues. Examples were cited of educators that have attendance and punctuality problems (SP1PL5, 2022: Ln18-19). They are lazy to work, and employs hide and seek skills from performing their duties (ED1PL1, 2022: Ln 114-115). They do not complete work and are not disciplined. This result in educators repeatedly doing the incidences as they are never made to account for their learners’ results (ED1PL1, 2022: Ln 114 – 117).

When the SMTs were supposed to supervise or control the toxic educators through monitoring, it was not sufficiently done. School principals depended on departmental heads’ monitoring reports to know that teaching and learning took place through their compiled monitoring reports and class visits (SP2PL4, 2022: Ln 160-166).

4.3.1.3 Subcategory 2.1.3. The dysfunctional equilibrium

Schools can be significantly impacted by toxic behavioural patterns among educators, particularly through what is known as the "bad apple effect." This phenomenon manifests when staff members exhibit negative attitudes and behaviours that subsequently influence their colleagues, creating a ripple effect throughout the organisation. Such toxic organisational dynamics can substantially impair a school's functionality and hinder its ability to deliver quality education and achieve progressive outcomes.

This study examines these behavioural patterns through the lens of education law while incorporating Bronfenbrenner's ecosystems theory as a theoretical framework. The ecosystems theory provides valuable insights into understanding how educators'

behaviour and professional conduct are shaped by their environmental context (Bronfenbrenner, 1994: 7). This theoretical framework is particularly relevant as it helps explicate the complex interplay between individual behaviour and institutional dynamics within the educational setting. When a school is regarded to be in a dysfunctional equilibrium that means the school is ineffective, and that can be observed through educators that lack legal knowledge, the school management that do not do their duties such as monitoring (SP2PL4, 2022: Ln 160-166), are unable to issue charge sheets for the sake of maintaining good work relationships (DH1PL2, 2022: Ln 80). There are a few schools that had data on teaching and learning taking place. This result to a blanket approach application that educators are regarded as not effective, they displayed low levels of unprofessionalism and that taxpayers' funds are being wasted to fund schools that are dysfunctional.

4.3.1.4 Subcategory 2.1.4. Informal management

The School Management Teams that do not hold their educators accountable of their unprofessional actions in the workplace mean that they informally manage educator conduct. During data collection educators were reported to discriminate against learners based on their ethnic group, particularly regarding language and race. One of the selected schools had learners who spoke different home languages, such as IsiXhosa, Sesotho, and Setswana. These learners faced animosity from both educators and classmates. This hostility extended into the classrooms, where they were called derogatory names and labelled according to their backgrounds by educators (ED1PL1, 2022: Ln 67-72).

When asked how the school manage unprofessional conduct, the departmental head said unprofessional conduct is not managed effectively and educators do as they wish because they are not held accountable and there are no systems in place (DH1PL2, 2022: Ln 80). The interview revealed that school principals typically call transgressing educators to the office, discuss the matter with them and take no legal action or provide charge sheets. Consequently, other educators often repeat their transgressions, knowing there will be no repercussions (ED2PL1, 2022: Ln 52–55).

The last extract of the interview with an educator endorses the informal management of unprofessional conduct by the school management in the selected schools.

School Management Teams that fail to hold educators accountable for their unprofessional actions in the workplace effectively manage educator conduct informally. During data collection, it was reported that some educators discriminate against learners based on their ethnic group, particularly regarding language and race.

In one of the selected schools, learners who spoke different home languages, such as IsiXhosa, Sesotho, and Setswana, faced animosity from both educators and classmates. This hostility extended into the classrooms, where these learners were called derogatory names and labelled according to their backgrounds by educators (ED1PL1, 2022: Ln 67-72). When asked about how the school manages unprofessional conduct, a departmental head stated that the school does not manage unprofessional misconduct appropriately: Educators do as they wish because they are not held accountable and there are no systems in place (DH1PL2, 2022: Ln 80).

The interviews revealed that school principals typically address misconduct by calling transgressing educators to their office for a discussion, but they rarely take legal action or provide charge sheets. Consequently, other educators often repeat their transgressions, knowing there will be no significant repercussions (ED2PL1, 2022: Ln 52–55). These findings underscore the prevalence of informal management of unprofessional conduct by school management in the selected schools. This approach appears to be ineffective in curbing discriminatory behaviour and maintaining professional standards among educators.

4.3.2 Category 2.2. Contextual factors

There are contextual factors that became apparent during the interviews. These are the factors the sampled schools seemed to not have control over. The following sub-categories depict the factors as reported.

4.3.2.1 Subcategory 2.2.1. Educator excuses

Educator excuses are another factor that contribute to educator misconduct and learner ill-discipline in classrooms. During the interviews educators blamed learners for what happens in classrooms. An educator explained that learners are ill-disciplined in the school and classrooms (ED2PL1, 2022: Ln 75). Learners were reported to be aggressive in classes, fight each other and do not cooperate. It seemed as if learners are not aware that they are at school. They do not show any commitment to school and their parents

does not make an effort to avail themselves when they are called to school pertaining their learner's behaviour. Sometimes parents came, and they would tell stories instead of assisting to come up with a solution (ED1PL1, 2022: Ln 89 – 93). The discipline of learners that we teach is giving educators a lot of problems (SP1PL5, 2022: Ln 50-51).

Educator excuses are another factor contributing to educator misconduct and learner indiscipline in classrooms. During interviews, educators tended to blame learners for classroom issues. One educator explained that learners are ill-disciplined both in the school and classrooms (ED2PL1, 2022: Ln 75). Learners were reported to be aggressive in classes, fighting each other and failing to cooperate during lessons. It appeared as if these students were unaware of their purpose at school, showing little commitment to their education.

Furthermore, parents were often unresponsive when called to address their children's behaviour. In instances where parents did attend meetings, they would often digress into unrelated stories rather than collaborating on solutions (ED1PL1, 2022: Ln 89-93). As one school principal noted, "*The discipline of learners we teach of late is giving educators a lot of problems*" (SP1PL5, 2022: Ln 50-51).

An educator reported that learner discipline is a significant challenge, particularly as many learners come from dysfunctional households and often exhibit rude behaviour towards others (ED4PL1, 2022: Ln 60). Learners were described to refuse completing schoolwork and that discourage educators to perform their duties (SP2PL4, 2022: Ln 133-134). A school principal articulated that classroom management is difficult for both novice and experienced educators due to learner indiscipline (SP3PL4, 2022: Ln 116-118).

From the sampled schools a complaint was raised that learners do not have morals and are unruly. The bad behaviour displayed by learners was cited as a way of learners to seek attention, they disrespect educators, and steal educators' belongings (ED2PL1, 2022: Ln: 94-96).

Educators blame the school management for not being hands on when they face challenges, and they only provide little assistance. According to participants, during Saturday classes and camps, there is no support from management to help improve school results, and at times, they do not even attend to observe what happens in classrooms (ED2PL1, 2022: Ln 68-71). A school that is managed poorly contributes to

educator misconduct, having strict policies on discipline of learners and the school's code of conduct is not implemented (ED1PL1, 2022: Ln 95-97).

Educators report that learner discipline is a significant challenge, particularly as many students come from dysfunctional households and often exhibit rude behaviour towards others (ED4PL1, 2022: Ln 60). Some learners refuse to complete schoolwork, which discourages educators from effectively performing their duties (SP2PL4, 2022: Ln 133-134). A school principal noted that classroom management is difficult for both novice and experienced educators due to widespread learner indiscipline (SP3PL4, 2022: Ln 116-118).

Educators also expressed frustration with school management, citing a lack of hands-on support when facing challenges. Participants noted that during Saturday classes and camps aimed at improving school results, there is little assistance from management. In some cases, administrators do not even attend to observe classroom activities (ED2PL1, 2022: Ln 68-71). Poor school management was identified as a contributor to educator misconduct, particularly when there are strict policies on learner discipline but a failure to implement the school's code of conduct (ED1PL1, 2022: Ln 95-97).

4.3.2.2 Subcategory 2.2.2. Causes of educator misconduct

The following factors were identified as legitimate factors that lead to educator misconduct:

a) Overcrowding

When asked about factors that genuinely cause misconduct, the school principal mentioned overcrowding of classes as an influence. Educators complained about the number of learners in classes and that discourages them from doing their work properly (SP2PL4, 2022: Ln120 – 122)). The workload of educators and the notional times for subjects are clearly explained in the PAM document. Educators were denoted to not have knowledge of the legal framework and that they will forever complain about matters addressing education law.

Some educators are teaching overcrowded classrooms that make them to be reluctant to attend to the lessons. The morale of educators decreases due to workload and that result in educators losing interest in their work. The participants said:

Yes, many educators in our school go to classes partially. The reason is that we teach overloaded classes and timetables, we think twice when we must go to class (ED1PL1, 2022: Ln 19 – 20)

The departmental head made a comment and explained that:

I think educators do not go to class because they say they are overloaded; they cannot teach more than 40 learners in a classroom. Some they do not prepare for lessons; they do not enjoy teaching subjects they are allocated like Life Orientation. They complain that they are tired, and the school does not want to address their concerns. They attend classes when they feel like going for it (DH2PL2, 2022: Ln 37-41).

Some of the schools raised overcrowding as a major challenge experienced. A school principal explained that overcrowding is a major challenge due to escalating numbers in terms of the roll and the nature of the community. The area was described to have a high population with less schools (SP1PL5, 2022: Ln: 94).

From the interview, participants confirmed that overcrowding is a genuine factor that is faced by public schools and there are no measures that can be in place to assist except when the government can build enough schools.

b) Lack of resources

In quintile 3 sampled schools, only a few had resources available. A school principal mentioned that the reason for a lack of resources in this school is mismanagement of resources and lack of educator responsibility when using the scarce resources. Learners are not held accountable for the available resources when allowed to use them. Shortage of textbooks was highlighted as the major influence on improper teaching and learning (SS1PL5, 2022: Ln: 57).

In the sampled Quintile 3 schools, only a few had adequate resources available. A school principal attributed the lack of resources to mismanagement and insufficient educator responsibility when using the limited supplies. Additionally, learners were not held accountable for the available resources when permitted to use them. The shortage of textbooks was highlighted as a major impediment to effective teaching and learning (SS1PL5, 2022: Ln: 57).

c) Workload

During the interviews, educators expressed significant concerns regarding inequitable workload distribution, which they reported as a contributing factor to classroom absenteeism and professional burnout. Participants indicated that disproportionate administrative responsibilities created barriers to effective teaching, with some educators struggling to manage their administrative duties while observing that colleagues appeared to have lighter workloads.

One educator specifically highlighted the severity of the situation, stating that the workload had become "unbearable" and alleged that preferential treatment by school leadership resulted in reduced responsibilities for certain staff members. This perception of favouritism in workload allocation appears to have created tension within the school environment and potentially impacts staff morale and educational delivery.

The following remark express the work pressure educators had:

The management of the school would rather add more classes instead of reducing your classes. We only have about 1 free period in a day, and we must do a lot of administration work (ED1PL1, 2022: Ln 25 – 26).

The school principal mentioned that educators who complains about workload are those that are often late, absent and this result them with behind with their work as a result they feel workload as will have to make a recovery plan, implement it and be monitored by the departmental head (SP2PL4, 2022: Ln 143 – 142).

During interviews, educators expressed that unfair distribution of workload contributes to non-attendance of classes and leaves them feeling overwhelmed. They complained about the difficulty of completing their administrative work while other educators have lighter workloads. One educator described the workload as unbearable, suggesting that the school principal's favourites received reduced workloads (ED1PL1, 2022: Ln 29). The following remark illustrates the work pressure educator's face:

The management of the school would rather add more classes instead of reducing your classes. We only have about one free period in a day, and we must do a lot of administrative work (ED1PL1, 2022: Ln 25-26).

4.3.2.3 Subcategory 2.2.3. Educator incompetence

Educators that are incompetent tear down learners' future and pose a risk of attaining better academic results. Educator incompetence when it is not managed, appear as a noticeable phenomenon in schools and implicate a bad image for the school environment and in the classrooms. The following unprofessional conduct of educators was outlined as the actions that often occurred in sampled schools:

Educators do not attend classes as expected and not going to class promptly when the bell rings (SP1PL5, 2022: Ln18-19). Participants described instances where educators fail to complete their work on time, leading to a lack of discipline among learners who mirror their behaviour (DH1PL2, 2022: Ln 124-126). Some educators are reported to neglect their duties, claiming a lack of understanding of their core responsibilities, particularly regarding workload management (DH1PL2, 2022: Ln 107-108).

Educators are lazy to work, and employs hide and seek skills from performing their duties (ED1PL1, 2022: Ln 114-115). Educators do not perform their duties properly and no assistance is provided, and they end up with allocated subjects such as Life Orientation, Creative Arts in lower Grades as these subjects are regarded as easy to pass (DH2PL2, 2022: Ln 157-160).

The study revealed concerns regarding educator competency and accountability, particularly in cases where teaching performance falls below expected standards. Educator incompetence was primarily identified through substandard academic performance across their assigned subjects. Participants noted a significant gap in accountability measures, specifically regarding the lack of consequences for poor learner achievement outcomes. Research participants expressed particular concern about the adequacy of interventions implemented by school principals when addressing educator incompetence. The current remedial measures were perceived as insufficient to effectively address performance deficiencies and ensure educational quality standards are met.

An educator mentioned that:

With educators who are lazy nothing is done to them; they are usually left with their hide and seek skills. In our school the only approach used is accountability session only and it is never fruitful, the same poor performance will happen, and

educators do not do anything knowing that nothing will happen (ED1PL1, 2022: Ln 114 – 117).

The departmental head explained how he dealt with an educator:

In our school the principal does not charge educators, he will just refer the matter to the departmental head that will have to see to it how to deal with that. As the departmental head if an educator that does not perform is in my department, I normally do a content workshop for the educator, suggest collaborative teaching with a performing educator even invite the Subject Education Specialist to assist. If the school doesn't support this, then it will never be effective (DH1PL2, 2022: Ln 109).

During data collection from the sampled schools, no information was found regarding handling educator incompetence. Schedule 1 of EEA clearly outline the procedure school management can apply to deal with incompetence. Participants could not give data about how the education laws are applied in assisting educators who are incompetent.

Incompetent educators pose a significant threat to learners' futures and hinder the achievement of better academic results. When left unmanaged, educator incompetence becomes a noticeable phenomenon in schools frequently, negatively impacting the school environment and classroom dynamics.

The following unprofessional conduct was observed in sampled schools:

- Attendance and punctuality: Educators often fail to attend classes as expected or arrive promptly when the bell rings (SP1PL5, 2022: Ln18-19).
- Work completion and discipline: Participants reported instances where educators fail to complete their work on time, leading to a lack of discipline among learners who mirror this behaviour (DH1PL2, 2022: Ln 124-126).
- Duty neglect: Some educators reportedly neglect their duties, claiming a lack of understanding of their core responsibilities, particularly regarding workload management (DH1PL2, 2022: Ln 107-108).
- Work avoidance: Educators are described as lazy and employing "hide and seek" tactics to avoid performing their duties (ED1PL1, 2022: Ln 114-115).

- **Improper task allocation:** Educators who do not perform their duties properly are often assigned subjects such as Life Orientation or Creative Arts in lower grades, as these subjects are perceived as easier to pass (DH2PL2, 2022: Ln 157-160).

Incompetent educators, identified by underperformance in their subjects, are rarely held accountable for poor learner results. Participants viewed the steps taken by school principals to address educator incompetence as insufficient (ED2PL2, 2022: Ln 100). One educator noted:

Nothing is done to lazy educators; they are usually left to their 'hide and seek' skills. In our school, the only approach used is an accountability session, which is never fruitful. The same poor performance continues, and educators do nothing, knowing there will be no consequences (ED1PL1, 2022: Ln 114-117).

A departmental head explained their approach to dealing with an underperforming educator:

In our school, the principal does not charge educators but refers the matter to the departmental head. As the departmental head, if an educator in my department is not performing, I typically conduct a content workshop, suggest collaborative teaching with a high-performing educator, and even invite the subject education specialist to assist. However, without school support, these efforts will never be effective (DH1PL2, 2022: Ln 109).

During data collection from the sampled schools, no information was found regarding formal procedures for handling educator incompetence. Schedule 1 of the Employment of Educators Act (EEA) clearly outlines the procedures school management can apply to address incompetence. However, participants could not provide data on how education laws are applied to assist incompetent educators (DH1PL2, 2022: Ln 164). All legitimate factors discussed in the study as causes of educator misconduct are verified by the participants through the inclusion of their direct responses. The researcher presented verbatim quotations to ensure authenticity and accurately reflect the participants' perspectives.

4.4 Theme 3: Lack of legal knowledge and poor management

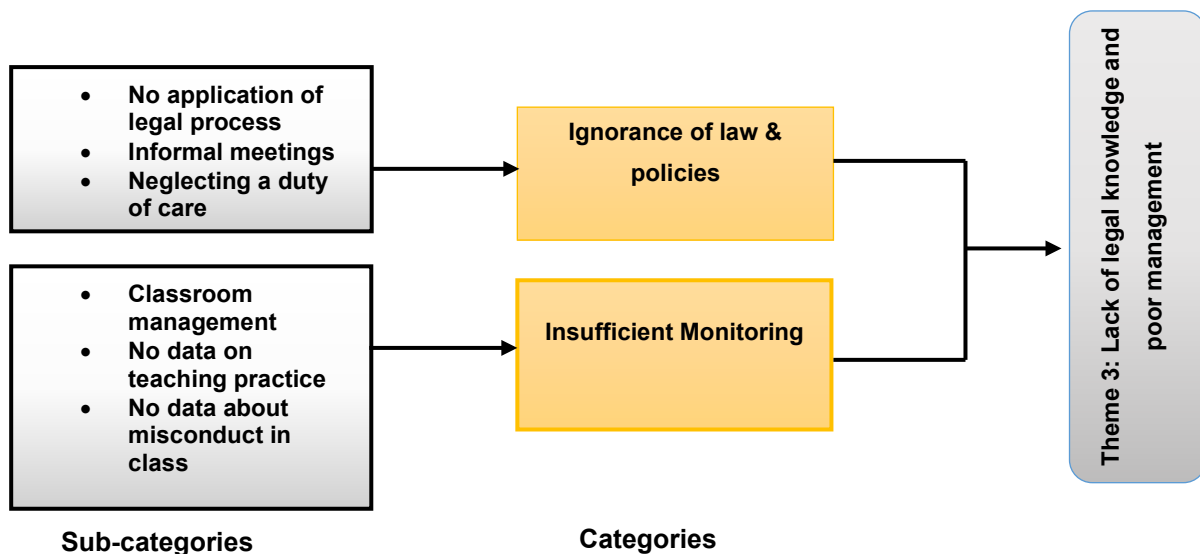


Figure 4.4: Theme 3: Lack of legal knowledge & poor management

4.4.1 Category 3.1. Ignorance of the law and policies

4.4.1.1 Sub-category 3.1.1. No application of legal process

A school functions effectively when administrators and educators possess comprehensive knowledge of the legal framework governing their professional conduct. However, the interview findings revealed significant gaps in participants' legal literacy. While participants could identify legal documents pertaining to educator misconduct, they demonstrated limited understanding of their practical implementation. This disconnect between policy awareness and application was particularly evident, as participants could name relevant policies but struggled to articulate when and how these policies should be executed in specific situations.

The educators showed lack of understanding the legal framework:

The other thing is that educators do not understand their code of conduct that guide them on how they should behave as educators towards learners and other stakeholders (DH1PL2, 2022: Ln 77 – 78).

The matter of interpretation of legal processes was extended to the school management team as participants had a view that educators do as they please because they are not legally disciplined through issuing a charge sheet. This rendered the school principals as representatives of the department of education unable to implement the legal policies accordingly. (DH1PL2, 2022: Ln 50 – 52)

A functional school operates effectively when the school principal and educators understand and apply the laws governing their workplace. However, interviewed participants demonstrated low levels of legal knowledge (ED2PL1, 2022: Ln. 105). When asked about legal documents used to address educator misconduct, participants could identify relevant documents but struggled to explain their implementation.

While participants could mention policies, they were unable to articulate when and how these policies should be applied. Educators showed a lack of understanding of the legal framework, as evidenced by this statement from a Department Head:

Educators do not understand their code of conduct that guides them on how they should behave towards learners and other stakeholders (DH1PL2, 2022: Ln 77-78).

The issue of legal process interpretation extended to the school management team. Participants expressed the view that educators act as they please because they are not legally disciplined through formal charge sheets or the prescribed disciplinary process of Schedule 2 of the Employment of Educators Act. This perception rendered school principals, as representatives of the employer (i.e. the Head of Department) seemingly unable to implement legal policies effectively.

A departmental head noted that:

Educators do as they please because they are not legally disciplined through issuing a charge sheet. This has rendered the school principals, as representatives of the Department of Education, unable to implement the legal policies accordingly (DH1PL2, 2022: Ln 50-52).

The lack of understanding and application of legal principles and statutory mechanisms or procedures undermines the effective management of educator conduct and, consequently, the overall functionality of schools.

4.4.1.2 Subcategory 3.1.2. Informal meetings

During the interview process, the researcher identified a significant gap in the handling of educator misconduct cases within the sampled schools. Rather than following formal procedures, these cases were primarily addressed through casual conversations between educators and school principals. This informal approach was evident in the absence of official case records and meeting minutes, which would typically serve as proof that formal disciplinary meetings had been conducted.

The lack of documented proceedings raises concerns about the effectiveness and consistency of addressing educator misconduct. It also suggests a potential deviation from standard educational policy and procedural requirements, which typically mandate formal documentation of disciplinary actions. This informal approach may hinder the ability to track patterns of misconduct, ensure fair treatment across cases, and maintain accountability within the school system.

4.4.1.3 Subcategory 3.1.3. Neglecting a duty of care

Oosthuizen, 2015: 211 explains that the educator's duty of care is examined within the South African legal context and it is grounded in both common law and statutory provisions, particularly the Schools Act, which holds the state liable for damages or disadvantages learners may suffer as a result of accidents during school activities (Oosthuizen, 2015). Educators are legally required to act as a "diligens paterfamilias"—a prudent parent—demonstrating the care and attention expected of a reasonable person in similar circumstances (Oosthuizen, 2015: 211). This standard encompasses not only physical supervision but also extends to safeguarding learners' emotional and psychological well-being. Failure to uphold this duty, such as neglecting to address known risks or allowing unsafe conditions, can result in legal liability for negligence. Therefore, educators must remain vigilant, informed, and proactive in ensuring a safe learning environment for all students.

Educator absenteeism, late coming, and other forms of professional misconduct can lead to a serious breach of the legal duty of care owed to learners, resulting in negligence. The duty of care requires educators to provide adequate supervision, guidance, and protection to learners during school activities. When educators are frequently absent or arrive late, learners may be left without proper supervision, increasing their vulnerability to harm such as accidents, bullying, or emotional distress. These failures compromise the safety and well-being of learners and may be regarded as negligence under education law. As highlighted in *Aspects of Education Law* (4th Edition), edited by Oosthuizen, such conduct may result in legal liability if it is shown that the educator did not act as a reasonable professional would under similar circumstances (Oosthuizen, 2016:212). Therefore, consistent attendance and punctuality are not only professional expectations but also legal requirements in upholding the educator's duty of care.

The case of *Komape v Minister of Basic Education* [2019] JOL 46462 (SCA) highlights the severe consequences of systemic educator and departmental negligence in upholding the duty of care owed to learners. In this case, the death of Michael Komape, a five-year-old learner who drowned in a dilapidated pit latrine at his school, reflected a failure not only of infrastructure provision but also of active supervision and safety oversight by educators and school authorities. The educators' failure to ensure that facilities were safe and their inaction in monitoring such conditions amounted to a clear breach of the duty of care, which requires that learners be protected from foreseeable harm while under the school's custody. The court acknowledged this negligence, although it primarily focused on the liability of the state, highlighting that educators and school management are frontline agents responsible for learner safety on a daily basis. The judgment reinforces the principle that neglecting basic responsibilities, such as inspecting and reporting unsafe conditions, constitutes negligence under education law (Oosthuizen, 2016, p. 119; *Komape v Minister of Basic Education* [2019] JOL 46462 (SCA)). When educators neglect their duty of care, they not only compromise the safety and well-being of learners but also undermine the trust placed to them by parents, the school, and the broader community.

4.4.2 Category 3.2. Insufficient Monitoring

4.4.2.1 Sub-category 3.2.1. Classroom management

In response to questions about classroom management, educators across age groups reported significant challenges in maintaining effective control and facilitating learning in their classrooms. A particular concern emerged regarding learners who abuse substances, leading to disruptive behaviour that compromises the teaching and learning environment. Both experienced and novice educators expressed similar difficulties in managing these behavioural challenges.

The data revealed a concerning cycle: when educators fail to maintain consistent classroom attendance, their authority diminishes, resulting in partial learner attendance and further erosion of classroom control (ED1PL1, 2022: Ln 19). This pattern is particularly evident among educators who already struggle with classroom management, creating a self-perpetuating cycle of declining authority and increasing disciplinary challenges.

When addressing classroom management issues, educators acknowledged the challenges they face in controlling and managing their classes, particularly due to students who abuse drugs and exhibit unruly behaviour. Both experienced and novice educators reported difficulties in effectively managing teaching and learning environments (DH2PL2, 2022: Ln 166).

Educators who fail to consistently attend classes risk losing authority over their students. This inconsistent attendance weakens their ability to maintain control and establish a structured learning environment (ED1PL1, 2022: Ln 19).

Furthermore, educators who struggle with classroom management skills may find themselves gradually losing control over their learners. This loss of control can lead to a cycle of partial class attendance by both teachers and learners, further exacerbating the problem (SP2PL4, 2022: Ln 154).

4.4.2.2 Subcategory 3.2.2. No data on teaching practice

It is within the jurisdiction of the school management in a functional school to ensure and have records that teaching and learning is happening in classrooms. A discovery was

made during data collection, the departmental heads only knew that educators are teaching in classes when they monitor the books of learners and class visits during QMS.

A school principal explained that he walks around the school premises to know if teaching and learning take place and depends on departmental heads' reports on class visits (SP2PL4, 2022: Ln 160-166).

Another school principal added that she randomly samples learners' books and the evidence in the learners' books will tell if the educator is behind or ahead of the syllabus. Departmental heads' reports assist to track curriculum coverage in various classes (SP3PL4, 2022: Ln147-155).

In a well-functioning school, it is the responsibility of the school management (i.e. the school principal and the School Management Team) to ensure and keep record that effective teaching and learning is taking place in classrooms. However, during data collection, it was discovered that departmental heads primarily assessed educator performance through learner book inspections and classroom visits during Quality Management System (QMS) evaluations.

One school principal described his approach to monitoring teaching and learning activities. He explained that he conducts regular walks around the school premises and relies on reports from departmental heads regarding their classroom visits (SP2PL4, 2022: Ln 160-166).

Another school principal shared her method of randomly sampling learners' books. She noted that the evidence in these books indicated whether educators were behind or ahead of the syllabus. She further explained that departmental head reports were crucial in tracking curriculum coverage across various classes (SP3PL4, 2022: Ln147-155).

4.4.2.3 Subcategory 3.2.3. No data about misconduct in class

According to the interviews held with the participants there was inadequate data about educator misconduct taking place in classrooms. The school management team of the sampled schools did not keep records about educator misconduct as most cases were with informal meetings and based on Ubuntu.

4.5 Theme 4: Effects of Misconduct

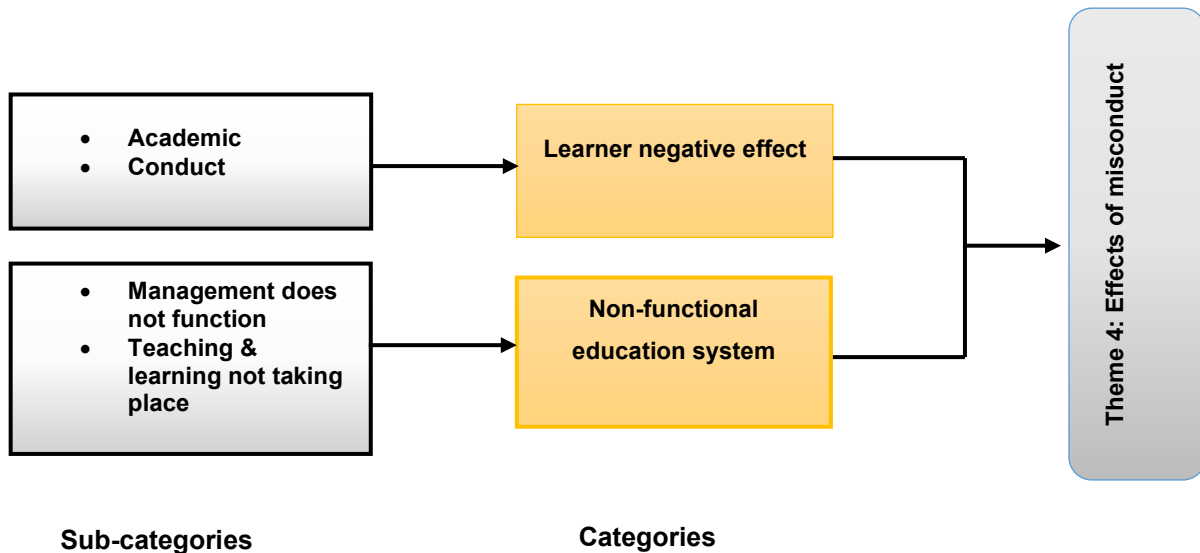


Figure 4.5: Theme 4: Effects of Misconduct

4.5.1 Category 4.1. Learner negative effect

Educators' unprofessional conduct has significant detrimental effects on learners' academic performance. Interview data revealed that learners frequently report classroom teaching practices to their parents, who then verify these accounts by examining their children's workbooks and monitoring assigned tasks (SP3PL4, 2022: Ln173-176).

A particularly concerning pattern emerged regarding educator absenteeism and irregular class attendance, which leads to substantial delays in completing the Annual Teaching Plan (ATP). While recovery plans are meant to address these gaps, failure to implement them effectively creates critical knowledge deficits in learners' education. The interviews highlighted a crucial concern: subject content is hierarchical, building upon foundational knowledge from previous grades. When learners miss essential content due to educator negligence, they face significant challenges in mastering more advanced concepts in subsequent grades (SP3PL4, 2022: Ln 148-149). This creates a compounding effect where initial gaps in learning become increasingly problematic as the learners progress through their education.

The unprofessional behaviour of educators often has a significant impact on the academic performance of learners. During interviews, it was revealed that learners frequently share their classroom experiences of educators that do not teach and would administer activities without dates and backdate so that they may be seen to do their work. To verify these reports, parents examine their children's books to ensure they are completing assigned work (SP3PL4, 2022: Ln173-176).

Furthermore, educators were reported to be frequently absent or only partially attending classes, resulting in delays in covering the Annual Teaching Plan (ATP). This necessitates the creation of recovery plans (SP3PL4, 2022: Ln 148-149). Failure to implement such plans leads to content gaps, which can adversely affect learners in subsequent grades. A critical concern highlighted was that subject content in each grade builds upon knowledge acquired in the previous year. Consequently, if learners miss essential content due to inadequate teaching in the previous year, it places considerable strain on their learning progress.

4.5.1.1 Sub-category 4.1.1. Academic

Poor academic performance of learners was mentioned as a highlight of an educator's misconduct. Educators were found not attending lessons and other educators not reporting for duty. Lack of discipline of educators led them not to prepare for the lessons. The participants contended that:

This often leads to the whole school performing poorly because educators do as they wish, and they end up not understanding what the school expect from them. Our educators are not exposed to the ELRC document, they do not understand their work conditions. (DH2PL2, 2022: Ln 48-51).

The departmental head added that:

The school becomes very chaotic due to educator misconduct. First the school pass rate across all the grades become affected. When educators arrive late at work and are absent for no reasons, we cannot expect anything better. Learners in classes where educators are late or absent loiter around the school and disturb other classes. (DH3PL, 2022: Ln 80 – 85).

During the interview a school principal indicated that learners develop a bad attitude towards educators who do not attend classes. Educator misconduct was believed to tarnish the school image as educators do not do their work on time and learners do not do their work on time.

The school principal supported this fact through explaining below that:

They do not call learners to order because they themselves are not in order (SS1PL5, 2022: Ln 124 – 127).

Poor academic performance in schools was emphasised to be caused by learning gaps when educators do not attend classes. Therefore, this result in learners unable to prepare for assessments as they are not adequately taught.

Participants highlighted poor academic performance among learners as a key indicator of educator misconduct. Issues such as educators failing to attend lessons or report for duty were identified. Moreover, a lack of discipline among educators often led to inadequate lesson preparation. One participant reported:

This situation frequently results in poor overall school performance as educators act at will, ultimately losing sight of the school's expectations. Our educators are not familiar with the Education Labour Relations Council (ELRC) document and do not fully understand their working conditions. (DH2PL2, 2022: Ln 48-51).

The departmental head further elaborated:

Educator misconduct leads to chaos within the school. Primarily, it affects the pass rate across all grades. When educators are consistently late or absent without valid reasons, we cannot expect positive outcomes. In classes where educators are late or absent, learners wander the school premises, disrupting other classes." (DH3PL, 2022: Ln 80-85)

During an interview, a school principal noted that learners develop negative attitudes towards educators who frequently miss classes. It was believed that such misconduct tarnishes the school's image, as educators fail to complete their work on time and learners does not complete their work on time. As one participant succinctly put it:

They cannot effectively discipline learners because they themselves lack discipline. (SS1PL5, 2022: Ln 124-127)

The interviewees emphasised that poor academic performance in schools is largely attributed to learning gaps created when educators fail to attend classes regularly. Consequently, learners are unable to adequately prepare for assessments due to insufficient instruction.

4.5.1.2 Subcategory 4.1.2. Conduct

Educators' conduct on school premises significantly influences the level of respect they garner from both learners and the broader community. Interview data with a school principal revealed that when educators display unprofessional behaviour in the workplace, it directly undermines their authority and diminishes the respect they receive from students. This erosion of respect extends beyond the classroom walls, affecting educators' standing in the community and compromising their traditional role as community role models (SP1PL5, 2022, Ln 130).

The impact of educators' unprofessional conduct is particularly concerning because it challenges their fundamental position as moral exemplars in society. Once their professional image is tarnished through inappropriate behaviour, rebuilding trust and respect becomes increasingly difficult. This suggests that educators face heightened scrutiny, where even minor transgressions can have lasting implications for their professional credibility and effectiveness as educational leaders. The principal noted:

Their behaviour undermines their status as role models for both learners and the community. (SP1PL5, 2022, Ln 130)

This observation suggests that educators' misconduct has far-reaching consequences, tarnishing their image and diminishing their influence even when they make minor mistakes.

Participants agreed that when educators misbehave, it results in poor discipline in the classrooms and school. The participants explained that when learners are not attended to, their level of noise affected the neighbouring classes. When there is no educator in class, learners may end up harming each other in a class.

Participants unanimously agreed that educator misconduct directly contributed to poor discipline in both classrooms and the school at large. They specifically highlighted the correlation between educators' absenteeism from lessons and deteriorating classroom discipline. The participants elaborated on this issue, explaining that unattended learners

often create disruptive noise levels, which negatively impact neighbouring classes. Moreover, they emphasised a more serious concern: the absence of an educator in the classroom may lead to situations where learners potentially harm one another.

The school principal supports the fact above:

You see whenever learners pick up that an educator has got a controversial relationship with other learners the educators' role and stature as in-loco parentis to learners disintegrate immediately and it always take lots and lots of time to regain it. Often learners don't show these effects and the attitude to the educator who is a perpetrator now they treat the whole staff if they are doing that all of them of which that is not the case. Ehh, disrespect once a learner picks up that educator has got a problem of misconducts in the school the learner off respect towards the educator and the others (SP1PL5, 2022: Ln 113-120).

Research has demonstrated a significant correlation between educators' attire and their professional conduct, as well as its subsequent impact on student behaviour. School administrators emphasise that all educators, regardless of whether they teach at primary or secondary levels, must maintain professional standards of dress that are appropriate for an educational environment. A particular challenge has emerged with the recent trend of recruiting younger educators, who may prioritise fashionable or attractive clothing over professional attire. This generational shift in dress preferences necessitates clear guidelines to maintain appropriate professional standards in the educational workspace (SP2PL4, 2022, p. 110).

It emanated from the interview that some educators had a tendency of coming to school under a controversial state of sobriety and encouraged learners to see that as cool, acceptable to be drunk in school. Learners were explained to can be able to quote educators by names and know their state as their attended their classroom. (SP1PL5, 2022: Ln 131 – 135).

The interviews revealed that instances where some educators tended to arrive at school in a questionable state of sobriety, inadvertently encouraging learners to view such behaviour as acceptable or cool. It was noted that learners could often identify specific educators by name and were aware of their inebriated state during classroom instruction (SP1PL5, 2022: Ln 131-135). Is it necessary to repeat the information?

4.5.2 Category 4.2. Non-functional Education system

The Education system contributes toward teaching, learning and instil values, norms and the need for cooperation. From the selected schools, data revealed that the education system had no structures to capacitate the stakeholders in schools. The legal policies promulgated by the department of education have been used but had no impact on the elimination of educator misconduct. The departmental head explained that cases of misconduct were not handled correctly at school level and had a direct influence on the spirit of Ubuntu and the limited knowledge of the law.

To emphasise the non-functional system the departmental head said

Unfortunately, till now the principal has never come to a point of charging an educator. I would make a simple example where an educator does not make submit marked scripts and mark sheets on time which is a misconduct. The principal doesn't have the guts to charge that educator. Maybe the school principal is not sure how to charge educators and educators do not even understand their code of conduct (DH1PL2, 2022: Ln 67 – 68; 72 – 73).

4.5.2.1 Subcategory 4.2.1. Management does not function

The researcher found that educators expressed frustration with school management, perceiving them as unresponsive when they raise work-related issues that affect their functionality (ED1PL1, 2022: Ln 24-25). It was evident that dysfunction within school management emboldened educators to freely voice criticisms without fear of reprisal, even to the extent that the principal refrained from disciplining colleagues (DH1PL1, 2022: Ln 67-68).

4.5.2.2 Subcategory 4.2.2. Teaching and learning not taking place

When asked how they stay informed about classroom activities, school principals admitted to having insufficient first-hand knowledge. Some mentioned making rounds on school premises, checking learners' workbooks independently, and conducting class visits. However, they acknowledged that class visits alone are insufficient for assessing teaching and learning effectiveness. Educators may only prepare lessons for these visits,

and learner workbooks may not accurately reflect educators' overall performance (SP2PL4, 2022: Ln 160-163).

School principals, when questioned about their methods for staying informed on classroom activities, conceded to having limited direct knowledge. Their strategies include conducting periodic school walkthroughs, independently reviewing learners' workbooks, and performing classroom observations. However, they recognised that these methods, particularly classroom visits, provide an incomplete picture of teaching and learning effectiveness. Principals noted two key limitations: educators might prepare lessons specifically for these observations, and learners' workbooks may not accurately represent the overall performance of educators throughout the academic year (SP2PL4, 2022: Ln 160-163).

It also emerged during the interviews with the school principals that they rely on departmental heads. School principals explained how they conduct monitoring:

Weekly we have accountability sessions on curriculum coverage where the departmental heads have reports and had checked the curriculum coverage, and the number of informal and formal activities expected as per the ATPs. So that is how I know what happens in classrooms (SP3PL4, 2022: Ln 151 – 155). In addition, the school principal said the departmental heads compile a report of class visits they have made in a term and emphasised that one of his core duties as a principal of the school is to ensure educators teach and learners learn (SP2PL4, 2022: Ln 165 – 166).

The findings of this study indicate that educator misconduct is committed frequently in schools within the classrooms and it ranges from educator absenteeism, late coming, corporal punishment, verbal abuse between educators and to learners, Lack of Annual Teaching Plan coverage. Misconduct is notably deficient at school level while schools have control measures that are not put in place. Legal procedures in cases of educator misconduct are often not applied consistently and correctly due to the influence of ubuntu, which leads to creation of a culture of impunity, where educators are not held fully responsible for their actions.

Although participants from the sampled schools were able to mention the legal frameworks that govern their profession—such as the Employment Equity Act, SACE Code of Professional Ethics, there was a noticeable dysfunctional equilibrium between their knowledge and the practical application of these laws. This imbalance suggests that, while educators are theoretically aware of the legal expectations placed upon them, in practice, these standards are inconsistently upheld or poorly enforced. Participants often expressed awareness of professional conduct requirements but simultaneously described environments where misconduct was either ignored, informally addressed, or inconsistently punished. This indicates a gap between legal literacy and institutional enforcement, contributing to a culture where accountability mechanisms are weakened and educator misconduct persists despite formal awareness of legal obligations.

4.6 Chapter summary

This chapter collected the data and carefully examined and presented across three levels of categories: Level 1, which examined the phenomena and analysed the data (transcripts) by means of open coding; Level 2, which applied the axial coding analytical process and explored the interrelations and reasons behind these phenomena; and Level 3, which applied the selective coding process and delved into the effects and outcomes. The synthesis of insights gathered from interviews enhances the robustness and reliability of the data. Verification of interview responses from transcripts by each participant further ensured data integrity. The interconnectedness of findings across interviews underscores their coherence and relevance. Consistency was found between the data gathered from interviews, reinforcing the study's coherence. The subsequent chapter will offer a concise summary of the findings, along with conclusions and recommendations derived from the study. Additionally, the parts necessitating more research will be identified to advance the literature and expand data in the critical research area.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This closing chapter synthesises the study's findings and demonstrates how the research objectives outlined in Section 1.3 were achieved. The primary aim of this research was to examine both the legal framework governing educator misconduct in the classroom and educators' lived experiences and perspectives regarding this issue. The chapter presents key conclusions drawn from the findings and offers practical recommendations for addressing educator misconduct in educational settings.

5.2 Overview of the research

In the first chapter, the background of the study was set out. This includes the background and motivation for the research, the rationale of the problem statement, the aims of the study, research questions, clarification of the theoretical framework and the research design and methodology.

It is significant to reiterate the objectives as point of reference. The specific objectives of this study were:

- To investigate the legal determinants and legal principles according to which educator misconduct in the classroom should be addressed,
- To determine the forms of educator misconduct that are prevalent in the classrooms at public schools.
- To investigate perspectives regarding the causes, scope and effects of educator misconduct in the classroom in public schools.
- To examine the effects of educator misconduct in the classroom on learner behaviour and academic performance.
- To identify strategies that can be applied in dealing effectively with educator misconduct occurring in the classroom.

Chapter 2 presents a comprehensive literature review, analysing relevant theoretical frameworks and examining statutory provisions regarding educator misconduct, with

particular attention to regulatory mechanisms detailed in section 2.6.1. Chapter 3 outlines the methodological framework, encompassing the interpretative research paradigm, qualitative design approach, and the rationale for site and participant selection. The analysis of collected data, organised into distinct categories and subcategories, forms the core of Chapter 4. Finally, Chapter 5 synthesises the key findings, presents conclusions, and offers evidence-based recommendations. This concluding chapter also identifies promising avenues for future research in this critical field.

5.3 Findings and Discussions

5.3.1 Theme 1: The legal determinants and legal principles that apply to educator misconduct in the classroom

The participants specified that the educators lack knowledge of the legislation that guide the teaching profession. Paragraph (2.5) of the literature study outlined the legal framework that guides the teaching profession and explained how the learners' rights should be sheltered by their educators. The legal principles clarified educator relations with other colleagues, their duties and responsibilities. Educators, school leaders and education administrators (departmental officials) must be well versed with these legal documents. All educators should be well versed with the SACE code of conduct. Paragraph (2.5.6) of the literature *study explains the role* of the SACE Code of Professional Ethics which emphasises the professional relationship of educators and how they should behave and act towards learners, parents, the community, colleagues, their profession, their employer and the Council of Educators (Oosthuizen, 2009:229). Hence, if the educators are not knowledgeable of the SACE code of professional ethics, they are likely to transgress or breach the provisions and rules stipulated by the SACE code of professional ethics. The participants' responses emphasised that the educators are not well-versed in the legal framework.

5.3.2 Theme 2: Various forms of educator misconduct that are prevalent in the classrooms at public schools.

Educator misconduct represents a fundamental breach of professional ethics and responsibilities within the teaching profession. A critical aspect of these responsibilities is the protection of students, particularly vulnerable female students. As established in

section 2.3.1 of the literature review, educators are bound by the principle of *in loco parentis*, which confers parental responsibilities during school hours. Rossouw and De Wet (2017:83) emphasise that educators must assume parental roles, while Oosthuizen (2009:125) further asserts that this parental duty encompasses the fundamental obligation to protect students. This framework positions schools as sanctuaries where student safety should be guaranteed. Sexual relationships between educators and learners constitute a severe violation of professional conduct, as detailed in section 2.6.4 of the literature review. The Employment of Educators Act (EEA) Section 17 explicitly prohibits sexual relationships among educators and learners, mandating dismissal for those found guilty of such offenses. The severity of these consequences is well understood within the profession, which explains why empirical data indicates that some educators opt to resign pre-emptively when faced with such allegations, attempting to avoid formal dismissal proceedings.

Participants of this study clarified that one of the major misconducts witnessed in their workplaces is administration of corporal punishment. The literature in paragraphs 2.6.2, 2.6.4, and 2.7.8 elaborate at length on corporal punishment. The literature study explains the illegality of corporal punishment with Section 10(2) of the SASA regarding it as assault. The participants in the study stated that educators are still applying it to learners as a method of discipline. An analysis of reported misconduct cases reveals a deeply concerning pattern of sexual misconduct within educational institutions, classified as serious misconduct under professional standards. The violations are particularly alarming as they occur across different levels of the educational hierarchy, including both teaching staff and School Management Team (SMT) members. Of grave concern are documented cases of educators engaging in inappropriate sexual relationships with learners, including instances resulting in student pregnancies.

The involvement of SMT members, who are entrusted with maintaining professional standards and protecting student welfare, is especially troubling. Their participation in such misconduct indicates a systemic failure in institutional safeguards and professional ethics. According to the South African Council for Educators (SACE), during the 2016-2017 reporting period (April 2016 – March 2017), 99 cases of sexual misconduct involving educators were formally reported (Sobuwa, 2019). This statistic likely understates the full scope of the problem, as sexual misconduct cases are often underreported.

In such cases where educators are involved in an assault the matter is not treated as ordinary misconduct. Such serious misconducts are dealt with by SACE which imposes penalties on such misconduct. Educators are entitled to work in a non-toxic environment as stated by literature on paragraph (2.6.1) based on the constitution of South Africa. As Chapter 2 Section 12(1)(c)(d) and (e) of the Constitution (SA,1996) stipulates that everyone must be free from violence, and no one must be tortured cruelly. Therefore, educators cannot be treated in a degrading manner as the Constitution forbids it. As elaborated on the theory on paragraph (2.2) the theoretical framework of Oosthuizen's Geborgenheit. The educators are failing to uphold the Geborgenheit theory of Oosthuizen in the literature study that states that education is optimised in schools if there is safety, well-being and an orderly atmosphere that teaching and learning can take place peaceful.

Professional negligence among educators manifests in multiple forms, with absenteeism and tardiness being particularly prevalent concerns. This negligence extends beyond occasional lateness to include unauthorised absences and failure to perform core pedagogical duties. A significant number of educators fail to report for duty without obtaining proper authorisation from school principals, violating established protocols for leave management.

The severity of this issue is highlighted in both empirical evidence and official documentation. According to Minister Angie Motshekga's report, approximately 10 percent of South African educators were absent for an average of 19 days annually. These attendance-related infractions fall under Section 18 of the Employment of Educators Act (EEA), which specifically addresses professional misconduct.

Recent research substantiates these concerns. Bipath *et al.* (2019: s1) confirm that educator absenteeism remains a persistent challenge within the school system. Mothibeli's (2017:3) study provides further evidence of the problem's economic impact, revealing that:

- The Department of Education in the Free State incurred losses of approximately R16 million in September 2012 due to educator absenteeism
- During June 2012, educator absenteeism rates fluctuated between 10 and 12 percent
- These statistics underscore the substantial financial and educational implications of educator absenteeism on the South African education system.

The correlation between empirical findings and departmental data suggests a systemic issue requiring urgent intervention.

Empirical evidence reveals significant concerns regarding educators' execution of their core professional responsibilities. These duties encompass both primary teaching obligations and supplementary professional responsibilities. The fundamental teaching duties include:

- Direct instructional activities such as classroom instruction, lesson preparation and delivery, student assessment and evaluation, classroom management, and academic progress monitoring
- Administrative responsibilities, such as test and examination preparation, assignment marking, assessment moderation, documentation maintenance, and participation in extracurricular activities.

Research indicates widespread deficiencies in teaching preparation and delivery. Reyneke (2018:100) documents that many educators enter classrooms without adequate lesson preparation, directly impacting instructional quality. This preparation deficit compromises both teaching effectiveness and student learning outcomes.

The problem is compounded by leadership challenges within schools. Du Plessis and Mestry (2019: S6) identify a critical gap in instructional leadership, noting that Heads of Department (HODs) often lack sufficient knowledge of instructional programming. This deficiency impairs their ability to provide effective guidance on lesson planning, mentor teachers in instructional methods, monitor and improve teaching quality, implement educational best practices, and support professional development. This leadership vacuum creates a cyclical pattern where inadequate supervision perpetuates substandard teaching practices, ultimately affecting educational outcomes.

5.3.3 Theme 3: Legitimate Factors Causing Educator Misconduct

The empirical evidence in paragraphs (4.2.5.3) on (a), (b), and (c) and (4.2.6.1) found that there are factors causing educators to commit misconduct when genuine. (SP2PL4, 2022: Ln120 – 122) complained about overcrowding in classrooms. Due to overcrowding in classrooms, educators are unable to manage their workload, and as a result, they lose confidence in and commitment to, their teaching. What the participants highlighted concurs with the literature study in paragraphs (2.7.5) and (2.8) with Mothibeli (2017:2)

on paragraph (2.8) where overcrowding is explained to affect the educator-learner ratio, resulting in heavy workload, and stress for educators. Due to those factors, educators are reluctant to attend classes.

The participants highlighted that one of the factors influencing educator misconduct is the inadequate resources in schools. Due to shortages of teaching and learning materials, educators cannot execute their duties. When educators fail to execute their duties regardless of the factors that restrict them, they commit misconduct. The impact of the shortage of teaching resources in paragraph (2.8.4) is mentioned by Chirwa (2014:14) who emphasised that lack of resources will affect educators' morale. Khan and Iqbal (2012) assert that adequate school facilities such as standardised buildings and classrooms with their facilities, instructional materials, and equipment bring about educators' competence. The researcher found that schools lack resources because educators do not manage or want to take responsibility for resources. Learners are not held accountable of the available resources when allowed to use. The Department of Education spends money on the resources that are not kept safe.

Moreover, the empirical evidence states that misconduct is due to educators' workload. (SP2PL4, 2022: Ln 143 – 142) in 4.2.5.3 mentioned on that educators who complain about workload are those who are often late and absent. The literature study coincides with the empirical evidence which emphasise that workload leads to low morale and absenteeism for educators. Mashaba (2015:76-77) asserts that on 2.7.5 workload leads to job dissatisfaction, poor perception of meaningfulness of work, and stress which will lead educators to abscond from work. The excessive workload experienced by educators is primarily attributed to classroom overcrowding, a direct consequence of insufficient educational infrastructure within the research area. This infrastructural deficit creates a cascade of challenges that impact both teaching quality and learning outcomes.

Educators lack adequate information on the laws governing their employment and legal policies that regulate their contact at the school. (DH1PL2, 2022: Ln 77 – 78) in paragraph (4.2.6) stated that educators lack information on the policies that regulate their contact at the workplace. The literature study in paragraph 2.6 outlines the statutory provisions and regulations such as the Constitution of the Republic of South Africa, the South African

Schools Act, the Labour Relations Act, the Employment of Educators Act, Personnel Administrative Measures, and the SACE Act with an emphasis on legal principles applicable to educators and educator misconduct. Despite the presence of these provisions and regulations, educators are not acquainted with them. The literature study in paragraph 2.8.3 is in support of these empirical findings. The literature states that there is a lack of enforcement of policies and legal provisions that regulate educator misconduct in schools and inadequate orientation of the educators on the code of conduct (Chirwa, 2014: 13-15).

Another significant factor revealed by the empirical evidence is inadequate monitoring by School Management Teams (SMTs). The findings discussed in paragraph 4.2.7 demonstrate that classroom supervision is lacking in two critical areas: the oversight of learners' work and the monitoring of educators' attendance and conduct. The school principal (SP2PL4, 2022: Ln 160-166) emphasised that departmental heads are not monitoring educators as expected. Monitoring must be done on educators through the schoolwork of learners and Educators' curriculum coverage. The empirical evidence is in accord with the literature study in paragraph 2.7.5 where Minister Angie Motshekga reported that about 10 percent of South African educators were absent for an average of 19 days annually due to poor minoring and she proposed a biometric log-in system to replace manual attendance registers. The literature study in paragraph 2.8.1 found that there is poor monitoring of educators by even the district officials such as the circuit managers and Subject specialists. Mothibeli (2017:34) found that circuit managers and subject advisors hardly visit rural schools due to bad roads.

5.3.4 Theme 4: Effects on the Educators' Misconduct

The research participants indicated that it was due to educators' misconduct that schools experienced poor academic performance as stated by (SP3PL4, 2022: Ln173 – 176) and (SP3PL4, 2022: Ln 148 – 149). Poor academic performance is also highlighted in 4.2.7.5 by (DH2PL2, 2022: Ln 48-51), (SS1PL5, 2022: Ln 124 – 127). and (DH3PL, 2022: Ln 80 – 85). The participants asserted that due to educators' absenteeism learners do not complete their subject syllabus and as a result, they will fail their examinations. The learners fail due to the negative attitude they have toward educators who do not attend the lessons. The empirical evidence is in agreement with the literature data outlined in paragraph 2.7.5 that regular educator absenteeism hugely affects learners' academic

performance. Mothibeli (2017:35, 38) notes that educator absenteeism and tardiness lead to multiple negative outcomes: incomplete syllabus coverage, reduced time on tasks, rushed instruction to make up for lost time, and limited opportunities for learners' questions.

On the other hand, Khalabai (2012:68) in paragraph 2.7.5 found that educator absenteeism in schools stems a loss of learning opportunities, and failure to deliver quality education results in poorly educated learners leaving the school system and often unable to access tertiary education opportunities. The researcher largely agrees with the above-mentioned fact because when educators are absent, they are unable to cover the syllabus on time. In the long run this will influence learners by creating a content gap as the curriculum builds from one grade to another. Learners are likely to drop out of school due to the frustration experienced from the classroom and failing of examinations.

Participants asserted that educators' misconduct resulted in disciplinary problems for learners. Empirical evidence in paragraph (4.2.7.6) (SP1PL5, 2022: Ln 113-120) stated that if educators are absent, it allows learners to misbehave in class. The empirical evidence as stated by (SP2PL4, 2022Ln 110), educators are considered by learners as their role models, hence if they misbehave learners also copy their behaviour. If educators report for duty intoxicated, learners are likely to imitate that tendency as stated by (SP1PL5, 2022: Ln 131 – 135). Maintaining discipline in a school is important as stated by a literature study in paragraph (2.4). Mtsweni (2008:43) asserts that it is the responsibility of educators to maintain discipline in the school. In support, The Educators Employment Act (SA, 1998) and South African Schools Act (SA, 1996a:8) elaborate that educator and learner discipline must be maintained in the classroom situation so that the education of the learners' flourishes without any disruptive behaviour. Therefore, educators uphold and act in a manner that brings discipline and safety to the learners and other staff members. Hlatshwayo (2018:3) in paragraph (2.4) upholds a view that educators are custodians of the safety of learners at a school. It is within the jurisdiction of educators to take the role of parents in classrooms to discipline learners. A disciplined learning environment leads to safe work environment for educators as well. A disciplined educator can have a good relationship with learners, which may positively impact teaching and learning.

Due to educators' misconduct learners lose respect for educators as stated by the empirical evidence in paragraph (4.2.7.5) that concurs with the literature study in paragraph (2.9) with Mashaba (2015:51), asserting that learners lack respect for educators who commit misconduct. Mashaba (2015:51) states that educators are considered role models as stated in paragraph (2.9) hence if they commit misconduct, it brings dishonour to the educators and the community. Educators devote most of their work hours with learners in the classrooms, it is important that they act as learners' role models.

5.4 Recommendations for the study

The following recommendations I presented to the Department of Education, School Management Teams, and educators to address educator misconduct in schools and classrooms. These recommendations aim to strengthen the implementation of legal frameworks governing educator conduct and potentially reduce misconduct incidents.

5.4.1 Recommendation 1: Principals must be firm when dealing with educator misconduct

Addressing Educator Misconduct: A Guide for School Principals

Common forms of misconduct include:

- Substance abuse
- Negligence of duties
- Sexual harassment
- Absenteeism

Article 4(1) in Schedule 2 of the Employment of Educators Act (EEA), school principals have the authority and responsibility to initiate disciplinary proceedings against educators engaging in serious misconduct.

Disciplinary Procedures should include the following:

Initial Assessment

- Determine the nature of misconduct
- Investigate circumstances under which the alleged misconduct occurred
- Assess the severity of the misconduct

Progressive Discipline Steps include counselling and should be implemented when warranted by the seriousness of the misconduct

Warning System include Verbal Warning, Written Warning (Form A, Schedule 2), and Final Written Warning (Form B, Schedule 2).

All written warnings must be:

- Properly documented using prescribed forms
- Handed to the educator
- Signed for by the educator
- Filed in the educator's personal file

Serious Misconduct like corporal punishment and sexual harassment are cases that require the intervention of the South African Council for Educators (SACE).

SACE has the authority to:

- Investigate serious misconduct
- De-register educators
- Recommend dismissal

Best Practices for principals include:

- Document all incidents thoroughly
- Follow procedures strictly
- Maintain confidentiality
- Ensure fair and consistent application of disciplinary measures
- Seek district support when needed

5.4.2 Recommendation 2: Support for educators

This study established that educators do not have a solid understanding of the laws governing their conduct at work. The school management should manage and train the educators on the regulations governing their profession. A huge difference can be made through ensuring that misbehaviour of educators does not take place in classrooms. It is essential to provide educators with short-term courses in educational legislation, with an emphasis on the laws governing the administration of the Education Laws Amendment

Act no 53 of 2000, the Employment of Educators Act no 76 of 1998, the South African School Act no 84 of 1996, and the Relations Act no 66 of 1995.

5.4.3 Recommendation 3: Improvement in monitoring and evaluation of QMS

The Educators, the SMT, and the principals need to take the QMS seriously as an instrument to measure their performance. Training on QMS must be organised by the Department of Basic of Education. Training should be given to the Principal and the SMT on monitoring and evaluation of QMS. After being given training the SMT and the principal must train their educators on issues related to the manner QMS ought to be applied in the school. The Educators must be allowed to study the training manual on the QMS. To improve the reliability of the scores on evaluation, an independent assessment must be done by independent assessors.

5.4.4 Recommendation 4: Principals should apply a reasonable disciplinary hearing processes when handling with educators 'misconduct.

The participants highlighted that the educators who commit misconduct will be summoned to the disciplinary hearing process. The process starts at the school where the misconduct took place. If the school cannot deal with such nature of misconduct, the process is handed over to the principal superiors such as the district officials. According to participants, the principal in the school is responsible for initiating the disciplinary process for the educators. The participants discussed the disciplinary hearing process. The literature study on paragraph (2.9.3) developed as well that educators who commit misconduct need to go through the disciplinary process (Mans, 2015: 37). The literature study further says that educators must be provided with a fair disciplinary process in accordance with section 1(c) and 1(e) of Employment of Educators Act (SA, 1998). The hearing process involves the application of Item 7 of Schedule 2. The principals must be well-versed with the disciplinary hearing procedures.

The school principals need to be trained on the processes to be followed in charging the educators that commit misconduct. The training must be offered in service organised by the Department of Education, and it should be compulsory. The Department must schedule a plan for such in service training on yearly basis. School principals should be encouraged to study qualifications that are based on the management of the school and education law. The training must equip them with disciplinary procedures. Hence,

workshops must be organised for those principals that require financial support from the Department of Education.

5.4.5 Recommendation 5: Sanctions, statutory and regulatory provisions and punitive measures should be implemented

Educators may engage in misconduct due to a perceived lack of consequences. Implementing strict accountability measures, such as salary deductions for unauthorised absences, would reinforce contractual obligations. Furthermore, School Management Teams should formally document misconduct through charge sheets during recorded meetings, creating an official record of infractions. Principals must maintain detailed, accurate documentation of all incidents to support the implementation of appropriate disciplinary measures.

5.4.6 Recommendation 6: Introduce a system of inspectorate to monitor schools

Educator misconduct in classrooms persists largely due to inadequate monitoring at the school level. The research findings indicate that school principals often hesitate to enforce educational laws, as their adherence to Ubuntu principles of compassion sometimes compromises effective school management. Before 1994, South African schools were subject to rigorous oversight through regular inspections by education officials, which helped maintain educational standards. These unannounced inspections were particularly effective, as they motivated educators to maintain up-to-date records and fulfil their professional responsibilities consistently.

The Department of Basic Education as well as all provincial departments of education should introduce inspectorate systems in schools to assist in assessing performance of educators and the general effectiveness of teaching and learning in classrooms. The role of inspectors will specifically be to monitor the performance and task completion of educators and school principals in schools, serve as an accountability mechanism for enhancing teaching, learning, performance standards and evaluate the effectiveness of teaching-learning outcomes. They should do formal site visits to schools as education authorities, observe classroom management activities and ensure the highest possible standard for learner achievement.

This research has shown that schools do not have strong systems of accountability and support. The introduction of inspectors will bring an enormous change in the education

system as all the role players (i.e. educator, school principal and staff members) in schools will be obliged to perform their duties diligently.

5.4.7 Recommendation 7: Apply Schedule 1A to assist incompetent educators

As noted in paragraph 4.3.2.3, some educators demonstrate professional negligence through lack of teaching, poor classroom practices, and inadequate lesson preparation, yet these issues often go unaddressed. The Employment of Educators Act clearly outlines procedures for addressing poor work performance. As discussed in paragraph 2.10.1, educators demonstrating incompetence must undergo specified training or counselling within defined timeframes to meet required standards. These established procedures should not be ignored but rather implemented systematically. If an educator fails to meet the required standards after completing prescribed interventions, the employer may then proceed with transfer, demotion, or dismissal, provided there is sufficient documentation. School principals must exercise their authority appropriately by following these established protocols to support and, when necessary, discipline educators.

5.4.8 Recommendation 8: Training workshops should be provided for novice educators

School principals should ensure that all new educators receive comprehensive workplace induction focusing on the legal frameworks governing professional conduct. The Department of Education and South African Council for Educators (SACE) officials should conduct regular workshops addressing educator misconduct and its consequences. Furthermore, the Department of Education must provide schools with comprehensive policy documentation regarding educator misconduct. A standardised educational law handbook should be developed and distributed to all educators. School principals also require ongoing training and professional development in these areas. The Provincial Education Department's practice of merely circulating policy documents without providing follow-up support through workshops and training sessions is inadequate for effective implementation.

5.4.9 Recommendation 9: Establish a legal advisory service for schools.

The Department of Education should set up a dedicated team of education law experts to provide guidance to schools on legal matters related to educator conduct. The legal advisory services should be demarcated according to the districts and sub-districts to

reach out to the relevant educators. A hotline number or email service should be offered for urgent legal queries from school administrators.

5.5 Recommendations for further research

The following research is recommended as follow-up to the concluded study:

- Conduct a quantitative study on the prevalence and types of educator misconduct across a larger sample of schools to gain more insights in public schools.
- Investigate the effectiveness of different intervention strategies for reducing educator misconduct, such as enhanced training programs or stricter monitoring systems.
- Explore the relationship between school leadership styles and the incidence of educator misconduct to identify best practices for school management.
- Examine the long-term impacts of educator misconduct on learners' academic achievement and career outcomes through a longitudinal study.
- Investigate the role of teacher unions in addressing (or potentially hindering the addressing) of educator misconduct issues.
- Conduct a comparative study of educator misconduct policies and practices across different countries to identify innovative approaches.

5.6 Contribution to education law

This study was conducted in the field of Education Law at the Faculty of Education, North-West University's Potchefstroom Campus. The research addresses a significant knowledge gap by investigating educator misconduct in the classroom, a topic that has been insufficiently researched. Through this investigation, the research contributes to the existing body of knowledge on classroom-specific educator misconduct and its legal implications.

5.7 Conclusion

The research findings clearly demonstrate the prevalence of educator misconduct in classrooms. Through a qualitative research design, this study provided comprehensive understanding of educator misconduct management at the school level. The investigation examined the causes, scope, and effects of educator misconduct in public school classrooms, drawing data from multiple sources to address the research questions comprehensively.

The empirical research has yielded significant insights, clarifying previously uncertain aspects of how educator misconduct affects both learner academic performance and classroom discipline. The study identified several key management strategies, emphasising two critical components: ensuring educators are well-versed in educational law and policies, and implementing appropriate assessment and referral procedures for addressing educator incompetence.

These recommendations aim to reduce classroom misconduct, support school principals in effectively implementing education laws, and ultimately foster an environment that is more conducive to teaching and learning.

REFERENCES

- Afifah, W. 2016. Keep on guard against violent communication (Verbal abuse) within early childhood education. In: *Annual Conference on Islamic Early Childhood Education (ACIECE)*. pp. 75-86.
- Ary, D. Jacobs, L.C, Irvine, S. Walker, D.A. 2019. Introduction to Research in Education. 10th ed. Boston, USA: Language Learning Inc.
- Aurini, J.D., Heath, M. and Howells, S., 2021. The how to of qualitative research. Sage. Available from <http://www.sanews.gov.za/south-africa/motshekga-moots-biometric-system-teachers>.
- Baron, N.S. 2011. Concerns about mobile phones: A cross-national study. Vol. 16(8): 1. Available: <http://firstmonday.org/article/view/3335/3032>.
- Beaudry, J.S. and Miller, L., 2016. Research literacy: A primer for understanding and using research. Guilford Publications.
- Bechuke, A.L. & Debeila, J.R. 2012. Applying choice theory in fostering discipline: managing and modifying challenging learners' behaviours in South African schools. *International Journal of Humanities and Social Science*. Vol 2(22):240-255.
- Bedenlier, S., Bond, M., Buntins, K., Zawacki-Richter, O. and Kerres, M., 2020. Learning by doing? Reflections on conducting a systematic review in the field of educational technology. *Systematic reviews in educational research: Methodology, perspectives and application*, pp.111-127.
- Bekiari, A. and Manoli. P. 2016. The Influence of Teacher Aggressive Communication on Student Affective Learning and Strategy Use. *Journal of Teacher Education and Educators*. 5 (2): 154-171.

Bekiari. A., Tsiana. I. 2016. Exploring Instructors' Verbal Aggressiveness and Students' Personal Orientations and Reasons of Discipline in Physical Education Class. *Advances in Physical Education*, 2016, 6, 158-168. Science Research Publishing.

Betweli. O. K. 2020. Curbing Teacher Misconduct in Public Primary Schools in Sumbawanga municipal and rural districts, Tanzania: Head teachers' strategies and challenges. *European Journal of Research and Reflection in Educational Sciences* Vol 8, no.4 (2020).

Bipath, K., Venketsamy, R. Naidoo, L. 2019. Managing Teacher absenteeism: Lesson from independent primary schools in Gauteng, South Africa. *South African Journal of Education*. Vol 9(2).

Chirwa, H. 2014. An investigation into the causes and effects of teachers misconduct in selected public secondary schools in Dowa district (Masters dissertation - Mzuzu University).

Coe, R., Arthur, J., Hedges, L.V. and Waring, M., 2021. Research methods and methodologies in education. *Research Methods and Methodologies in Education*, pp.1-400.

Coetzee, S.A., 2015. Educator sexual misconduct: Exposing or causing learners to be exposed to child pornography or pornography. *Potchefstroom Electronic Law Journal/ Potchestroomse Elektroniese Regsblad*, 18(6), pp.2108-2139.

Coetzee, S.A., Van Niekerk, E.J., Wydeman, J.L. and Mokoena, S.P., 2019. *An educator's guide to effective classroom management*. Pretoria: Van Schaik Publishers.

Coetzer, S. Drinkwater, M. Hutton, C. Kitching, A.E. Moloi, K.C. Mentz, P. J. Rens J.A. Rossouw, J.P. Rossouw M.C. Schouwstra, A.W. Smit, M.H. Vreken, N.J. Woulhuter, C.C. 2010. *A practical guide to discipline in schools*. Pretoria: Van Schaik.

Cohen, L., Manion, L. and Morrison, K., 2002. Research methods in education. routledge.

Connelly, L.M. 2016. Trustworthiness in Qualitative Research. Medsurg nursing: official journal of the Academy of Medical-Surgical Nurses, 25(6), pp.435–437.

Creswell, J. W. 2012. Educational Research. Planning, conduction and Evaluating Quantitative and Qualitative Research, 4th Ed. Boston: Pearson Education Inc.

Creswell, J. W. Ebersahn, I. Eloff, I. Ferreira, R. Ivankova, N.V. Jansen, J.D. Nieuwenhuis, J. Pietersen, V.L, Plano Clark, V.L, Van der Westhuizen, C. 2016. First Steps in Research. 1st ed. Pretoria: Van Schaik Publishers.

Creswell, J.W. 2013. Qualitative Inquiry and Research Design: Choosing among Five Approaches. 3rd ed. London: Sage Publications.

Creswell, J.W. 2013. Research Design: Qualitative, Quantitative and Mixed Methods.

Creswell, J.W. 2014. Research Design: Qualitative, Quantitative and Mixed Method Approach (4th Ed.). University of Lebraska-Lincoln.

Creswell, J.W. 2014. Research design: qualitative, quantitative, and mixed methods approaches. 4th ed. Los Angeles, CA: Sage

Creswell, J.W. 2016. 30 Essential Skills for the Qualitative Researcher. Thousand Oaks, California: Sage Publication

Creswell, J.W. and Guetterman, T.C. 2019. Educational research: Planning, conducting, and evaluating quantitative and qualitative research. New York, NY: Pears

Davids, N. 2016. Deliberation, belonging and inclusion: towards ethical teaching in a democratic South Africa, Ethics and Education, 11 (3): 274-285.

De Poy, E and Giltin, L.N. 2016. Understanding and Applying Multiple Strategies. St Louis. Elsevieron.

Deacon, J. 2012. The implications and risks of the teacher's right to strike. Proceedings of the 17th International SAELA International Conference 10-12 Sep 2012. Held at Somerset-West, South Africa.

Denzin, N.K and Lincoln, Y.S. 2018. The SAGE Handbook of Qualitative Research. 5th ed. London: SAGE Publications.

Department of Education. 2016. "Personnel administration measures (PAM)". Government Gazette 608 (39684)

Department of Education. 2000. Alternatives to Corporal Punishment. Pretoria; Government Printer.

Department of Education. 2005. Integrated Quality Management System Training Manual.

Department of Education. 2019. Academic Annual report: SACE

Department of Education. Abolition of Corporal Punishment. 1997. Vol 387. Pretoria: Government Printer

Department of Education. SA-SAMS records, 22 September 2020.

Dhlamini, I.J. 2009. The role of Integrated Quality Management System to measure and improve teaching and learning in South African Further Education and Training Sector. University of South Africa (Thesis – PhD).

Dirks, M., 2012. Educators and learners' perceptions and experiences regarding the effectiveness of school rules in the Fezile Dabi District (Doctoral dissertation, North West University)

Dlamini. S.L. Makondo. D. 2017. Effects of Child Abuse on the Academic Performance of Primary School Learners in the Manzini Region, Swaziland. World Journal of Education Vol 7, No. 5.

Du Plessis, P., Mestry, R., 2019. Teachers for rural schools – a challenge for South Africa. South African Journal of Education, 39. education law perspective. Potchefstroom: North-West University. (Dissertation - MEd).

Egunlusi, O. 2020. Teachers' authority: strategies for instilling discipline in a post corporal punishment era. Cape Town: University of Western Cape (Dissertation – M.Ed).

Emekako, R.U. 2016. Management Strategies for Learner Discipline in Secondary Schools in Ngaka Modiri Molema District of the North West Province. Mafikeng: North West University (Dissertation – M.Ed).

Ezzy, D. 2013. Qualitative Analysis Practice and Innovation. 1st Ed. London : Routledge

Gershoff. E.T. 2017. School corporal punishment in global perspective: prevalence, outcome, and efforts at intervention, Psychology, Health & Medicine, 22:sup1, 224-239. Government Printer.

Hall, H.R and Roussel, L.A. 2017. An integrative approach to research, administration and practice, 2nd Edition. United states of America. Edward Brothers Molley.

Heekes. S., Kruger. C.B., Lester. S.N. and Ward. C.L. 2020. A Systematic Review of Corporal Punishment in Schools: Global Prevalence and Correlate. South African Journal of Psychology, doi:10.1177/1524838020925787.

Herzberg, F., Mausner, B., & Snyderman B. 1959. The motivation to work. New York: Wiley.

Hlatshwayo, P. M. 2018. The Nature and Prevalence of Gang Related Violence on Learners in Secondary Schools in the Lejweleputswa District. Bloemfontein: Central University of Technology. (Dissertation – M.Ed).

Joubert, R., De Waal, E. and Rossouw, J.P. 2004. Discipline: Impact of on access to equal educational opportunities. Perspectives in education, Vol 22(1).

Khalabai, M.E. 2012 The impact of Teacher Absenteeism on the effective management of selected schools in District 15, Soshanguve Gauteng Pretoria: Tshwane University of Technology. (Dissertation – M.Ed.).

Klenke, K 2016, Qualitative Research in the Study of Leadership. 2nd Ed, Emerald Group Publishing Limited, Bingley. Available from: ProQuest eBook Central.

Leavy, P. 2014. The Oxford handbook of qualitative research. United states of America: Oxford university press.

Leedy, P. D & Ormrod, J.E. 2014. Practical research: Planning and design, Global edition: Cape Town.

Leedy, P.J.E.2014. Practical Research: Planning and Design. 10th ed. England: Pearson Educational Limited.

Liwane-Mazengwe, N. 2012. Teacher unions and educator professionalism: an Education Law perspective. Potchefstroom: North West University. (Mini dissertation– B.Ed Hons).

Liwane-Mazengwe, N. 2017. Quality education and professionalism in South African public education: An education law perspective. Potchefstroom: North West University. (Thesis – PhD).

Locke, L.F., Spirduso, W.W. & Silverman, S.J. 2014. *Proposals that work: a guide for planning dissertations and grant proposals*. 6th ed. Los Angeles, CA: Sage. Approaches. Erscheinungsort Nicht Ermittelt: Sage Publications Ltd.

Mabagala, S. 2016. Prevalence of professional misconduct in Nzenga district. University of Dar Es salaam Tanzania. *African journal of teacher education*. Vol.5, No 1.

Makoella, T.M. and Du Plessis. P. 2019. *Analysing Principals' Policy Perceptions of Educators' Disciplinary Procedures: Cases in Gauteng Province, South Africa*. *South African Journal of Education*. [Doi.org/10.1007/s10780-019-09356-2](https://doi.org/10.1007/s10780-019-09356-2).

Mampane, K. B. 2013. *Educators' experiences and perceptions of teacher absenteeism*. Pretoria: University of Pretoria (Dissertation – M.Ed.).

Mans, C.S. 2015. *An Education Law perspective on educator misconduct and educator security*. North West University Potchefstroom Campus. (Dissertation - M.Ed.)

Manyau, T. 2014. Perspective of student and lectures on student conduct and classroom management. *Naunces of Teaching, Learning and Research*, Vol. 3(1):149-156.

Maphosa. C. and Shumba. A. 2010. Educators' disciplinary capability after the banning of corporal punishment in South African schools. *South Africa Journal of Education*. Vol 30:387-399.

Maree, (Ed). Creswell, J.W, Ebersohn, L. Eloff, I, Ferreira, R, Ivankova, N.V, Jansen, J.D, Nieuhuis, J, Pietrsen, J, Plano Clark, V.L and Van der Westhuizen, C. 2012. *First Steps in Research*. 11th ed. Pretoria: Vain Schaik.

Maree, J.G., 2010. Research on life design in (South) Africa: A qualitative analysis. *South African journal of psychology*, 45(3), pp.332-348.

Maree, K. 2014. First steps in research. Pretoria: Van Schaik Publishers.

Maree, K. 2016. (Ed). First Steps in Research. 2nd Edition. Pretoria: Van Schaik Publishers

Maree, K. 2019. First Steps in Research .3rd ed. Pretoria: Van Schaik Publishers.

Maree, K. 2020. (Editor). First steps in research. 3rd ed. J.W. Creswell, L. Ebershon, I. Eloff, R. Ferreira, N.V. Ivankova, J.D. Jansen, J. Nieuwenhuis, J. Pitersen and V.L. Plano Clark: Pretoria: Van Schaik

Masekoameng, M.C. 2010. The impact of disciplinary problems on educator morale in secondary schools and implications for management. Pretoria: University of South Africa. (Dissertation - M.Ed.).

Mashaba, M.V, 2015. The effect of educators' professional conduct on learners' academic performance in Vuwani cluster of Vhembe district. University of South Africa. (Dissertation – M.Ed.)

Masitsa, G., 2008. Discipline and disciplinary measures in the Free State township schools: unresolved problems. *Acta academia*, 40(3), pp.234-270

Mawdsley, R. and Visser, P.J., 2007. The development of education law as a separate field of law: the experience of the United States with some observations on South Africa. *JS Afr. L.*

Maxwell, J.A., 2013. Qualitative research design: An interactive approach. 3rd ed. Thousand Oaks, CA: SAGE Publications.

Mestry, R & Khumalo, J 2012. Governing Bodies and Learner Discipline: Managing Rural Schools in South Africa through a Code of Conduct. *South African Journal of Education*. 32: 97-110.

Mncube, V. Dube, B. 2019. Reconceptualising teacher professionalism to address school violence: A quest to end corporal punishment. *The independent Journal of Teaching and Learning*, 14(1), pp.86-101.

Mohapi, V., 2014. The social and economic impact of corporal punishment in South African schools. *Journal of Sociology and Social Anthropology*, 5(1), pp.71-80.

Mothemane, K.D. 2003. How do principals manage misconduct in public schools? Pretoria: University of Pretoria. (Dissertation - M.Ed.)

Mothibeli, T.R. 2017. The causes and effects of uncontrolled teacher absenteeism in selected public primary schools in Mangaung metro municipality. Free state - Bloemfontein: Central University of Technology, (Dissertation – Master of Education).

Mthombeni, J.S. 2010. Teacher absenteeism in schools within Ekurhuleni South District education department. Johannesburg: University of Johannesburg. (Dissertation – PhD).

Mtsweni, J. 2008. The role of educators in the management of school discipline in the Nkangala Religion of Mpumalanga. Nelspruit: University of South Africa (Thesis – PhD).

Muridil, M., 2020, Exploring the perceptions of educators and of learners with experiences of bullying on social media and exposure to child pornography. Cape Town: University of Western Cape (MSW - Dissertation).

Naicker, A. Myburgh, C. Poggenpoel, M. 2014. Learner's experiences of teachers' aggression in a secondary school in Gauteng, South Africa. *Health SA gesondheid*, 19(1). <http://dx.doi.org/10.4102/hsag.v19i1.793>.

Naicker, S., 2014. Teachers' experiences of learners with disciplinary problems in secondary schools in KwaZulu-Natal. Durban: University of South Africa. (Thesis - PhD).

Nako, N. Muthukrishna, N., 2018. Teacher-instigated in-school interpersonal violence: types and prevalence in South African public schools. *Journal of Psychology in Africa*, 28(5), pp.371-374.

National School Monitoring survey. 2017/2018. Qualitative and Quantitative summary report.

Neubauer, B.E., Witkop, C.T. and Varpio, L., 2019. How phenomenology can help us learn from the experiences of others. *Perspectives on medical education*, 8(2), pp.90-97.

Ngubane. L., Mkhize.S. and Singh. S.B. 2019. Perceptions and Experiences of Learners on the Banning of Corporal Punishment in South African Schools. Durban: University of Kwazulu-Natal. (Thesis – PhD).

Nhambura. M. 2019. Handling of violence behaviour of learners in secondary schools: A case study of Vryburg Cluster in North- West province. Mafikeng: North-West University. (Thesis – PhD).

Nieuwenhuis, J., 2007. *Growing Human Rights and Values in Education*: Van Schaik Publishers.

Njoroge, P.M. 2014. Discipline as a Factor in Academic Performance in Kenya. *Journal of Educational and Social Research*. 4(1): 289-307.

Nowell, L.S., Norris, J.M., White, D.E and Moules, N.J. 2017. Thematic analysis: Striving to meet the trustworthiness criteria. *International journal of qualitative methods*. 2017 Sep 28;16(1):1609406917733847.

Okeke, C and Drake, M. 2014. Teacher as Role Model: The South African Position on the Character of the Teacher. *Mediterranean Journal of Social Sciences*. Vol 5(20).

Oosthuizen I.J., ed. Rossouw J.P, De Wet A., 2017. Introduction to Education Law. 3rd Ed. Pretoria: Van Schaik Publishers

Oosthuizen, I.J. (ed). 2009. Aspects of Education Law (Fourth Edition). Pretoria: Van Schaik

Oosthuizen, I.J. ed. 2019. Introduction to education law. 3rd ed. Pretoria: Van Schaik Publishers.

Oosthuizen, I.J., 2010. A practical guide to discipline in schools. Pretoria: Van Schaik.

Oosthuizen, I.J., ed. 2003. Aspects of Education Law (Third Edition). Pretoria: Van Schaik Publishers.

Oosthuizen, L.J. 2018. Management of student misconduct at a TVET college in the Western Cape (Doctoral dissertation – Cape Peninsula University of Technology).

Oosthuizen, I.J (ed). 2010. A practical guide to discipline in schools. 1st Edition. Pretoria: Van Schaik

Page, D. 2012. Teacher misbehaviour: An analysis of disciplinary orders by the general teaching council for England 2012. British Educational Research Journal.

Patten, M.L., 2016. Understanding research methods: An overview of the essentials. Routledge.

Peterson, R.O. Connor, A. 2014. Corporal punishment: A traditional discipline consequence. Tiers 2 and 3.

Pitsoe, V.J. 2013. Teacher attrition in South Africa: Trends, challenges and prospects. Journal of Social Sciences, 36(3):309-318. <https://doi.org/10.1080/09718923.2013.11893197>. Pretoria: Van Schaik.

Prinsloo, C. & Reddy, V. 2012. Educator leave in the South African Public schooling system. HSRC policy brief. Available from <http://www.hsrc.ac.za>.

Rapeta, S.J., Magano, M.D. 2017. Supervision of learners with intellectual disabilities in a special school: In loco parentis of teachers as a wellness perspective. European Journal of Social Sciences. Vol.11 Nr 2. ISSN 2411-9563

Reyneke, J.M. 2013. The best interests of the child in school discipline in South Africa. Netherlands: Tilburg University (Thesis - PhD).

Reyneke, M., 2018. Educator accountability in South Africa: Rethink section 10 of the South African Schools Act. Journal for Juridical Science, 43(1), pp.117-144

Reynolds, M. ed. 2019. Oxford South African School dictionary. 4th ed. Cape Town. Oxford University Press Southern Africa

Richter, O.Z. Kerres, M. Bedenlier, S. Bond, M. Buntins, K. 2019. Systematic reviews in Educational Research Methodology, Perspectives and Application. Germany: Springer Fachmedien Wiesbaden.

Ritchie, J. Lewis J, Nicholls, C.M., Ormston, R. 2013. Qualitative Research Practice: A Guide for Social Sciences Students and Researchers. Los Angeles: SAGE Publications

Rossouw, J.P. 2001. Decentralisation in South African public schools: a labour law perspective on the role of the principal in managing staff misconduct. Perspectives in education, 19(4):123-136.

Rossouw, J.P. 2010. Labour Relations in Education: A South African Perspective. 2nd Ed. Pretoria: Van Schaik Publishers.

Rossouw, J.P. and De Wet, A. 2017. Introduction to Education Law. 3rd ed. Pretoria. Van Schaik Publishers.

Rossouw, J.P. De Waal, E. 2004. Employer tolerance with educator misconduct versus learners' rights. South African journal education, 24(4), pp.284-288

Rossouw, J.P., 2003. Learner discipline in South African public schools-a qualitative study. Koers: Bulletin for Christian Scholarship= Koers: Bulletin vir Christelike Wetenskap, 68(4), pp.413-435.

Rossouw, J.P., Joubert, R.T. and De Waal, E. 2004. Discipline: Impact on access to equal educational opportunities. Perspectives in Education, 22(1), pp.77-87

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

Roulston, K. Choi, M. 2018. Qualitative interviews. The SAGE handbook of qualitative data collection. pp233 – 249.

Russo, C.J. and Stewart, D., 2001. The place of Education Law in the international community. Educ. LJ

SA see South Africa.

SA Government News Service. 2013. Motshekga moots biometric system for teachers. Available from <http://www.sanews.gov.za/south-africa/motshekga-moots-biometric-system-teachers>.

Saldaña, J. 2016. The Coding Manual for Qualitative Researchers. 3rd ed. Thousand

Sambumbu, A.M. 2010. The implementation of an Integrated Quality Management System in Queenstown district schools: experiences from isibane circuit. University of Fort Hare (Dissertation – PhD).

Samuel, G., 2013. Epistemology and method in law. Routledge

Sandoval, J. Serrano-Santogo, A. 2014. Appropriate and educational use of mobile phone by students and teachers at public schools in Mexico. [Online] Available: <http://creativecommons.org/licenses> Accessed: 10 May 2014.

Schurink, W.J., Roesterburg, W. J. H. & Fouché, C. B. 2021. The place of literature review and theory in practice. In Fouché, C.B., Strydom, H. & Roesterburg, W. J. H. Research at grassroots for the social sciences and human services professions. 5th ed. Pretoria: Van Schaik.

Sefotho, M. M. 2021. Research and professional practice. In Fouché, C.B., Strydom, H. & Roesterburg, W. J. H. Research at grassroots for the social sciences and human services professions. 5th ed. Pretoria: Van Schaik.

Segalo, L. and Rambuda, A.M.,2018. South African public teachers views on right to discipline learners, South African Journal of Education,38(2), pp.1-7

Serame, N.J., Oosthuizen, I.J, Wolhuter, C.C. Zulu, C.B, 2013, 'An investigation into the disciplinary methods used by teachers in a secondary township school in South Africa', Koers – Bulletin for Christian Scholarship 78(3). <http://dx.doi.org/10.4102/koers.v78i3.450>.

Smit, M. 2013. Compatibility of democracy and Learner Discipline in South African Schools. De Jure. 46(1), pp 345: 365.

Smit, M.H. 2009. A model for the improvement of democratic school governance in South Africa: an education law perspective. Potchefstroom: North-West University. (Thesis - PhD).

Smit, M.H. Oosthuizen, I.J. 2013. Fundamental of human rights and democracy in education: A South African Perspective. Pretoria: Van Schaik Publishers.

Sobuwa, Y. (2019, Jan 11). All educators should be required to have a police clearance certificate to register. Sowetan Live.

[http://www.sowetanlive.co.za/amp/news/south-africa/teachers to produce-police-clearances](http://www.sowetanlive.co.za/amp/news/south-africa/teachers_to_produce-police-clearances).

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

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

South Africa. 1996. Constitution of the Republic of South Africa 1996. Pretoria: Government.

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

South Africa. 1997. Abolition of Corporal Punishment Act 33.: Government Printer. Pretoria.

South Africa. 1998. Film and Publication Act 65 of 1996. Pretoria: Government Printer.

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

South Africa. 1999. Personal Administration Measures. Government Gazette No. 19767. Pretoria: Department of Education.

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

South African Human Rights Commission (SAHRC). 2006. Inquiry into school-based violence in South Africa. Johannesburg: Human Rights Committee.

Southern African Council for Educators. 2010. Handbook for Teachers' Rights, Responsibilities and Safety.

Tluway, B. 2015. The contribution of heads of school in curbing teachers' misconduct in Tanzanian public secondary schools, a case of Moshi municipality council. Tanzania: University of Dodom. (Dissertation – MPA).

University of Toronto. (2017). Writing at the University of Toronto. Available from <http://writing.utoronto.ca/writing/litrev>. [accessed 28 July 2016].

Venter, B.J. 2016. The perceptions of stakeholders regarding the disciplinary system in a South African school. Pretoria: University of Pretoria. (Thesis – PhD).

Veriava, F., 2014. Promoting effective enforcement of the prohibition against corporal punishment in South African schools. PULP.

Wolhuter, C., Walt, H. and Potgieter, F. 2015. The notion "safe schools": the need to circumvent reductionist solutions. *Wulfenia Journal*. 22 (2).

Zuniga, C.G. Clarke, S. 2015. A study of the secondary school History curriculum in Chile from Colonia times to the present. Netherlands: Sense Publishers

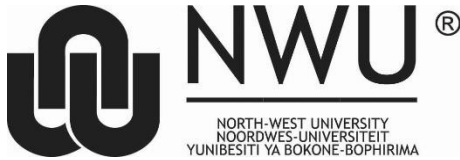
Court cases

Christian Education South Africa v Minister of Education. Case Number: CCT4/00. (2000) BCLR 1051 (CC).

Komape v Minister of Basic Education (Equal Education as amicus curiae) [2019] JOL 46462 (SCA).

TD on behalf of Minor v MEC, Department of Education, Mpumalanga [2018] JOL 39859 (GP).

APPENDIX A: ETHICS APPROVAL LETTER



Private Bag X1290, Potchefstroom
South Africa 2520

Tel: 018 299-1111/2222
Fax: 018 299-4910
Web: <http://www.nwu.ac.za>

Senate Committee for Research Ethics
Tel: 016 103 4440
Email: Feziwe.Mseleni@nwu.ac.za

ETHICS APPROVAL LETTER OF STUDY

Based on approval by the **Education Sciences Research Ethics Committee (EduREC)** on 19 September 2024, the Education Sciences Research Ethics Committee hereby **approves** the changes to your application as indicated below. This implies that the North-West University Senate Committee for Research Ethics (NWUSCRE) grants its permission that, provided the special conditions specified below are met and pending any other authorisation that may be necessary, the study may be initiated, using the ethics number below.

Study title: Educator misconduct in the school and classroom: An Education Law perspective

Study Leader/Supervisor (Principal Investigator)/Researcher: Prof MH Smit

Student / Team: BC Motikitiki (MEd student – 23735864) Ethics number:

N	W	U	-	0	0	2	8	4	-	2	2	-	A	2
Institution			Study Number						Year		Status			

Status: S = Submission; R = Re-Submission; P = Provisional Authorisation; A =
Authorisation

Application Type: Single study

Commencement date: 28/07/2022

Risk:

Low Risk

Expiry date: 28/07/2023

Approval of the study is initially provided for a year, after which continuation of the study is dependent on receipt and review of the annual (or as otherwise stipulated) monitoring report and the concomitant issuing of a letter of continuation.

Special in process conditions of the research for approval (if applicable):

General conditions:

While this ethics approval is subject to all declarations, undertakings and agreements incorporated and signed in the application form, the following general terms and conditions will apply:

- *The study leader/supervisor (principle investigator)/researcher must report in the prescribed format to the ES-REC:*
 - *annually (or as otherwise requested) on the monitoring of the study, whereby a letter of continuation will be provided, and upon completion of the study; and*
 - *without any delay in case of any adverse event or incident (or any matter that interrupts sound ethical principles) during the course of the study.*
- *The approval applies strictly to the proposal as stipulated in the application form. Should any amendments to the proposal be deemed necessary during the course of the study, the study leader/researcher must apply for approval of these amendments at the ES-REC, prior to implementation. Should there be any deviations from the study proposal without the necessary approval of such amendments, the ethics approval is immediately and automatically forfeited.*
- *Annually a number of studies may be randomly selected for an external audit.*
- *The date of approval indicates the first date that the study may be started.*
- *In the interest of ethical responsibility, the NWU-SCRC and ES-REC reserves the right to:*
 - *request access to any information or data at any time during the course or after completion of the study;*
 - *to ask further questions, seek additional information, require further modification or monitor the conduct of your research or the informed consent process;*

1

- *withdraw or postpone approval if:*
 - *any unethical principles or practices of the study are revealed or suspected;*
 - *it becomes apparent that any relevant information was withheld from the ES-REC or that information has been false or misrepresented;*
 - *submission of the annual (or otherwise stipulated) monitoring report, the required amendments, or reporting of adverse events or incidents was not done in a timely manner and accurately; and / or*
 - *new institutional rules, national legislation or international conventions deem it necessary.*

The ES-REC would like to remain at your service as scientist and researcher, and wishes you well with your study. Please do not hesitate to contact the ES-REC or the NWU-SCRE for any further enquiries or requests for assistance. Yours sincerely



Prof JJJ de Beer
Chairperson NWU Education Sciences Research Ethics Committee

Original details: (22351930) C:\Users\22351930\Desktop\ETHICS APPROVAL LETTER OF STUDY.docm
8 November 2018

Current details: (22351930) M:\DSS1\8533\Monitoring and Reporting Cluster\Ethics\Certificates\Templates\Research Ethics Approval Letters\9.1.5.4.1 ES-REC Ethical Approval Letter.docm
5 December 2018

File reference: 9.1.5.4.2

APPENDIX B: PROVINCIAL PERMISSION TO CONDUCT RESEARCH



education

**Lefapha la Thuto la Bokone Bophirima
Noordwes Departement van Onderwys
North West Department of Education
NORTH WEST PROVINCE**

Garona Building, Mmabatho
1st Floor, East Wing,
Private Bag X2044,
Mmabatho 2735
Tel.: (018) 388-3433
Fax.: 086-514-0126
e-mail: sgedu@nwpg.gov.za

OFFICE OF THE SUPERINTENDENT-GENERAL

Enquiries: Dr T. Phorabathe
Telephone: 018 388 3671/3433

**TO: Prof M.H. Smit
North West University (Potchefstroom Campus)
Faculty of Education**

**FROM: Mrs S.M. Semaswe
Superintendent – General**

PERMISSION TO CONDUCT RESEARCH: MS BOITUMELO CHARLOTTE SOMFULA

Permission is hereby granted to you, Ms BC Somfula to conduct research in the Department as requested, subject to the following conditions

- Collection of data be accompanied by approval letter signed by the HOD,
- Data collection process should be Covid 19 compliant,
- Considering that that your research will involve principals/deputies and teachers, there should not be any disruption of the school by the research purpose,
- Participation in the project will be voluntary evidenced by the statement of intent,
- The principles of informed consent and confidentiality will be observed in strictest terms,
- The Department shall be notified of any change to the study that has been approved by the institutional ethics committee, and
- The findings of your research should be made available to the North West Department of Education upon request,

Best wishes


Mrs S.M. Semaswe
Superintendent-General

19/07/2022
Date



BE SAFE
ACT RESPONSIBLY

WASH YOUR
HANDS OFTEN

WEAR A MASK WHEN
GOING OUTSIDE

MAINTAIN SOCIAL
DISTANCING



APPENDIX C: GOODWILL PERMISSION: SCHOOL PRINCIPAL



Private Bag X6001, Potchefstroom
South Africa 2520
Tel: 018 299-1111/2222
Web: <http://www.nwu.ac.za>

Faculty of Education

(Edu-HRight research Unit)

Tel: 018 299 4656
Email: tumzasomfula@gmail.com

Date: 10/08/2022

School principal

(address)

(address)

GOODWILL PERMISSION: SCHOOL PRINCIPAL

Dear Principal

I am a masters student registered of the North West University, Potchefstroom Campus hereby wish to request your consent and permission to conduct an interview with you as a selected participant. The title of the study is: Educator misconduct in the school and classroom: an education law perspective. Data collection will be conducted by way of interviews, collection of data will be conducted outside school contact time so as to not interfere with teaching and learning and the smooth running of the school. The dates and times of the data collections are to be agreed by each participant. Participants will participate voluntarily in the data collection. The identity of the participants and the school will be kept confidential.

The details of the research are as follows:

The purpose of this research

- To investigate the legal determinants and legal principles according to which educator misconduct in the school and classroom should be addressed,
- To determine the forms of educator misconduct that are prevalent in the classrooms at public schools.
- To investigate perspectives regarding the causes, scope and effects of educator misconduct in the classroom in public schools.
- To examine the effects of educator misconduct in the classroom on learner behaviour and academic performance.

- To identify strategies that can be applied in dealing effectively with educator misconduct occurring in the classroom.

Participants

In each school interviews will be conducted with 1 principal, 2 department heads, 1 site steward and 2 PL-1 educators from grades 8, 9 and 11. Participants who agrees to be part of the research may withdraw from the project at any time and nothing will be held against them.

What is expected of the participants? (Qualitative research)

All the participants will be requested to participate, on a voluntary basis, and to provide research data to the researcher. The qualitative research entails that a semi-structured interview will be held with each participant individually and focus group in a confidential setting. The researcher will briefly explain the research and every participant will be informed of the aims, scope, design and method of this research. Participants will be asked to sign an informed consent form and through the school principal permission to participate in this research will be granted. All interviews will be audio recorded and will last for approximately 60 - 120 minutes. The researcher will transcribe the responses of the individual participants and return the transcript to each participant to verify its accuracy. The researcher will analyse the data and report the findings by submitting a final dissertation for examination. The data collected and research documents will be securely stored or saved, encrypted and in password protected files. After the successful completion of the study, a synopsis of the research findings and recommendations will be sent to all participants. Any participant may withdraw from the study at any time without stating reasons and without fear of any form of prejudice.

Benefits to the participant

There are no direct benefits for participants. But indirect benefits for schools, educators and education in general will result from the research findings that will inform and educate on educator misconduct in the classroom. Upon successful completion of the research, the findings will be disseminated to the department, participants and schools in order to inform on the use of social media. This study will thus be to the general benefit of education as the legal implications regarding educator misconduct in the classroom.

Risks involved for participants

There are no detectable or perhaps minimal risks that might stem from this research. The researcher will manage, handle and control all data collected. The discussions and content of the interviews will be confidential and will not be shared with any person other than the participant himself/herself. Transcripts of interviews and research documentation will be securely stored in a locked cabinet. The electronic data and documents will be kept on a password protected computer which will only be accessible to the researcher and/or study leader. The research data and information of the participants will be kept confidentially and safely for five years after the study has been completed and will then be destroyed according to the protocols of ethical research practice.

Confidentiality and protection of identity

Participation is on a voluntary basis. Only the researcher will know the identity of the participants and this will be kept confidential and anonymous. The identity and names of participants are confidential and will not be divulged to anyone. Anonymity of the participants will be ensured by the use of coded identifiers for each participant. All responses are confidential and the researcher will manage, administer and securely control all data collected. Every participant will be requested to indicate their willingness and consent to participate voluntarily in the study by signing the following consent form:

Dissemination of findings

Upon successful completion of the study, the outcomes and a synopsis of the findings will be shared with the education department, participants and interested stakeholders in education. The research findings will be disseminated to the news media and will be published in an academic journal.

Should you require more information about the study kindly contact the supervisor of my study whose details are as follows: Project supervisor: Prof M.H Smit, contact number: 018 299 4325.

DECLARATION BY PRINCIPAL:

By signing below, I agree to give permission for the research to take place with the identified participants in the study entitled: **[Educator misconduct in the school and classroom: an education law perspective]**

I declare that:

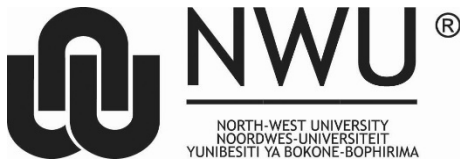
I have read this information and consent form and understand what is expected of the participants in the research.

- I have had a chance to ask questions to the researcher and all my questions have been adequately answered.
- I understand that taking part in this study is voluntary and participants will not be pressurised to take part.
- Participants may choose to leave the study at any time and will not be penalised or prejudiced in any way.
- Participants may be asked to leave the research process before it is completed, if the researcher feels it is in their best interests, or if they do not follow the research procedures, as agreed to.

Signed at (place) _____ on (date) ____/____/20____

_____ Signature of Principal

APPENDIX D: LETTER OF PARTICIPANT CONSENT FORM



Private Bag X6001, Potchefstroom
South Africa 2520
Tel: 018 299-1111/2222
Web: <http://www.nwu.ac.za>

Faculty of Education
Edu-HRight
Tel: 018 299 4656
Email: tumzasomfula@gmail.com
Date: 10/08/2022

PARTICIPANT INFORMATION AND CONSENT FORM

I herewith wish to request permission from the the staff members to participate in this research, which involves the principal, selected SMT members and educators. Prior to granting permission, please acquaint yourself with the information below.

The details of the research are as follows:

TITLE OF THE RESEARCH PROJECT: EDUCATOR MISCONDUCT IN THE SCHOOL AND CLASSROOM: AN EDUCATION LAW PERSPECTIVE

ETHICS APPLICATION NUMBER:

STUDY LEADER/ SUPERVISOR:	Prof. Marius H. Smit
ADDRESS:	North-West University, Potchefstroom Campus
CONTACT NUMBER:	018 299 4325
MEMBER OF PROJECT TEAM	Masters Student: Ms Boitumelo Charlotte Somfula
ADDRESS:	House no: 1940 Phola Village, Mafikeng 2745
CONTACT NUMBER:	084 849 0999

FACULTY OF EDUCATION RESEARCH ETHICS COMMITTEE

Contact person: Ms Erna Greyling, E-mail: Erna.Greyling@nwu.ac.za, Tel. (018) 299 4656

This qualitative study has been approved by the Research Ethics Committee of the Faculty of Education of the North-West University and will be conducted according to the ethical guidelines of this committee. Permission will be obtained from the provincial

Department of Basic Education, the school principal and school governing body of each selected school as well as from each participant.

What is this research about?

The purpose of this research is as follows:

- To investigate the legal determinants and legal principles according to which educator misconduct in the school and classroom should be addressed,
- To determine the forms of educator misconduct that are prevalent in the classrooms at public schools.
- To investigate perspectives regarding the causes, scope and effects of educator misconduct in the classroom in public schools.
- To examine the effects of educator misconduct in the school and classroom on learner behaviour and academic performance.
- To identify strategies that can be applied in dealing effectively with educator misconduct occurring in the school and classrooms.

Participants

In each school interviews will be conducted with 1 principal, 2 department heads, 1 site steward and 2 educators from grades 1 - 7 in your school. Participants who agrees to be part of the research may withdraw from the project at any time and nothing will be held against them.

What is expected of the participants? (Qualitative research)

All the participants will be requested to participate, on a voluntary basis, and to provide research data to the researcher. The qualitative research entails that a semi-structured interview will be held with each participant individually in a confidential setting. The researcher will briefly explain the research and every participant will be informed of the aims, scope, design and method of this research. Participants will be requested to sign tear off slip to show that they are willingness to participate in this research. All the interviews will be audio recorded and should last for approximately 60 - 120 minutes. The researcher will transcribe the responses of the individual participants and return the transcript to each participant for verification. The researcher will analyse the data and submit a final dissertation for examination. The data collected and research documents will be securely stored or saved, encrypted and in password protected files. After the successful completion of the study, a synopsis of the research findings and recommendations will be sent to all participants. Any participant may withdraw from the study at any time without stating reasons and without fear of any form of prejudice.

Benefits to the participants

There are no direct benefits for participants. But, indirect benefits for schools, educators and education in general will result from the research findings that will inform and educate on the negative impact of educator misconduct in the classroom. Upon successful completion of the research, the findings will be disseminated to the department, participants and schools in order to inform on the use of social media. This study will thus

be to the general benefit of education as the legal implications regarding the effective transition to multiculturalism in public schools will be clarified

Risks involved for participants

There are no detectable risks that might stem from this research. The researcher will manage, handle and control all data collected. Transcripts of interviews and research documentation will be securely stored in a locked cabinet. The electronic data and documents will be kept on a password protected computer which will only be accessible to the researcher and/or study leader. The research data and information of the participants will be kept confidentially and safely for five years after the study has been completed and will then be destroyed according to the protocols of ethical research practice.

Confidentiality and protection of identity

Participation is on a voluntary basis. Only the researcher will know the identity of a participant and this will be kept confidential and anonymous. All responses are confidential and the researcher will manage, administer and securely control all data collected.

Dissemination of findings

Upon successful completion of the study, the outcomes and a synopsis of the findings will be shared with the education department, participants and interested stakeholders in education. The research findings will be disseminated to the news media and will be published in an academic journal. As is practice in higher education, all successful dissertations are published by the university and lodged with the South African Library to enable access by the public. If you have any further questions or inquiries regarding your participation in this research, please contact the researchers for more information.

Yours sincerely
B.C Somfula

DECLARATION BY PARTICIPANT

I, the undersigned, _____ (full names), do hereby consent to participate in the research to be undertaken by Ms B.C Somfula.

I acknowledge and understand the following:

- a. I have been informed of the nature, purpose and the design of the research;
- b. I understand that my participation is voluntary and that I may withdraw if I wish to do so;
- c. My participation is confidential and my identity will not be divulged by the researcher;
- d. The research will be conducted according to the NWU guidelines and requirements for ethical research.

Thus, signed at _____ (place) and dated on _____ (date).

Signature: _____
(Participant)

APPENDIX E: INTERVIEW SCHEDULE

SEMI-STRUCTURED INTERVIEW: PRO FORMA QUESTIONS

Duration: approx. 1 hour

R: Please take note that the interview is confidential and anonymous. My research is on the topic educator misconduct in the school and classroom: an education law perspective.

Biographical questions:

1. What is your position or Post level appointment at the school?
2. Which subject/s do you teach and for which grades
3. How many years of experience do you have as a _____ in the school?
4. What were the academic results of the learners of your classes the past 5 years?
5. What is the school's pass rate for the Grade 12?

Content / theoretical knowledge questions:

6. What is "educator misconduct" according to your understanding?
7. Give me examples of "ordinary" educator misconduct according to your understanding?
8. Does less serious misconduct occur repeatedly in your school?

Questions about misconduct by educators:

9. Section 18(1) of the Employment of Educators Act lists a number of misconducts by educators such as: late arrival, absenteeism, laziness, assaulting learners (corporal punishment), failure to carry out a lawful order, performs poorly/inadequately, sleeps on duty, displays disrespect towards others, intoxicated while on duty, conducts himself/herself in an improper way whilst on duty.

Which of these forms of misconduct have occurred in this school, to your knowledge? Please elaborate.

10. Section 17 of the EEA lists the forms of serious misconduct by educators, such as theft, bribery, sexual relationship with a learner of the school etc.
Which of these forms of serious misconduct have occurred in this school, to your knowledge? Please elaborate.
11. Does the school experience any problems with educator discipline?
12. If so, how does the school principal /department head deal with educators that transgress/misconduct themselves / lack workplace discipline?
13. Are these measures that you take effective, explain why?

Questions about SACE Code of Ethics:

14. According to the SACE Code of Ethics it is unprofessional to disrespect a learner, humiliate a learner, unfairly discriminate against a learner, to be indolent (lazy) in the performance of his/her professional duties to teach, not to ensure the safety of a learner. In your opinion, are there educators that act unprofessionally towards learners? Please explain, elaborate.
15. Do you regard this as misconduct? What measures are taken to address this?
16. Have there been instances where educators of this school were charged by SACE to attend disciplinary hearings? Please elaborate.
17. If so, what does the school principal /department head do in instances of SACE complaints against educators?

Contextual circumstances of the school/classroom/learners

18. What are the difficulties that educators face in the school?
19. How does the school assist the educators in the above matter?
20. What are the effects of educator misconducts on learners and the school environment?
21. Are the academic results and other accomplishments of the learners an indication of the level of educator discipline and professionalism?

Accountability, disciplinary procedure:

22. How does a school principal know or find out what happens in the classroom?
23. Are there measures to gauge the educators teaching ability?
24. What happens at the school if an educator does not perform his/her duties properly?
25. Are there parents that complain about educators teaching ability, give examples/explain.
26. What steps do the school principal / supervisor take if an educator:
 - does not perform his/her duties properly, or
 - does not teach properly, or
 - is lazy?
27. Do the educators know which of their colleagues are lazy or incompetent?
28. What happens then? Is there protection for whistleblowers?
29. To your knowledge, have any educators been disciplined for not doing their duty/ for not teaching properly?
30. To your knowledge, are there specific forms/legal documents that should be used/applied in instances of educator misconduct?
31. Are they effectively used? Is there any example you can state where they were applied?
32. Are only serious misconduct matters dealt with by hearings? If not, give examples/explain.
33. Which other strategies can be applied on dealing with educator misconduct?

Employment of Educators Act, Schedule 1B – Incompetence procedure

34. Do the educators complete the IQMS forms every year?

35. How does the Internal Quality Management System (IQMS) work? How was it applied in the school? Elaborate.
36. Has the school implemented the new QMS system?
37. Are mid-year QMS evaluations done by the School Management Team?
38. What happens if an educator gets a poor evaluation during the IQMS/QMS?
39. Has the principal given any educator a poor QMS evaluation before? Elaborate.
40. What steps does the principal take if an educator is deemed to be incompetent?
41. What is the effectiveness of the QMS system?
42. Do all educators automatically get an annual increase based on the IQMS/QMS? If yes, why? If not, explain.
43. Is there a way to determine whether the QMS evaluations are accurate? How, explain.
44. What support/mentorship/retraining/ improvement programme has been implemented to assist educators that are incompetent/cannot teach properly/do not perform their duties properly?

END

APPENDIX F – EXAMPLE OF INTERVIEW SCRIPT

DATE: 11 August 2022

PLACE: CONFIDENTIAL

PARTICIPANT: SP 1 (The School Principal)

RESEARCHER: R (B Somfula)

R: Please take note that the interview is confidential and anonymous. My research is on the topic educator misconduct in the school and classroom: an education law perspective. My starting question is: What is educator misconduct?

SP 1: “Educator misconduct happens when an educator contravenes the code of ethics as stipulated in the PAM document and according to SACE”.

R: Differentiate between serious misconduct and ordinary misconduct, also give examples.

SP 1: “According to the Education Employment act section 17(1) serious misconduct occurs when an educator or an employee in the department commit a misconduct like sexual relationship with a learner, carrying dangerous weapons at school, theft and bribery which are known as dismissible offences”. “Less serious misconduct occurs in a form of late coming, teachers not attending classes as expected and not going to class promptly when the bell rings. Those are misconduct an educator can be developed on”

R: According to your knowledge as the School Principal which of the less serious misconducts often occurs in your school?

SP 1: “A number of them: absenteeism, late arrival, corporal punishment, performs poorly and displays disrespect towards others and also conducting themselves in an improper manner when on duty”.

R: How have you dealt with them in your school after observing that they are occurring often?

28 “The school applies control systems to condemn or discourage educators from late
29 coming. We control the time book and apply an 8-week rule in terms of absenteeism to
30 check if an educator develops a pattern of being absent at work. We institute progressive
31 discipline where we would counsel an educator and if the misconduct persists, we give a
32 verbal warning, written warning and elevate the matter to the higher office if needs be. If
33 educator doesn’t improve on the alleged misconduct”.

34 **R: Which higher office are you referring to in this regard? Provincial or District**
35 **Office?**

36 SP 1: “The matter will be elevated to the circuit office”.

37 **R: Does the school experience any problem with educator discipline?**

38 SP 1: “Yes, we do as a school. We have had serious cases in terms of educator discipline.
39 We are having two cases currently that we can refer to without mentioning names of
40 sexual relationships with learners and the first instance is of the advances by the educator
41 was picked and reported and the teacher acceded to that on their own choose to resign
42 from the Department of Education. The second one was when the educator had
43 impregnated a learner and forced the learner to move out of the school and his matter is
44 currently underway of disciplinary processes”.

45 **R: Are there any serious misconducts that have occurred in the school beside**
46 **teachers’ sexual relationship with learners?**

47 SP 1: “The other serious misconduct that is going to lend educators in our school into a
48 problem is the one in Section 10 of SASA that corporal punishment must not be
49 administered in the school. The discipline of learners that we teach off late is giving
50 educators a lot of problems. Many instances they end up resorting to corporal punishment
51 that will lend most educators in a problem. In all meetings I sit with educators I caution
52 them not to practice corporal punishment, but they continue to do it”.

53 **R: How do you deal with educators who lack workplace discipline?**

54 SP 1: “There are control systems in the school which are in par with SACE Code of Ethics,
55 Employment of Educators Act, that when the teacher is transgressing or not following the
56 circulations of this legal documents, we then institute progressive discipline against this
57 educator. Of course, with a form to develop them. To counsel them and show the danger

of misconduct they are committing at the school. Those who absent themselves without reporting aware and have no reason we do leave without pay and dock their salaries”.

R: Are there educators who act unprofessional towards learners in your school?

SP 1: “Yes, yes. In most of the cases this has been displayed and this attitude has also affected the attitude of learners towards some educators. The teaching profession is such that the beneficiary of the profession is the learner in terms of Section 28 in the Bill of Rights. The welfare of the learners is of paramount importance. In terms of our business as education employees Section 29 refers to learners’ rights to education. Section 27 also indicate the learners right to health care and protection by the school. Now educators contravene this for example they send learners outside while teaching is continuing. Speaking obscene language while addressing learners and in that way, we contaminate the attitude of learners towards learning. The attitude of a learner towards a subject is determined by the attitude of the learner towards the educator. So that goes directly proportional. Most learners fails not because the subjects are difficult, but they have relationship problems with the one who offers it to them. So, communication with learners as an educator is not an obvious thing, it is a tool to guard against the attitude and the interest of the learners towards the subject and that also determines performance of the school in terms academic learner performance in general”.

R: Have there been instances where educators of this school were charged by SACE to attend disciplinary hearings? Please elaborate.

SP 1: “Yes, there has been an instance where there was case of assault. Two educators were involved in a quarrel, and it led to a situation that the male educator strangled the female educator, and the matter was reported to SACE and the perpetrator has since been charged with several years under scrutiny where they cannot perform or commit such an act again and a certain amount of money was docked on the educator’s salary for three months”.

R: What do you do as the school principal in instances of SACE complaints?

“I gather data ehh!! for SACE and make the seating available and ensure all communications reach the intended individuals and I also in most cases serves as a witness either against or for the educator”.

R: What are the difficulties educators face in the school?

SP 1: "Yes, learner discipline, lack of parental involvement, lack of resources like textbooks, escalating numbers in terms of the roll determined by the nature of the community, having to teach children who lead child-headed family or single parents' families. It becomes a difficulty to teach them".

R: How does the school assist the educators in the mentioned difficulties?

SP 1: "Motivations, trying to communicate with the department to avail resource. Some of the situations are contextual that we do not have much to do with but to co-exist with them like socio-economic factors. The issue of learners from child-headed families we refer them to the social welfare. We would be arranging for learners to be coached and be given professional assistance. The issue of food, we try as much as we can to even reach the community if need be because our school is located in the RDP settlement where poverty is the order of the day. So, we sort of assist the educators to understand that our situation is not the same as for instance a former model C school where learners come from a situation in the morning they have just departed with mom and dad, they chose if they want to be given money to school or a lunch box. Our case is that we are confronted with negative situation given the socio-economic factors everyday (drug abuse, teenage pregnancy). Nothing can be done except to encourage one another that teaching profession is a calling and not a luxury".

R: What are the effects of educator misconducts on learners and the school environment?

SP 1: "Loss of trust. You see whenever learners pick up that an educator has got a controversial relationship with other learners the educators' role and stature as in-loco parentis to learners disintegrate immediately and it always take lots and lots of time to regain it. Often learners don't show these effects and the attitude to the educator who is a perpetrator now they treat the whole staff if they are doing that all of them of which that is not the case. Ehh, disrespect once a learner picks up that educator has got a problem of misconducts in the school the learner lose respect towards the educator and the others. The other issue causing negative effect on learners and school environment is educator's dress code because the manner which educators are dressing also influence the learners in terms of learner conducts. Educators are expected to wear professionally, or acceptable in front of learner's eyes. But the recruitment of educators off late has exposed school to recruit very young educators who still feel that they are young and that they must dress attractive and poses as a problem. One of the arguments that is usually that

is brought into the picture especially by unions is that the department does not buy uniform for educators like they do with nurses, soldiers, policemen. So, it forces teacher to dig down to their pockets to buy suits, ties and the like. Therefore, it poses a problem because educators are in a way role models to learners. They emanate what they see in educators that this is acceptable in the community. Educators that have got a tendency of coming to school under a controversial state of sobriety also encourages the learners that it is cool, acceptable to be drunk at school and that poses a problem especially when learners are able to quote that teacher, so a teacher is always having sexy eyes, and nothing happens to them with their behavior etc". "Whatever negative effect that goes to the learner hampers their performance. A learner who has been having confidence in an educator once they lose it, their attitude is affected towards their schoolwork. So, it is a whole lot of related issues, and we cannot divorce one from the other. Once discipline plunges down in the school it affects performance of learners. And once trust of learners on educators plunges down it affects their performance".

R: How did the school perform in the last Whole School Evaluation?

SP 1: "The Whole School Evaluation was temporarily stopped. The time this could have happened are during the years 2010 – 2013. However, Whole School Evaluation has been re-introduced and there is an advocacy that it is going on this year particularly that the department is doing rounds throughout the province to sell the issue of Whole School Evaluation coming into the picture. It has been a period exceeding 10 years that Whole School Evaluation has not been taking place in the school".

R: What happens at the school if an educator does not perform his/her duties properly?

SP 1: "Control systems, it would be picked up by the Departmental Head and forward it to the attention of the Deputy Principal and it will ultimately reach the school principal's office. One, the educator will be summoned to find out if they have a problem and what type of support they would need from the school. If the problem of the teacher is content based, we would use experienced educators and do model teaching to assist on how the content is attended to. Also invite the Subject Education Specialist. If the problem is the attitude of the educator, stubbornness, laziness then disciplinary procedures will roll out to force the educator to comply with his/her contractual obligations".

R: To your knowledge, have any educators been disciplined for not doing their duty/ for not teaching properly?

153 SP 1: "Yes, we have done that as the School Management Team. We have called them
154 to **Accountability session**. We have made them to account in front of others. We have
155 involved Subject Education Specialist to come and assist. The SMT have done what is
156 called name and shame that has shown to be improving the performance of educators.
157 The problem of teachers who do not perform their duties properly is taking advantage of
158 the attitude of the management towards misconduct. If they pick up that management is
159 not doing enough or anything about misconduct the latter will perpetuate. But if they know
160 that they are control systems and repercussion about that then they pick up their socks.
161 This goes to even a lazy educator they must be forced; they must feel the pinch. If you
162 don't do anything, then you lose a school. They know that something will happen,
163 teachers are afraid to lose their jobs. They always pick up their socks".

164 **R: To your knowledge, which legal documents should be used/applied in instances**
165 **of educator misconduct?**

166 SP 1: "The legal documents that should be applied are **employment of educators act**,
167 **South African schools act**, and **education law amendment act**".

168 R: How effective is the Disciplinary hearing procedure in dealing with various forms of
169 educator misconduct? Explain, elaborate.

170 SP 1: "It would vary, some are serious and less serious but **disciplinary hearing are very**
171 **effective when it is the culture of the school** that they are been held. Reports are recorded
172 and kept. Also elevated to the circuit office. Teachers do not necessarily want to see
173 themselves in danger with the employer. They like committing misconduct in a collective
174 but basically there is no educator who can face the music of the department on their own".
175 **Disciplinary hearing sends a message to educators that misconduct is not acceptable and**
176 **will happen when they do it continuously**".

177 **R: Which other strategies can be applied on dealing with educator misconduct?**

178 SP 1: "The only safest strategy because it is a labour matter to deal with misconduct
179 **follow the laws and guidelines stipulated**, promulgated by the Department of Education.
180 So that once you are taking disciplinary actions against educators. They have their labour
181 organisations', you should not find yourself having committed mistakes yourself in the
182 name of correcting the behaviors of another. So do not bring along the wants that you
183 think are effective if you not protected by the law. However, things like **Bosberaad, staff**

184 *retreats, acknowledging the good practice of teachers through certificates.*
185 *Acknowledging teachers in a way much as they are not punitive and aggressive in nature.*
186 *They are disciplining everybody would like to be appreciated and awarded”.*

187 **R: Do the educators complete the IQMS forms every year?**

188 SP 1: *“Yes, they do although the IQMS have been changed into QMS. That is a*
189 *contractual evaluator for the Department to ensure that educators are doing what they*
190 *are expected to do. So basically, the system is not what educators do because they are*
191 *well behaved. It is a contractual obligation”.*

192 **R: How does the Internal Quality Management System (IQMS) work? How is it**
193 **applied in the school? Elaborate.**

194 SP 1: *“IQMS is a programme that has been developed between educators and unions to*
195 *regulate educator performance at the school. The teacher nominates a peer in the same*
196 *department, also the Departmental Head. The three of them becomes the developmental*
197 *support group (DSG). Now the teacher identifies out of the 7 performance standards the*
198 *one that give a problem. The idea of IQMS is to improve performance of educators in*
199 *areas they lack. Also, to uphold or praise areas in educator excels. It is only fair as an*
200 *educator during IQMS to score yourself in terms of listening to other criticisms about you*
201 *and follow timelines, dates set for you to improve performance. Score are taken according*
202 *to your performance up until certain percentage you qualify or do both qualify for pay*
203 *progression. It has monetary implications educators take it serious however if not*
204 *monitored educators have a tendency of being dishonest scoring themselves higher only*
205 *to ensure that they qualify for pay progression”.*

206 **R: Has the school implemented the new QMS system?**

207 SP 1: *“Yes, we have the mid-year self-evaluation template have been filled by all*
208 *educators and we need to develop their workplan for the whole year so that when*
209 *visitations or monitoring takes place, we have a plan ready. The difference between IQMS*
210 *and QMS is that you create your own workplan. That would be what you will be evaluated*
211 *on when monitoring takes plane. Basically, we are still in the first cycle”.*

212 **R: As the School Principal have you awarded an educator a poor evaluation during**
213 **the IQMS/QMS?**

214 SP 1: *"Yes, especially dishonest educators who would lend the principal into a problem*
215 *when not careful. An educator who rarely visit sport facilities and score themselves a 4 in*
216 *extra and co-curricular activities. You can't leave it like that you need to reduce that 4 to*
217 *1 with reasons. Educators who are not lifelong learners and score themselves above.*
218 *Educators who do not network with other schools and organizations that are related to*
219 *the schools and who are clueless about latest developments happening in education.*
220 *Lastly who do not know about the National Development Plan and what is envisaged by*
221 *2021 in the Department of Education, that is really a problem".*

222 **R: What steps does the principal take if an educator is deemed to be incompetent?**

223 SP 1: *"They are number of things that we can do internally after all things have been*
224 *done, we would recommend that the educator because of his/her incompetence may be*
225 *due to ill-health and other issues be transferred for office-based duties. We would refer*
226 *them to a less activity type of a job unlike what is expected from the school".*

227 **R: What support/mentorship/ improvement programme has been implemented to**
228 **assist educators that are incompetent/cannot teach properly/do not perform their**
229 **duties properly?**

230 SP 1: *"Write report to the department that a particular teacher is struggling. The issue is*
231 *that the school does not have authority to tamper with an educator's contract with the*
232 *department. Allocate the educator subjects in lower classes like creative art, life*
233 *orientation. We try to protect and cover their employment at school level. Then the*
234 *department will assist the school on how to better use the employee in this regard".*

235

236

APPENDIX G: EDITORIAL CERTIFICATE

EDITORIAL CERTIFICATE

AUTHOR(S): BC Motikitiki

DOCUMENT TITLE: Educator Misconduct in the school and classroom –
An Education Law Perspective

DATE ISSUED: 01 November 2024

This document certifies that the above manuscript was proofread and edited by Dr Florida Beukes.

The document was edited for:

- Word-order mistakes, sentence structure, and grammar.
- Spelling and punctuation issues.
- Improper use of units, symbols, numerals, and abbreviations.
- Formatting inconsistencies and incorrect terminology.

Beuke

floproofread@gmail.com

*The Blackford Institute has awarded Florida Beukes its
Proofreading and Copy Editing ZA with Merit.
The Blackford Centre, Frome, Somerset BA11 1AG,
United Kingdom.*

APPENDIX H: TURNITIN REPORT

BC Motikitiki MEd Document 19 NOV 2024 Fin...

ORIGINALITY REPORT

19%	16%	10%	6%
SIMILARITY INDEX	INTERNET SOURCES	PUBLICATIONS	STUDENT PAPERS

PRIMARY SOURCES

1	repository.nwu.ac.za Internet Source	3%
2	dspace.nwu.ac.za Internet Source	2%
3	hdl.handle.net Internet Source	1%
4	uir.unisa.ac.za Internet Source	1%
5	researchspace.ukzn.ac.za Internet Source	1%
6	Submitted to North West University Student Paper	1%
7	scholar.ufs.ac.za Internet Source	<1%
8	upetd.up.ac.za Internet Source	<1%
9	repository.up.ac.za Internet Source	<1%