The Development and Implementation
of School Governance Policy
in the South African Schools Act (SASA)
and the
Western Cape Provincial School Education Act (WCPSA)

by

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DECLARATION

I hereby confirm that the work presented in this dissertation entitled "THE DEVELOPMENT AND IMPLEMENTATION OF SCHOOL GOVERNANCE POLICY IN THE SOUTH AFRICAN SCHOOLS ACT (SASA) AND THE WESTERN CAPE PROVINCIAL SCHOOL EDUCATION ACT (WCPSA)" is mine, and that it has not been submitted for a degree or an award at any other university.

SIGNED   :   ……………………………………

DATE   :   *31 January 2005*

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ABSTRACT

TITLE	:	*The development and implementation of school governance policy in the South African Schools Act (SASA) and the Western Cape Provincial School Education Act (WCPSA).*
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This study was initiated while the researcher was still an educator at a secondary school in Cape Town, South Africa. This was the period of the mid-1990s soon after the first democratically elected government assumed power in South Africa. During this period of transition, large-scale reforms were expected on the education front. Educational management and specifically school management were an integral part of these reforms. In terms of school management the idea of parents taking on a greater role was receiving wide support. School governing bodies (SGBs) comprising various constituencies and with greater powers were supposed to be the instrument spearheading change in school management.

This study traverses three levels of policy development: national, provincial and local (that is, school). It seeks to understand how school governance policy is developed and implemented using the principle of contestation to guide the analysis. The following questions guided the research:

- What were the contestations which led to the development of school governance policy at national level?

- How was provincial school governance policy developed from national policy and what were the areas of contention between the two?

- What were the contestations resulting from implementation of school governance policy at the school level?

At all three levels the discussion of the contestations was limited to the powers and functions of SGBs. By shedding more light on the above questions, it was hoped that the nature of policy contestation would become clearer. This in turn could enhance the study of policy analysis and development.

This study was primarily qualitative in orientation with the principal means of data-gathering being: documentary analysis, semi-structured interviews and observation. Documents produced at the national and provincial levels (Acts, Bills, Reports, White Papers and so forth) as well as submissions made by various organizations from different sectors in society were carefully analysed using specific criteria. Other documents analysed included circulars from the provincial education department, documents discussed within the school governing body selected for the study, and articles from newspaper publications. Interviews were conducted with key informants at national, provincial and school levels. At the school level, observation of five governing body meetings were undertaken.

This study revealed that the key issues in SGB functioning that formed the focus for contestation were: the charging of school fees; the employment of additional staff; admission-; language-; religious observance policy; and relative powers of the MEC/HOD/SGBs.

One of the greatest immediate challenges facing the majority of school governing bodies in South Africa is the lack of capacity in terms of material, financial and human resources. This study provides recommendations about how to address some of these challenges, and also identifies some important areas for future research.

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CHAPTER ONE

1.1   INTRODUCTION

The subject of educational transformation in South Africa has been closely tied to the struggle against apartheid and all the inequalities and oppression that it fostered. Policy statements with regard to education (and other sectors) have been made with the view to changing past practices and in this way addressing the concerns and needs of those most disadvantaged by apartheid policies. The South African Schools Act (No.84 of 1996) and hereafter referred to as SASA, is a culmination of efforts to reform education in such a way that it would be of benefit to most, if not all, the citizens of the country. The preamble to the Act states that:

> *...this country requires a new national system for schools which will redress past injustices in educational provision, provide an education of progressively high quality for all learners and in so doing lay a strong foundation for the development of all our people's talents and capabilities....*(pg.1)
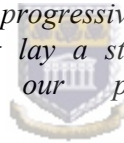
SASA is a product of extensive and intensive debates and discussions as captured in various investigations, reports, commissions, committees, draft White Papers, draft Bills and penultimately the South African Schools Bill.

The South African Schools Act (Act No.84 of 1996) applies to all nine provinces. But, as Sayed (1997a) points out, provinces have certain options which they can exercise in terms of their educational provision. These are:

- Provinces are free to adapt their existing education regulations to conform to that of the National Act (that is, SASA).
- Provinces can draw up their own educational legislation (provided it stays within the framework of SASA and the Constitution of the country). In the words of SASA: "*Nothing in this Act prevents a provincial legislature from enacting*

legislation for school education in a province in accordance with the Constitution". In the case of the Western Cape Province, the latter route has been chosen.

- Provinces can choose not to draw up educational legislation.

The focus of this research is to uncover and analyse the way in which national and provincial school governance policies are developed, and implemented at the local level.

1.2   MOTIVATION FOR THE STUDY

The motivation for this study can be traced back to the researcher's own experiences while still an educator at school and member of the school governing body. As a school educator in 1996, the researcher was in constant contact with parents who were eagerly awaiting the provisions of the new regulations relating to school governance. Even though legislation in this respect was far from being finalized, the process still at the stage of discussion documents and White Papers, parents were nurturing the idea of increased power for themselves in the running of schools.

This initial period in 1996, when parents were preparing themselves to take a more prominent role in the affairs of the school, was actually the time during which policy around school governance, and of course other educational matters, was being developed. It was the period following the work of the committee under the chairmanship of Professor Hunter, which looked into the organization, governance and funding of schools. The Hunter Committee (Department of Education (DoE), 1995) had been set up by the new government which came into power after the first democratic elections in South Africa in 1994. The findings and recommendations of the Hunter Committee were commented on by the State. These comments gave rise to White Paper 2 (DoE, February 1996). White Paper 2 spelt out policy options for school governance and other educational issues, and was actually the forerunner to the South African Schools Bill, which in turn led to the South African Schools Act (1996). In the Western Cape Province, educational legislation resulted in two Western Cape Provincial School Education Bills (January and September 1997). These were followed by the Western Cape Provincial Schools Act (1997).

As mentioned earlier, parents in early 1996 were anticipating that they would have more powers on governing bodies. This prompted the researcher to think about governing bodies themselves, and the power that they would exercise in the running of schools. What would their areas of responsibility be? How far would their powers extend? Would they be completely autonomous or subject to state control? What sort of relationship would they have with provincial education authorities? What were the dynamics involved in the determination of powers and functions for governing bodies? What positions did the various roleplayers hold on this issue? It seemed to the researcher an intriguing prospect to delve more into these questions.

Why study these dynamics? As mentioned above, the various parties to the policy process often have different positions on issues affecting society at large. These positions are informed by many factors, some of which may be seemingly altruistic. However, some of these factors may arise from hidden or personalized agendas, for example, retaining privileges for a certain section of society. By probing into the dynamics that precede policy formulation, one begins to understand a little better the forces that give rise to the policy positions of political and other groupings in civil society. This close scrutiny also leads to a better understanding of why the final outcome, that is, the adopted policy, came into being.
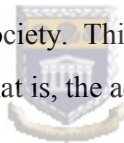
The policy positions of different groupings each have their own reasons why they exist; each have their own 'motivational histories'. On seeking to understand these histories, one can recognize which of these histories become dominant in an adopted policy and which remain latent or marginalized. As such one can have a clearer idea of which sections of society are advantaged and which disadvantaged.

Policies do not just come into being. They have their own peculiar history of influences, of controversy, of promoting some ideology/ies over others, of integrating some positions and discarding others. There is the final adopted policy and what lies behind it, that is, the basis for its existence. It is the contention of the researcher that what lies behind the adopted policy is more important than the policy itself because it helps to explain how and why changes in society occur; coming to grips with the struggles behind the final product makes for a more self-reflective and informed citizenry.

But the researcher's experiences as an educator and member of a school governing body were not the only reasons for engaging in this study. Another motivating factor in initiating this study may be located in the following comments by Scholtz (1998). Scholtz talks of governing bodies being structures that have an intrinsically contradictory nature. On the one hand they retain the democratic and progressive elements of the independent Parent-Teacher-Student-Association (PTSA), organs advocated by anti-apartheid forces to replace the old undemocratic and unrepresentative School Committees or School Management Councils. On the other hand, as statutory bodies, their activities are subject to the narrow limits set by the Schools Bill and Act from above. Scholtz (1998:4) describes a typical governing body thus:

> *It is a democratic form with a bureaucratic content…this democratic form is imposed on something which will inevitably limit and gradually stifle that progressive involvement from below. This contradiction will ultimately undermine and even destroy the democratic character of these bodies…The character of any organisation is naturally and inevitably determined by the content of its activities.*

Herein lies the second reason for undertaking this investigation into powers and functions of school governing bodies. Besides analysing the current situation of governing bodies, Scholtz is also trying to predict what these bodies may deteriorate into in the long term, that is, undemocratic and bureaucratic entities. This is quite a serious and thought-provoking statement. If one had to set about addressing this potential outcome then one would have to concentrate on what governing bodies do or are supposed to do, that is, their activities. Which brings us back to their powers and functions.

The third thrust to inquiry was prompted by developments in school governance in other countries. In terms of being more powerful and independent, part of the evolutionary development of governing bodies in other countries has been the adoption of what Keat and Abercrombie (1991) refer to as a sort of 'enterprise culture', a form of business culture in which emphasis is placed on entrepreneurial drive, innovative financial planning and consumer service. Financial responsibilities such as controlling budget are now assumed by governing bodies. How far would this 'enterprise culture' extend insofar as governing bodies in South Africa are concerned? To what extent would business and market ideology dominate

the governance of schools in the new South Africa? And what would the consequences of this tendency be?

The fourth imperative to research was based on the curiosity: what would the functioning of governing bodies in the future entail? Tikly (1997) has proposed a model for the future of school governance in South Africa. The model is based on the shifting of some of the current responsibilities of school governing bodies to "non-racial, democratically accountable LEAs (local education authorities)". Some of the responsibilities affected would be: admissions and language policy, religious observance, and appointment of teachers. The reason for Tikly's proposal is to overcome the current imbalance where the governing bodies of historically privileged schools have an obvious advantage over the governing bodies of the vast majority of historically disadvantaged (mainly black) schools. In a way, the model may help to "level the playing field". Tikly does go on to add that governing bodies would continue to play an advisory role with respect to the areas of policy mentioned above. In a sense, this division of responsibilities between LEAs and governing bodies and the advisory role envisaged for the latter touches on the heart of the matter: would governing bodies be powerful enough to make meaningful changes to improve schools and communities?

Focussing on powers/functions of school governing bodies can be important in predicting futuristic trends because powers/functions are very closely linked to other aspects of governing bodies, for example, composition and financing. It is hoped that by focussing in depth on powers/functions, some of the issues surrounding these other aspects of governing bodies may be highlighted and interrogated.

1.3   THE FOCUS OF THIS STUDY

The focus of this study is on **how** policy regarding school governance has been developed at both national and provincial levels. The views of Bowe and Ball (1992) with regard to the policy process constitute a framework for the policy analysis in the study. Bowe and Ball state that the policy process consists of three contexts: the context of "influence", the context of "policy text production", and the context(s) of "practice". Each context is characterized by struggle, a continual 'push and pull' to achieve dominance and recognition.

Policy development, according to Bowe and Ball, is synonymous with contestation. In the case of SASA, the process leading up to it was filled with subtle shifts in position and manoeuvring by roleplayers, that is, contestation. The precise nature and form of this contestation, as pertaining to school governance, is the area of focus that this thesis seeks to explore.

The Western Cape Provincial Government chose to develop its own educational policy for the province in the light of SASA and the national constitution. This means that it will have to design and formulate educational legislation within the framework of SASA and the constitution. Although working within the confines of SASA and the constitution, the development of educational policy and specifically school governance policy is not without struggle and contestation, the result being a fair amount of detraction from the provisions of SASA. Investigating this struggle and contestation at provincial level and how it relates to SASA at national level will be included in the focus of this study.

This study will also focus on the implementation of national and provincial school governance policy at the local (school) level. School governance at one particular school will be looked at in fairly great detail in an attempt to uncover problems and contestations on the ground.

In summary, therefore, the focus of this study centres around the contestations in policy development relating to school governance provisions in the SASA and Western Cape Provincial Schools' Act, and at school governance policy at school level. **The contestations at all three levels, that is, national, provincial and school level, will be concentrated specifically on the powers and functions of governing bodies.** This focus can be represented diagrammatically in the following manner:

TABLE 1.1: *Focus Of The Study*

	SCHOOL GOVERNANCE POLICY		
	↓	↓	↓
CONTESTATION	**National** (*Powers & Functions of Governing Bodies*)	**National vs Provincial** (*Powers & Functions of Governing Bodies*)	**School** (*Powers & Functions of Governing Bodies*)

1.4   THE AIMS AND RESEARCH QUESTIONS

This study was concentrated on the period following the first democratic elections for a new government in South Africa, that is, post-1994 up to the year 2000. The change from a system based on fixed apartheid ideology to a more open and democratic one meant that the political scene became more characterized by fierce competition and volatility. The aim of the research was to understand the nature of the contestation as it manifests itself in both the development and implementation of school governance policy at national, provincial and local levels in a climate of political change and turbulence.

From the preceding discussion of the motivation and focus of the study it is possible to identify three key questions on which this research attempts to shed more light. With regard to powers and functions of governing bodies, these key questions are:

- What are the key contestations surrounding the development of school governance policy at national level?
- How does provincial school governance policy develop from national policy and what are the areas of contention between the two?
- What are the contestations in the implementation of school governance policy at local (school) level?

Looking at the first two questions above, a detailed and thorough analysis of the Hunter Report (March 1995), the first two Education White Papers (DoE, November 1995 and February 1996), the South African Schools Bill (1996), the South African Schools Act (1996), the Provincial Education Bills (January and September 1997) and the Provincial Education Act (1997) were conducted. The purpose of this analysis was to identify what had/had not changed in the provincial legislation and why this had occurred. Examining the third question above meant taking cognizance of national and provincial school governance provisions as well as a close scrutiny of documents produced and utilised by one school governing body. Interviews with relevant roleplayers at all three levels were also conducted. Observation of governing body meetings (in the case of the third question) was yet another technique employed. The principle of contestation was used as a tool to guide the analysis.

The other documents that were crucial in the probe at national level were the submissions made by schools throughout the country in all ex-departments as well as organisations from other sectors in civil society.

In unlocking some of the strife and struggle in policy development and implementation, this project attempted to make some contributions to the field of policy research. In particular, it hoped to offer some theories on the process prior to policy development. Although research into the policy process began only recently, the field has been fraught with debates and controversy. Cibulka (1994) has traced much of this debate and controversy and in his review has noted the "atheoretical tradition", that is, the dearth of theory besetting the field of policy research. This tendency has succeeded in hampering development in the field.

Cibulka has also identified two other problems in the field of policy studies. He calls them the **politicisation of policy research** and the **utilization of policy information to improve policy**. In both cases, Cibulka draws attention to the uses of policy analysis. Drawing on other studies, he questions the claim that policy analysis is a tool for social improvement. Many political scientists have argued that policy analysis, far from being a neutral endeavour, is often seen as an instrument to advance partisan or individual interests.

What then would be the benefit of conducting research into the policy process? To answer this question, it must be stated that policies are not static entities; they contain within them the seeds, the potential of generating other policies. In their introductory chapter, Hargreaves and Reynolds (1989:1) bemoan the fact that: "*There is never a moment in state education when policies are not changing in one respect or another*". Very often, protests against a particular policy lead to design and formulation of another policy. And herein lies the potential for policy research to contribute meaningfully to the lives of citizens. In the words of Reich (1988:3-4) it (policy research) can promote "civic discovery":

> *The core responsibility of those who deal in public policy…is not simply to discover as objectively as possible what people want for themselves and then to determine and implement the best means of satisfying these wants. It is also to provide the public with alternative visions of what is desirable and possible, to stimulate deliberation about them, provoke a re-*

examination of premises and values, and thus to broaden the range of potential responses and deepen society's understanding of itself.

In trying to uncover and examine the subtleties and shifts in position regarding school governance prior to policy adoption, this thesis hopes to encourage policy planners, policy specialists, civil and professional educator organizations as well as student bodies to become more conscious of the role of contestations in policy development. It is organizations that are more in touch with the masses (for example, school governing bodies, subsidiary structures of unions, parent and learner groupings) that may benefit from this study. Very often these groups are presented with the final adopted policy, not fully aware of the dynamics that preceded it. Of course, these organizations do have knowledge of the various draft documents preceding a policy (that is, White/Green Papers, discussion documents). These organizations are not afforded the opportunity to see the process in its totality from inception to final product, especially the battles that are waged in private to influence thinking and direction. The continuum **between** the various stages of the policy process, the options preferred by the various roleplayers, changes in thinking, seldom reach down to the majority of people in communities, people who are often either directly or indirectly affected by the policy in question.

By deepening awareness of these contestations, one can come to a closer understanding of underlying motives and the unsaid and hidden can come to the surface. School governance issues are far from being neutral, since a lot of these issues have to do with power. Thus, the various revisions in position concerning school governance prior to the final Act prompts the question: What thinking and (re) thinking and by whom, brought about the changes? It is important to know what happens within and more especially **between** the various steps in the legislative process. This latter aspect is largely unrecorded since a lot of the interaction is informal. But knowing about the contestations in school governance prior to the adopted policy is vital in stimulating further debate and thinking, knowing full well that these issues in school governance have not been "solved" in the final adopted policy, that they still remain issues which are amenable to other models or other ways of thinking not considered before or in the adopted policy.

1.5   RESEARCH METHODOLOGY

The research approach that was used in this study was qualitative in orientation. Finch (1986) identifies the kind of research which should be qualitative in character. They are: where there is a need for flexibility in the research process itself; studies which place social life in its natural context; a concern with process as well as outcome; explanations which are adequate at the level of meaning, but which also are aware of questions of causal adequacy, even if they cannot be fully resolved.

Studying the contestation at national level, between national and provincial levels, and at the school level clearly fitted into the above categories. Since human subjectivity was involved, flexibility in approach was called for. Persons interviewed in their professional capacities at provincial and national levels were participating in exercises which are common, accepted practices; this is social life in its natural context. The manner in which tensions are worked through, arguments put forth, counter arguments developed, the negotiations involved, reactions of parties and individuals, as well as the situation(s) to which all these gestures lead were going to be analysed; in other words, a concern with process as well as outcome. Lastly, one had to content oneself with the idea that the reasons for human behaviour are often complex and not always attainable.

Taking into account the focus of the thesis, the data collection methods used were: (a) textual (documentary) analysis, (b) interviews and (c) observation. The relevant policy documents (texts) that were produced by the provincial and national governments were studied and analysed. In addition, interviewing some of the major political roleplayers in the provincial and national governments (including DoE officials) was essential in order to capture the thinking of these players and what informed this thinking. At the school level, it was necessary to observe governing body meetings, interview members of the governing body as well as analyse governing body documentation.

As data was being gathered via interviews, textual analysis and observations, categorization of the data had to be undertaken. In deciding the categories, the following questions were posed:

- Which were the powers and functions causing contestation?
- Why were these powers and functions causing contestation?
- How were these contestations addressed, that is, what were the compromises?

In this study multiple sources of information had been sought and used because no single source of information could provide a comprehensive perspective on the situation being studied. By using a combination of interviews, documentary analysis and observation, the researcher was able to use different data sources to validate and cross-check findings. Each type and source of data has strengths and weaknesses. Using a combination of data types increases validity as the strengths of one approach can compensate for the weaknesses of another approach (Marshall and Rossman, 1989).

The validity and reliability of the study was therefore enhanced by the use of triangulation of data sources. This meant comparing and cross-checking the consistency of information derived at different times and by different means. A code of ethics had to be followed throughout the process of data collection. Attention was given to issues of confidentiality, obtaining access to people and documents, and obtaining consent.
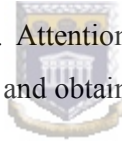
1.6   LIMITATIONS OF THE STUDY

One of the limitations of such a study concerns the ethics involved in qualitative research. Gaining access to people, institutions and documents requires that consent of those people and institutions be obtained. This consent is often given with a set of conditions that have to be adhered to. One of the most important concerns of people who agree to be studied is the matter of confidentiality. Researchers have to go to great lengths to assure people that they and their institutions will remain anonymous. Sometimes the line between keeping confidences and breaking them becomes very thin and researchers are thrown into ethical dilemmas. This study highlights many of these issues.

At national level, it was not possible to gain access to all key informants involved in the policy process because the SASA was passed in 1996 and some of the key policy participants involved in the SASA and processes prior to it, had since taken up other career positions. Despite the researcher's attempts to contact members of the Parliamentary Portfolio and

Senate Committees on education through phone calls and faxes, the response was poor. The interview with the Chairperson of one committee did not prove helpful as he was not involved directly in the process leading up to the SASA. Another key informant who would have been quite helpful as he was involved in the policy process of the SASA informed the researcher that he was unable to grant an interview because of his busy schedule.

The provincial level also proved problematic in the sense of obtaining interviews with key roleplayers. This was especially so in the Provincial Legislature. The only interview that the researcher could obtain was with the education spokesperson for the African National Congress (ANC), the movement that spearheaded the resistance to apartheid and now the ruling party in the new democratic dispensation in South Africa. The education representatives of the other main political parties namely, the New National Party (NNP) and the Democratic Party (DP) did not respond to the researcher's constant overtures via letters, phone calls and visits in person. The NNP is a new deracialised grouping formed from the old National Party (NP), the all-white party that ruled South Africa from 1948 until 1993. The DP is a multiracial party that became the official opposition in Parliament after 1994.

As far as teacher organisations/unions were concerned, the only interview that the researcher could obtain was with a provincial office-bearer of South African Democratic Teachers' Union (SADTU). SADTU is an aggregate of teacher organisations opposed to white minority rule during apartheid. The provincial representatives of National Professional Teachers' Organisation of South Africa (NAPTOSA) and Suid-Afrikaanse Onderwysers' Unie (SAOU) referred the researcher to individuals who were prepared to grant interviews, but stated that their views would not be that of the organisations that referred them. NAPTOSA is a grouping of conservative teacher organisations after the demise of apartheid. SAOU is a union of white Afrikaner teachers.

Although the researcher was granted permission to observe governing body meetings at the local school in the study, the principal made it clear that the researcher could not have access to all the documents of the governing body. However, the researcher was able to interview representatives of all the sectors on the governing body, except the learner component. The learners in question did not respond to the researcher's letter outlining the scope and purpose of the thesis wherein permission was also sought for interviews. Despite all the shortcomings

mentioned above, the researcher was still able to garner a wealth of data from interviews, documentary analysis and observation of governing body meetings.

1.7   OVERVIEW OF THESIS

Chapter One commenced with the vision outlined in SASA for a new educational dispensation in South Africa. The reasons for embarking on this project were then explained, followed by an exposition of the focus of the study. In detailing the aims and significance of the study, the importance of the process and events preceding policy adoption was emphasized.

Chapter Two undertakes a discussion of the theoretical issues surrounding the policy process. Some of the current debates relating to policy studies will be examined as well as the different models used in the research on policy processes. The three contexts of the policy process, as outlined by Bowe and Ball (1992), will be discussed, the underlying intention being to expose the manner in which policies get reshaped over time.

Chapter Three devotes itself to a discussion of school governance in general. The assumptions underlying school governance, powers of governing bodies, the principle of lay participation, community and student involvement, the politics practised within governing bodies, are some of the issues that will be dealt with in this chapter.

Chapter Four will describe the methodology to be used in this investigation. It will include a discussion of qualitative research and some of the approaches used within this research framework. Data collection techniques used in this study will also be explained and assessed. This includes the techniques of interviews, textual analysis and observations.

Chapter Five will take a detailed look at the national level submissions that were made by the various stakeholders to the South African Schools' Bill (SASB). These stakeholders will include schools from the four ex-departments of education: House of Assembly (HOA); House of Delegates (HOD); House of Representative (HOR) and Department of Education and Training (DET) as well as representatives from other sectors, for example, business, independent schools, lobby groups, teacher organisations/unions. The four ex-departments of education refer to the former pre-1994 political arrangement where the white government

divided the various races into separate compartments, each governed by their own controlling body. This applied especially to social services like education and health. Thus the ex-House of Assembly (HOA) governed white education, the ex-House of Delegates (HOD) governed Indian education, the ex-House of Representatives (HOR) controlled Coloured education and the ex-Department of Education and Training (DET) looked after urban black education.

Chapter Six will concentrate on the differences in school governance regulations between the SASA and the Western Cape Provincial Schools Act (WCPSA). Since the WCPSA is supposed to be based on the SASA, there are obvious areas of overlap as well. The issues emanating from the differences and similarities between the two sets of legislation will be explored and discussed.

Chapter Seven will scrutinize the contestations in the functioning of one governing body. The particular powers and functions that give rise to debates within the governing body will be carefully identified and discussed.

Chapter Eight will contain an in-depth reflection and analysis of the main findings, at national, provincial and school levels. The nature of the contestations at all three levels will be identified and elaborated on.

Chapter Nine, the concluding chapter of this thesis, will collate all the findings of this study and reflect on them in the light of the aims of the study. The lessons to be learnt about the policy process will be explained and the manner in which policy analysis and implementation can be improved will be explored.

CHAPTER TWO

THE POLICY PROCESS

2.1   INTRODUCTION

This second chapter focuses on the theories that have thus far developed around the policy process with the emphasis on contestation theory. The development and implementation of policy is fraught with contestation between the actors concerned and therefore this chapter will devote itself to a discussion of policy design, formulation, adoption and implementation. Since the aims of this study are to enlighten and interrogate the contestations in school governance policy at national level and between national and provincial levels, and at school level, the four aspects of policy mentioned provide the 'stage' on which these contestations are played out. Before moving into the discussion of these aspects, it might be necessary to first outline some notions of the term **policy**.

2.2   CONCEPTUALIZING POLICY

According to Kogan (1975) policies are the operational statements of values, statements of "prescriptive intent". The term "prescriptive" suggests that policies are the work of an authority: governments respond to a situation by 'producing' policies. Indeed Ranson (1995:440) states that:

> *They (policies) have a distinctive and formal purpose for organizations and governments: to codify and publicize the values which are to inform future practice and thus encapsulate prescriptions for reform. Policies are thus oriented to change and action, providing public intent of transforming practice according to ideal values.*

This last point actually echoes the views of Ball (1990) who maintains that policies project images of the ideal.

This concept of 'policy' is, like most concepts, not a precise or self-evident term (Heclo, 1972). The modern meaning of the term **policy**, dating from the post World War II period in particular, is that of policy as a rationale, a manifestation of considered judgement. Politicians are never willing to admit that they do not have a policy on "X" as this might signal the end

of their political careers. A policy is an attempt to define and structure a rational basis for action or inaction. According to Parsons (1995:14) policy serves a crucial function in the modern liberal democratic state: "*it actually serves to define its legitimacy*". This idea resonates with the view of Kogan (1975:56) that policies are the "authoritative allocation of values".

It must be pointed out that the idea of policy as an intended course of action is somewhat debatable. Some scholars of public policy challenge the view that policy is the official proclamations of government and other power holders. They argue that policy is made as much - or often a good deal more - in practice as by pronouncement. Samoff (1996:4) takes the example of language policy to illustrate this point:

> *The ministry responsible for education may have formal rules, publicly announced and officially recorded, specifying that instructors are to use a particular language to teach certain subjects. Suppose, however, an on-site study shows (otherwise). When asked, a school principal might say that "our policy in this school is to use the language that our students understand. To do otherwise will make their examination marks even worse." What, then, is the policy?*

From one point of view, the policy is what the Ministry has promulgated. From the other perspective the actual policy that is the working rules that guide behaviour, is what the teachers are doing. In this view, the Ministry of Education documents are just that: official statements that may or may not be implemented and certainly not guides to what people actually do. Stated policy may thus be very different from policy in practice.

2.2.1   The Stage Or Linear Model Of Policy Development

The policy process can be conceived of as a series of interdependent phases or stages spread out over time: agenda-setting, policy formulation, policy adoption, policy implementation and policy assessment (Dunn, 1994).

(a)   Agenda-Setting

Agenda-setting refers to the identification of problems by elected officials or appointed officers who place these problems on an agenda for discussion. This happens in the institutions of government, and while some problems may receive immediate attention, others are not acted on at all or only after long delays.

Agenda-setting is not only performed by government officials or appointed officers. So who decides what will be decided? Defining the problems of society, and suggesting alternative solutions, is the most important stage of the policy-making process. Conditions in society which are not defined as a problem, and for which alternatives are never proposed, never become policy issues. The power to decide what will be a policy issue is crucial to the policy-making process. Deciding what will be the problems is perhaps more important than deciding what will be the solutions.

Policy issues do not just happen. Creating an issue, dramatizing it, calling attention to it, and pressurising government to do something about it are important political tactics. These tactics are employed by influential individuals, organized interest groups, policy planning organizations, political candidates of office-bearers, and perhaps most importantly, the mass media. These are the tactics of agenda-setting.

On the other hand, **preventing** certain conditions in society from becoming policy issues is also an important political tactic. 'Non-decision making' occurs when influential individuals or groups, or the political system itself, operate to prevent the emergence of challenges to the dominant values or interests in society. According to Bachrach and Baratz (1963:632):
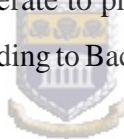
> *To be more clearly explicit, non-decision-making is a means by which demands for change in the existing allocation of benefits and privileges in the community can be suffocated before they are even voiced; or kept covert; or killed before they gain access to the relevant decision-making arena; or failing all these things, maimed or destroyed in the decision-implementing stage of the policy process.*

(b)   Policy Formulation and Adoption

Policy formulation occurs when officials and other stakeholders formulate alternative policies to address a problem. These alternate policies are normally in the form of executive orders, court decisions and legislative acts.

In policy **adoption**, a policy alternative is adopted with the support of a legislative majority, consensus among roleplayers, or a court decision. Policy formulation and adoption becomes much clearer when one looks at the usual steps in the legislative process. Garbers (1996) outlines these steps (within the South African context) as follows:

- As a result of a problem in society, a government ideal such as the Reconstruction and Development Programme (RDP), the authorities decide to investigate the problem and prepare recommendations by means of a departmental or interdepartmental investigation or an official commission, or by contracting the research out. Such investigations usually include wide consultation.

- On the basis of scientific and technical grounds and also political considerations, the authorities decide to develop a policy on the matter and legislate on it. The Minister usually takes this after having been duly advised by his Director General and having cleared it in its political context.

- The department involved prepares a draft legislation based on the findings and recommendations that emanate from the investigation. This step requires:

  - highly specialized knowledge of the problem area, the law and law enforcement;
  - administration;
  - a study of related legislation; and
  - an idea of what would be politically and administratively feasible.

- The draft legislation (which can also be prepared by outside organizations) is submitted to the state legal advisors for scrutiny and they are consulted throughout.

- Directly concerned groups and organizations, and the state departments concerned are asked to comment on the draft legislation.

- All state departments are invited to submit comments to ensure that all related legislation has been taken into account.

- The draft legislation is submitted to Cabinet for approval to proceed with the legislative process.

- The draft legislation is tabled in parliament for the first reading and is then usually referred to the relevant select committee, which includes representatives from each political party in parliament.

- The draft legislation is studied carefully and discussed in depth by the select committee. This is an extremely critical party-political scrutiny and a strict test for the legislation and its assumptions and implications. Political party representatives often consult people whom they trust (usually scientists) about the legislation. The committee can also invite nationwide comment by publishing the draft legislation in the government gazette, or it can invite representatives of stakeholders to appear before the committee. Political parties can also use this forum to delay legislation by repeatedly referring back to the committee, and the select committee can eventually reject the legislation. Once the draft legislation has been approved, whether unanimously or with a majority of votes, it is recommended to parliament.

- After further debate, and if it is approved, the draft legislation is read for the second time and approved in parliament.

- The act is then signed by the president/head of state whereby it becomes law and is published in the government gazette.

(c) *Policy Implementation*

Policy **implementation** comes about when the administrative arm of government makes available human and financial resources to carry out the provisions of an adopted policy. According to Hanekom (1987:55):

> *Policy implementation is a practical activity involving the proper following of a legally specified course of action over time…Being aimed at the following of a legally specified course of action implies that official institutions are responsible for policy implementation.*

(d) *Policy Assessment*

In policy **assessment**, the question of whether a policy is achieving its objectives is addressed. This includes the monitoring of finances to determine whether money is being spent in accordance with policy requirements.

The idea of conceiving the policy process as successive phases is referred to as the **stage model**. It may be represented by the following diagram:

FIGURE 2.1: *The Stage Model Of Policy Development*
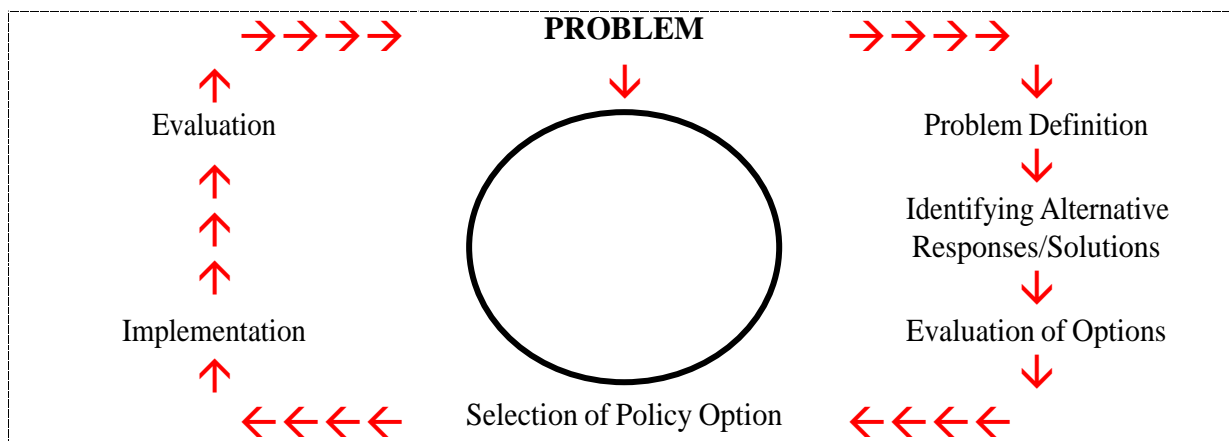
from: Parsons, W. (1995:77)

The 'stage' model is not without its critics who argue that it creates an artificial view of policy-making. The real world is far more complicated, involved and not composed of neat, tidy steps, phases or cycles. Sabatier and Jenkins-Smith (1993) set out five major criticisms which may be levelled at this model:

- it does not provide any causal explanation of how policy moves from one stage to another;

- it cannot be tested on an empirical basis;

- it characterizes policy-making as essentially 'top-down', and fails to take account of 'street-level' and other actors;

- the notion of a policy cycle ignores the real world of policy-making which involves multiple levels of government and interacting cycles; and

- it does not provide for an integrated view of the analysis of the policy process and analysis (knowledge, information, research) which is used in the policy process. For example, policy analysis does not just take place in the 'evaluation' phase.

On the positive side, the 'stage' model does have certain strengths. Contemporary policy analysis is a multi-framed activity. The strength of the 'stage' approach is that it affords a structure within which one may consider the multiplicity of reality. Each stage therefore provides a context within which we can deploy different frames or perspectives.

2.2.2 The Contextual Model

Another way in which policy has been conceptualized is via the use of contexts. Bowe and Ball (1992) state that the policy process consists of three contexts: the contexts of influence; the contexts of policy text production; and the context of practice. Their model can be illustrated diagrammatically as follows:

FIGURE 2.2: *The Contextual Model Of Policy Development*
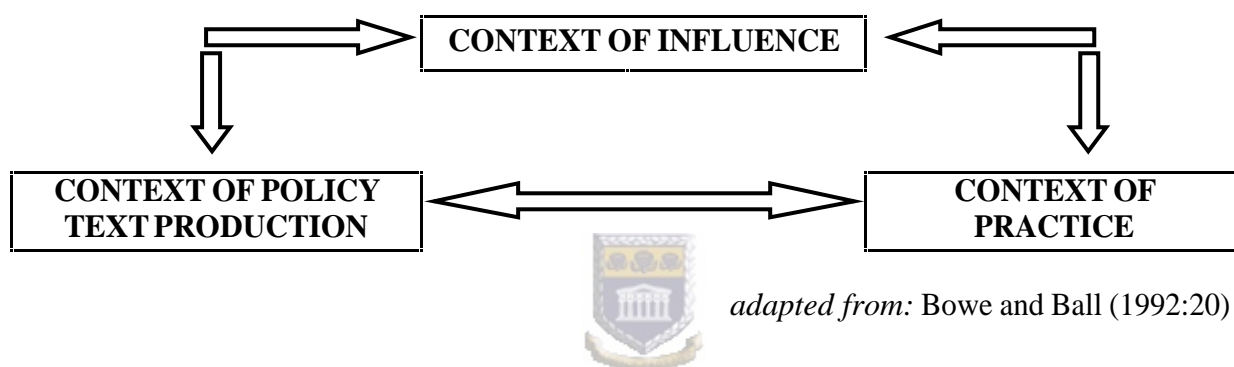
adapted from: Bowe and Ball (1992:20)

Each context is characterized by struggle, a continual 'push and pull' to achieve dominance and recognition. The context of influence is where public policy is normally initiated. It is here that interested parties struggle to influence the definition and social purposes of education policy. If one relates this to the educational scenario in our country, one can easily identify some of the major 'interested parties' trying to influence educational policy. For example, the teacher bodies (unions and professional associations), student bodies, parent groupings, political parties, committees (for example, the committee chaired by Prof. P. Hunter), and documents of special task groups. Some of these parties had already engaged in actions such as marches, protests, meetings, staging walk-outs, preparing discussion documents, in an attempt to influence the direction of educational policy.

The context of policy text production is also an area of potential tensions and struggle. Policy texts represent policy. These representations can take various forms, for example, official legal texts, policy documents, formal and informal commentaries via the media, speeches by politicians and department officials, and videos. Bowe and Ball (1992:21) explain some of the sources of tension associated with policy text production:

> *The expression of policy is fraught with the possibility of misunderstanding, texts are generalized, written in relation to idealizations of the "real world", and can never be exhaustive, they cannot cover all eventualities…Policy is not done and finished at the legislative moment, it evolves in and through the text that represent it…(Texts) have to be read with and against one another…Control over the timing of the publication of texts is important…What is at stake are attempts to control the meaning of policy through its representation.*

The time dimension has applicability to our situation in South Africa. After the general elections in April 1994, there was a prolonged period of inaction and inertia in terms of a lack of clear educational policy directives. There were not many policy acts that were being promulgated, thus resulting in an atmosphere of impatience and frustration. This lack of policy development was captured in an accusatory remark in one newspaper which referred to the Ministry of Education as the "Ministry of Paralysis" (*Weekly Mail*, 1994).

The third context, that is, the context of practice, is the domain to which policy refers, to which it is addressed. Policy is not simply a matter of being written and then being received and acted upon. It is, as Bowe and Ball (1992:22) point out, "*subject to interpretation and then 'recreated'*". Rizvi and Kemmis (1987:21) echo this point:

> *Those who participate in a program at the school level will interpret it in their own terms, in relation to their own understanding, desires, values and purposes, and in relation to the means available to them and the ways of working they prefer. In short, all aspects of a program may be contested by those involved in a program, moreover, a program is formed and reformed throughout its life through a process of contestation.*

According to Wallace (1991), it is important to acknowledge that policy intentions may contain ambiguities, contradictions and omissions that provide particular opportunities for parties to the implementation process, what one might term `space' for manoeuvre.

Bowe and Ball (1992:23) concluded that the policy process:

> *…is one of complexity, it is one of policy making and remaking. It is often difficult, if not impossible to control or predict the effects of policy, or indeed to be clear about what those effects are, what they mean, when they happen.*

Policy contestation in the South African context is very well captured in the following remarks by Nzimande (2001:41):

> *The first major contestation to face Parliament concerned the White Paper on Education and Training of 1994/1995…this was the first White Paper on Education and Training. We saw it as a crucial document that would formally collapse the apartheid edifice in education…the first draft of the White Paper, released as a discussion document, generated intense resistance and defiance among white National Party politicians. The matter was so contentious that it actually brought Mandela and de Klerk (leaders of the ANC and NP respectively) together for serious bilateral discussions.*

The struggles, dilemmas and compromises in the policy process are further underlined by the following comments by Nzimande (2001:41) on the issue of school funding:

> *If education was free for all, then extra resource demands would be made on government and we would be unable to redress inequalities in the system. The state would be putting money into education on behalf of those who could afford to pay. More seriously, we would then be creating a mediocre system across the board, the middle class would leave the public school system and the quality of public school education would decline sharply. We would rather have schools and parents who could afford to pay for their schooling to do so, thereby making available state resources to support public rural and township schools…by not placing a 'cap' on school fees, we knew that we would be allowing privilege schools to hire more teachers and thereby perpetuate a two-tier system. This was a difficult compromise.*

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The model of the policy process as put forward by Ball and his colleagues is not without criticism. Hatcher and Troyna (1994) quote various aspects of the 1988 Education Reform Act in Britain to show that Ball underestimates or diminishes the ability of the state to control and constrain the reading of policy. Hatcher and Troyna's understanding of the policy process is that "state control has the upper hand". To quote Hatcher and Troyna (1994:162):

> *We will argue for an understanding of the policy process that, while acknowledging processes of institutional reinterpretation, gives much greater weight to the ability of the state to control outcomes than Ball and his colleagues do.*

Ranson (1995:438) also comments on the critique of Ball by Hatcher and Troyna:

> *Hatcher and Troyna argue that Ball's policy cycle, with its emphasis upon micropolitical recontextualising of policy especially within schools, neglects the prior structuring of the cycle and thus distorts the relative power of those involved, especially the state.*

People do not engage in policy texts as naïve readers or passive recipients. Policies will be interpreted differently as the histories, experiences, values, interests and goals of people differ. Bowe and Ball (1992:22) make an extremely important point in this regard:

> *The simple point is that policy writers cannot control the meaning of their texts. Parts of texts will be rejected, selected out, ignored, deliberately misunderstood, responses may be frivolous, etc.*

The point made by Bowe and Ball (1992); and Rizvi and Kemmis (1987) serve to highlight another matter. When Bowe and Ball (1992:21) state that "*Policy is not done and finished at the legislative moment…*", and Rizvi and Kemmis (1987:21) argue that "*all aspects of a program may be contested…*", the implication is that policies often contain within themselves the seeds for the growth of other policies. Policies, especially the responses to them, often give rise to other policies. For instance the response (in the form of protests, non-participation) to policies promoting the apartheid ideology in South Africa have given rise to new policies advocating a more democratic, non-racial order. Looked at from the view of the stage model, this would mean that the stage of policy assessment results in a new stage of agenda-setting, policy formulation, adoption, implementation, assessment, and so the cycles continue. From the contextual perspective of the policy process, this would mean that the

contexts of influence, policy text production and practices will be filled with a whole new set of dynamics.

2.2.3 Linking Both Contextual And Stage Models

The stage and contextual models of the policy process can be related to each other in a variety of ways. For example, the context of influence can apply or be applied to any of the stages making up the stage model. If one takes the stage of policy implementation, various agents responsible for implementation wield all kinds of influence in the implementation process. These agents will use their influence (for example, in making resources available or unavailable) depending on how much of the policy they want implemented or distorted. People can also use their influence to manipulate events in such a way that a particular policy option is selected from a range of alternatives (the policy adoption stage). Influence can also be felt in the policy formulation stage where a particular alternative is introduced and brought forward for consideration simply because it had come from a certain quarter which happens to exercise much clout.

The context of policy text production can be linked to the other stages of the policy process. For example, the identification of problems (the stage of agenda-setting) and how one sees them, often determines the language that will be used to represent policy issues. Policy texts can also take various forms, for example, official legal texts, editorial commentaries in the press, and political speeches.

In both the stage and contextual models, language plays a crucial role. Language is not a neutral instrument; it can be used to sway opinion especially at the inception stage when members of the public may not have definite views either for or against a specific issue.

During assessment or evaluation of a policy, the official policy documentation could come under scrutiny. It could be found, for example, that the language in which a policy document was written was so rigid, precise and detailed that there was no room for flexibility especially during the implementation phase.

How is it that policy makers and legislators finally arrive at a particular policy choice? What is it that make these policy actors settle on one particular course of action and not another? These questions are addressed in the following section on policy design and formulation.

2.3 POLICY DESIGN AND FORMULATION

The stage of policy design and formulation is reached when officials formulate alternative policies to address a problem. Without a carefully prepared set of policy choices, the decision maker has to rely on a limited set of personal resources or worse, pure luck.

The generation of policy alternatives depends a lot on what took place during the agenda-setting phase. The recognition of the problem, the organizational acceptance of that recognition, the identification of the context (including the relevant actors), and the identification of the normative and political goals, all act as guidelines or constraints upon policy options. The range of alternatives can extend from simply doing nothing to doing something radical, with countless policy options in-between.

In selecting alternatives a great deal of trade-offs and compromises are involved. For example, choosing an option such as centralization means a strong possibility that citizen freedom will be sacrificed in the interests of national unity.

A crucial question to consider is the extent to which the potentially contradictory consequences of the various policy choices can be reconciled so that tensions may be avoided in the future. According to Sayed (1998) one of the ways in which this can be done is to have a belief system that can adequately incorporate or address all or most of the outcomes. But ideological cohesion is not enough. It is the material conditions in society which minimize or increase the conflict between the policy choices (Jessop, 1990).

When the potentially contradictory outcomes that policy choices effect cannot be held together, the existing consensus collapses and a new consensus has to be sought. This means generating new policy choices. But this new policy choice is not free of contradictions since, as in the previous case, it has to effect compromises between competing forces. Sayed (1998:2) captures the cyclical nature of this process by saying:

Thus it is argued that educational policies are essentially inherently unstable settlements whose stability may be temporarily secured by policy choices which for a while minimise potentially contradictory outcomes, which will ultimately rupture. Educational policies therefore represent moments of fragile consensus and policy choice is an attempt to reconcile potential contradictory outcomes of sources of tensions.

Each moment of 'fragile consensus' is accompanied by the multiple meanings that policy makers and policy documents attach to concepts. The manner in which the same concepts are understood, explained or justified differ from policy-maker to policy-maker and from policy document to policy document. Therefore whenever a policy choice breaks down, these different understandings and meanings come to the fore.

The notion of educational policies can be illustrated by the following diagram developed by Sayed (1998:3):

FIGURE 2.3:   *The Cycle Of Policy Choice*

REVISED MEANING OF CONCEPT

↑   ↓

NEW TENSIONS   MEANING OF CONCEPT

↑   ↓

NEW POLICY CHOICES   TENSIONS GENERATING CONTRADICTORY IMPULSES

↑   ↓

CONTRADICTORY OUTCOMES   ⬅   POLICY CHOICES
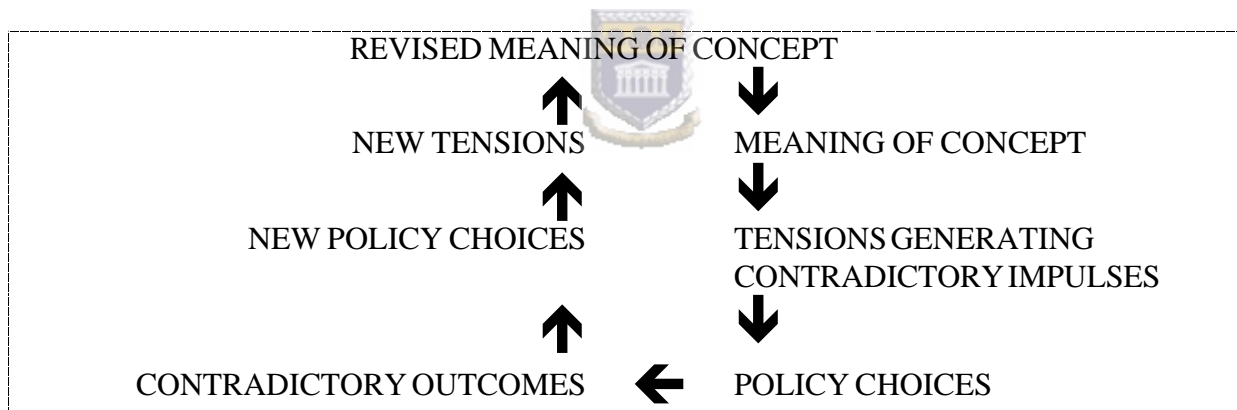
adapted from: Sayed (1998:3)

The above model suggests that all policies are about choices which involve trade-offs and compromises. While these trade-offs may help to bring about some kind of balance between extreme positions, they can also simultaneously generate future conflicts. This dual character of policies is captured succinctly by Sayed (1998:3) when he says that "*educational policies…simultaneously contain compatible and conflictual features, centripetal and centrifugal forces.*"

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2.4   POLICY IMPLEMENTATION

Ball (1990:22) maintains that policies are "*pre-eminently statements about practice - the way things could or should be - which rest upon, derive from, statements about the world - about the way things are.*" This clearly implies that there is an implementation aspect to this process of policy, an act of doing something that will somehow transform the existing situation.

The formal study of policy implementation as a separate area of inquiry is quite recent in origin. The last three decades has seen a growing number of publications on the subject, which has become an accepted area of academic enquiry. Some of the earlier writers on implementation were Murphy (1974), Pressman and Wildavsky (1984), and Sabatier and Mazmanian (1979). These earlier studies showed that there was a lot of incongruity and conflict between local orientations, values and priorities and state initiated programmes. Murphy (1974), for example, showed that local governments in South Africa had neither the capacity nor the will to implement policies designed by higher level government.

Successful policy-making means a careful and thorough examination of not just the end result, but the means by which result is achieved. Implementation is the means by which the goal is achieved. It is therefore much more than just a managerial or administrative activity. In the words of Harlech-Jones (1990:19) "*It is a process which embraces these functions in addition to adjusting and ordering the potentials and limitations of human and material factors which are involved, through a continuing effort of negotiation, direction and evaluation.*"

2.4.1   Perspectives On Implementation

Over the years scholars of policy have taken different views of the implementation process. Different perspectives of implementation emphasize different characteristics of this process. Some of these perspectives are examined below.

(a)   *Implementation as Evolution*

Majone and Wildavsky (1978) regard implementation as being shaped by the original policy-making from which it sprang. An adopted policy consists of a variety of goals, ideas and dispositions, and its connections exist in some disarray. Implementation forges a causal chain between them. Because policy goals are usually multiple, conflicting and vague, and because

of policy-makers' limitations and the unpredictable nature of the environment, it is not always possible to anticipate all the likely problems and obstacles applicable to a policy when it is adopted. Instead, they are discovered as implementation proceeds.

Implementation addresses itself to the following questions: which of a statute's several objectives are to be implemented, in what order, and with what proportion of available resources? Although a policy is painstakingly formulated at its adoption, it is redesigned as these and other questions are answered in its implementation. Koenig (1986:156) expresses it as follows:

> *Implementation is a critical juncture at which policy is endowed with essentials that were not and could not be provided for in its formulation, including doctrines to explain and defend it, and to attract and maintain the support that establish it in a logical niche in a densely occupied policy space.*

Policies continue to evolve as they move across the spectrum of implementation and new circumstances are encountered. During implementation, policy can be altered significantly. Initial policy-making is also open to error, and the evolutionary character of implementation provides experience and learning that permit their correction.

(b) *Implementation as Planning, Hierarchy, and Control*

The idea behind the hierarchical approach is the production of programmed decisions that control the discretion of subordinates and that eliminate or at least contain problems that are foreseeable and that would otherwise hinder effective implementation. The hierarchical approach makes use of specific control mechanisms within organizations to ensure that the purposes of policy are translated into actual accomplishment.

(c) *Implementation as Politics*

According to Ingram and Mann (1980) implementation is conducted largely through accommodation and bargaining, with relentless give-and-take, winning and losing, chronic disjointedness, and pervasive disarray. The policy to be implemented is simply a point of departure for bargaining among the implementers, and what materializes as implemented policy is determined by specific local conditions, which are unique to each implementation context, and which shape the contours of the eventual outcome.

The implementation-as-politics perspective minimizes the importance of goals and plans, and it views control as all but impossible. Persisting conflict over goals and the means for attaining them prompts this outcome, as does the presence of many loosely connected participants and a generally unstable environment. A supportive political environment which originally produced a policy, may wither and vanish in the stage of implementation. Public opinion that once rallied behind public goals slackens when the costs and rough edges of implementation are exposed.

This perspective of implementation is very reminiscent of the 'chaos' perspective advanced by Geller and Johnston (1990:59):

> *The science of chaos does not suggest randomness or a world without order. Rather, the order in chaos focusses on the irregular rather than the regular, the non linear rather than the linear, and a sense of a world in motion, sometimes turbulent, and exploding with uncertainty.*

One of the central concepts in this science of chaos is the concept of 'nonlinearity'. It is used to depict a world which, seen in conventional terms, is disorderly and confusing. Gleick (1987) compares this to a game where the rules constantly change, or walking through a maze where the walls move each time one takes a step. The purpose of nonlinearity is to understand by dealing directly with complexity, in its most dense and complicated form, all the while recording the robustness of irregularity.

2.4.2 Factors Influencing Implementation

Researchers are in general agreement that implementation is extremely difficult to describe and classify analytically because so many factors influence it and thereby cloud our understanding. Brewer and de Leon (1983) have listed six factors that have a bearing on policy implementation. They are (a) source of the policy; (b) clarity of the policy; (c) support for the policy; (d) complexity of administration; (e) incentives for implementation; and (f) resource allocation. Each of these factors will be briefly explained.

(a)   Source of the Policy

The sources of policy are numerous. The significance of the policy source as a factor influencing implementation is that each policy originator has different roles, powers, and functions in the government which determine its capacity to determine, select, and execute a particular policy.

(b)   Clarity of the Policy

A second factor is the clarity with which a policy's underlying intent is articulated formally. High-level policy makers usually have to be rather general and abstract in their statement of intent, or it may be difficult or impossible for them to foresee all the contexts in which a policy will be carried out to formulate specific guidelines for each one. In practice, overspecification can undermine programme implementation. A policy can be specified so minutely as to make its execution in varying conditions virtually impossible as a required capability or resource might not be available. Very strict guidelines can also foster conflict. Guidelines are often the centre for controversy and resistance. Guidelines and their administration can become overzealous, excessively literal, and rigidly applied, the stuff of confrontation. A similar failure can result from misspecification, which is likely to occur if a policy's operations are defined prematurely. Further, very strict guidelines can destroy local initiative and creativity, conditions which normally should be encouraged.

Whether through insufficient, over-, or mis-specification, an administrator who does not understand the intent of a policy is likely to distort it (or feel free to distort it) by inappropriate implementation.

(c)   Support for the Policy

How a policy is implemented - or whether it is implemented at all - depends on the support the policy generates among those who are affected. What are the external (as opposed to the internal or bureaucratic) policies of policy implementation? The basic questions implied in this consideration include the following:

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- Who are the potential clients?

- What parties (both inside and outside government) are likely to support or oppose the policy?

- What resources do these parties have, and how much are they willing to expand on this issue?

- What are the intensity and duration of their commitment?

- Is there any indication of hidden agendas that are going to be advanced or threatened by the policy?

A policy or policies may enjoy widespread support but implementation could suffer because there could be different interpretations and readings of the policy even amongst the supporters of the policy. Of course, negative reactions to a policy could also be detrimental to successful implementation. In connection with their research into school governance, Mabasa and Themane (2002:114) state that:

> *The different interpretations of government policy and the negative attitudes of stakeholders in this regard seem to be the main sources of tension underlying school governance behaviours… On the whole these problems with school governance impacted negatively on the participation of stakeholders in school governance, and this resulted in non-compliance with national policy.*

(d)   Complexity of Administration

Generally, the further removed the decision maker is from the implementing agent and the client, the greater the opportunities for distortion or variation of the policy from its original intent.

When the policy must be implemented through the vertical co-ordination of several different agencies, several different administrative agencies must be considered, both horizontally and vertically, for a policy to work. The greater the number of institutional entities involved - each with its own set of expectations, interests, and perceptions - the more difficult the process of implementation. Each agency adds its own objectives and possibilities for policy distortion.

(e) <u>*Incentives for Implementers*</u>

Many public programmes have been poorly implemented because they inadvertently were not congruent with the interests of those responsible for formulating and implementing them - a finding consistent with behavioural theory where a system of rewards and sanctions are used to encourage desired behaviour and reject unwanted behaviour.

(f) <u>*Resource Allocation*</u>

Resources include money and time. The former has particular relevance to the education situation in South Africa. There is often rarely enough of either to implement policies as fully as desired. The constraints posed by these resources thus heavily influence policy implementation.

Koenig (1986) has also considered conditions which aid smooth implementation of policies. Implementation is strengthened if it is guided by committed and politically skilful leadership. Most importantly, the leader needs to set the agency's direction and the ranking of its objectives, and he/she must set about mobilizing fellow officials' skills in attending to them.

Implementation can be carried out fairly smoothly if accompanied by planning and adaptation to existing environmental conditions. Pressman and Wildavsky (1984) advocate the preparation of an 'implementation estimate' even in the early stages of policy development. This 'implementation estimate' would seek to anticipate likely problems for each of the policy alternatives being weighed. Additional foresight could be gained through 'scenario writing', an imaginative construction of the future sequences of actions, reactions, and their consequences, laid out step by step. The exercise forces planners to think more seriously about design problems, especially financial costs. At this early stage of policy development, it can prompt them to anticipate the stresses and strains of implementation. Hogwood and Gunn (1984) also set out conditions that must be satisfied if perfect implementation is to be achieved. Some of these conditions overlap with those already mentioned.

A most crucial element in determining the success or failure of implementation is **strategy**, devised for the varying situations that implementation faces. Two common contrasting strategies emanate from the choice between **programmed implementation** and **adaptive implementation.** The first seeks to eliminate or control the snares and problems that await

implementation by thorough, explicit preprogramming of implementation procedures. The risks of human error and other mischance are thus reduced to the lowest possible minimum. Adaptive implementation strives to improve the process by permitting its initial plans and procedures to be adjusted readily to unfolding events and decisions. Implementers must match strategies to situations and their many instances. Frequently the situations are so multidimensional and formidable that both the programmed and adaptive approaches are used.

A programmed strategy places value on clarity and rationality and rests on the assumption that the worst problems that obstruct implementation stem from ambiguities lurking in policy goals, the participation of excessive numbers of actors with overlapping authority and misperceived interests, the consequent arousal of conflicts, and the slowed pace of the implementation's progress. Exponents of adaptive strategies, on the other hand, contend that clarity and specificity are not always assets to implementation. Problems arise and become acute because of the overspecification and rigidity of goals and operating procedures, the failure to react promptly to shifting political realities, the failure to include all relevant actors in decision-making, and the excessive control of the performance of deliverers.

2.4.3   Lessons For Effective Implementation

No matter how powerful and effective the instrument of implementation might seem, no matter how thorough and inclusive the policy making process was, no matter how much forward thinking in terms of anticipating difficulties, it is almost certain that implementation will not proceed smoothly. There are always problems which impede or frustrate implementation or which produce unsought for side-effects. Between legislation and implementation many factors intervene. Jordan and Richardson (1987), list the conditions which need to be fulfilled in order to achieve perfect implementation:

- a unitary administrative system rather like a huge army with a single line of authority;
- the norms and rules enforced by the system have to be uniform;
- there must be perfect obedience or perfect control;
- there must be perfect information and perfect communication as well as perfect co-ordination; and
- there must be sufficient time for administrative resources to be mobilized.

Harlech-Jones (1990) concedes the difficulty of having all five conditions existing together at one point in time to effect perfect implementation.

The political process culminates in legislation, that is, a public policy. Relatively few policies stipulate exactly how implementation should be effected and is often left to the discretion of the policy-implementer to decide on the executive, administrative and operational steps to be taken to implement the policy. In the case of education policy, it often happens that the policy-maker's world does not match the existing reality of schools and the people within them. The policy that has been formulated has not sufficiently taken into account the reality of those responsible for implementing it. This mismatch can affect various areas, for example, resources, capacity, tensions among implementers.

Public policies are sometimes, because of a lack of time, information or expertise, framed in general terms, and the formulation of the details of the policies for implementation purposes is left to the implementers, who could thwart the original intentions of the policy-maker (deliberately or otherwise), by substituting their views for those of the policy-maker. A slight variation of this tendency occurs when the policy is itself flawed. A 'weak' policy could result from a misdiagnosis of the problem and the resultant incorrect prognosis, or theoretical and conceptual flaws in the policy.
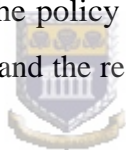
Because of the endeavour to provide for all possibilities, policies may embrace so much detail that their actual meaning becomes vague. Both the general or vague terms in which policies are framed, or the supply of too much information regarding the implementation of a particular policy, could have the effect that the initial intentions of the policy-maker are not put into effect, either because the implementer substitutes his/her own views, or because of the malicious obedience of the implementer, obeying the letter and not the spirit of the policy.

Policy implementers can thwart policy implementation, by passing on an order, or by simply delaying action or rapid movement towards implementation, or by changing implementation procedures without changing realities, or doing something contrary to what was decided. In the case of education, Bowe and Ball (1992) advise that if we treat education policy as what is done to schools then we ignore the extent to which it is open to different readings, recontextualisations and recreations.

This last point serves to introduce the political dimension to policies. As Sayed (1998:4) maintains:

> *.….policies are inextricably shaped by political struggles and as such reflect settlements, accords and compromises and trade-offs. Policies viewed through a political lens also suggest that at the implementation level, they are also subject to struggles over meanings and interpretations.*

In discussing the struggle over meaning and interpretation, one is reminded of the distinction made by Bowe and Ball (1992) between 'readerly' and 'writerly' texts. The former are texts which can be interpreted in any number of ways by readers. The reader is therefore an active participant in interpreting the texts. By contrast, 'writerly' texts contain fixed and uniform meanings and there is a severe limit on the number of interpretations that can be made of such texts.

Implementation of policy draws a good measure of its uncertainties from shortcomings (either deliberate or otherwise) of the people entrusted with this vital part of the policy process. Implementation exposes the tentativeness of their commitment and flaws of their work.

Finally, Koenig (1986:163) maintains that political leaders do not have a very great interest in implementation:

> *The part of their policy-making employment that most absorbs them is goal-setting-sounding the clarion call that rallies the citizenry to a new ennobling purpose. The public's attention and the general tempo of political activity and debating activity respond best to leaders formulating and debating goals. Those pursuits reinforce the political leader's identity, and aid his or her quest for re-election. Implementation is more protracted and plodding and far less visible than goal-setting, more beset with problems and prickly unrewarding issues.…*

Another dimension to the whole debate surrounding policy implementation is the notion of symbolism in the entire policy process. In connection with the transition to a post-apartheid society, Jansen (2001:46-50) maintains that:

> *The making of education policy in South Africa is best described as a struggle for the achievement of a broad political symbolism that would mark the shift from apartheid to post-apartheid society...this position explains the policy of transition in terms of an over-investment in the political symbolism of educational change... All policies have symbolic value...Whether conscious of it or not, nation states invest policy with important political symbolism.*

In an exhaustive study of reform initiatives in fifty-seven urban school districts in the United States, Hess (1997:7-9) contended that:

> *...reforms tend to be symbolically attractive but not to impose the cost required by significant change...the result is that policy makers have worked more diligently on appearing to improve schooling than on actually doing so.*

One of the key findings from the Hess study was that the lack of implementation was not due to a lack of resources. The point being made here is that resources and capacities are not always the reason for non-implementation. In the South African situation, however, the lack of resources and capacity was a reality that policy makers had to acknowledge and face. As Jansen (2001:49-50) has argued:

> *My argument has <u>not</u> been that financial constraints are irrelevant...I have argued that it is precisely because of material constraints on policy that the state has been inclined to play up the symbolic role of policy rather than its practical consequences. However, the converse is not necessarily true: that if there were no material constraints, policy would be implemented as planned.*

Although policies sometimes do not have significant tangible, concrete effects on society, they nevertheless leave some kind of mark on the field that they are supposed to impact on. This idea is echoed by Buenfil-Burgos (2000:1):

> *In spite of the fact that educational policies (for example, globalising policies) do not reach schools and other educational environments exactly as they were proposed, they nevertheless leave a trace in day-to-day local educational practices. This is a position (that)...challenges the ordinary idea that policies are discourses (that is, just words) which have nothing to do with everyday practices (that is, reality).*

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The approach to implementation that is relevant to this research is the "implementation as politics" perspective discussed earlier. This approach is congruent with the contestation model of Bowe and Ball.

2.5   FRAMEWORK FOR THIS STUDY

The framework for this study is based on the contestation model of policy development advanced by Bowe and Ball (1992). Although this approach does have certain flaws as outlined previously, the reason for choosing this model is that it is firmly grounded in reality and is consistent with the author's experiences of conflict between parents and the school as mentioned in *Chapter One*. The contestation model approximates reality in the sense that one can visibly observe contestations in parliamentary structures, extra parliamentary oganisations, in the media and in other spheres. As mentioned previously, Bowe and Ball (1992) state that the policy process consists of three contexts: the context of influence; the context of policy text production; and the context of practice. Each context is a site of contestation, a constant battle to determine which way of thinking predominates.

The contestation in the development of policy at national and provincial levels, together with the contestation in the implementation of policy at school level will be the central trust of this thesis. Since this thesis is focused on the **development** of school governance policy at both national and provincial levels, the emphasis will be more on the contexts of influence and policy text production. However, the attempt will be to uncover the precise nature and form of the contestation at all three levels, that is, national, provincial and local.

This chapter has looked at two models of policy-making, namely, the stage (linear) model and the contextual model. In the contextual model, policy-making may be seen as an inescapably 'political' activity into which the perceptions and interests of individual actors enter at all stages (Gordon, Lewis and Young, 1993). In contrasting the orientations of both approaches to policy, Gordon *et al* (1993) state that in the former model, the problem is seen as technical, the climate as consensual, and the process as controlled, whereas in the latter model, policy is seen as a bargained outcome, the environment as conflictual and the process itself is characterized by diversity and constraint. In this latter case, implementation becomes a problematic activity rather than something which can be taken for granted. It is this theoretical stance (in the latter approach) which informs this chapter.

This chapter also considered the dialectical nature of policy formulation, in the sense that new policy choices have to be continually made as the potentially contradictory outcomes of existing policy choices cannot be held together. This led to the conclusion that policies represent moments of fragile consensus and policy choice is an attempt to reconcile potentially contradictory outcomes.

In terms of implementation, the position that the researcher adopts is that translating policy into practice involves a process which is extremely fluid and dynamic, where constant negotiation, interpretation (and re-interpretation), mediation and change are the order of the day. The agencies, groups and individuals at the different levels in the educational hierarchical structure read the policy differently and consequently arrive at different meanings. As a result of this divergence in interpretation and meaning-making, the policy may look quite different when it eventually reaches to and is implemented at the institutional level.

Writers such as Jenkins (1993) and Dale (1989) indicate that there is no single approach to the study of educational policies. The field of education policy studies is fraught with debate, even more so with the emergence of 'policy sociology' (Ball, 1990). Policy sociology is an attempt to provide more insight into the meanings of social processes (Raab, 1994). It considers how things work and how they came about. It is thus concerned with understanding the assumptive worlds of policy-makers (Raab, 1994) and the interpretations of practitioners who are responsible for implementing policies (Ball, 1990; Bowe and Ball, 1992). It is within this field of 'policy sociology' that this thesis locates itself. In studying the development and implementation of school governance policy at national, provincial and school levels, this study actually taps into the thinking of the various roleplayers to this policy process. What are some of the reasons and assumptions behind particular modes of thought? And more, what happens when these reasons and assumptions clash with other ways of thinking?

As mentioned earlier, the field of education policy studies is punctuated by a great deal of debate, and differing theoretical positions. The theoretical stance of this project is similar to that of the phenomenologist's concern with the understandings of actors. However, this study is not only limited to the meanings of actors. It also seeks to probe the meanings contained in the policy texts. By identifying, studying and critiquing the meanings of actors and policy

texts, this study hopes to come to a closer understanding of policy, specifically education policy.

2.6 CONCLUSION

This chapter has discussed varying definitions of the term **policy**. In attempting to understand what policy is, an excursion was made into the different explanations of policy development, namely, the stage and contextual models. After a consideration of both approaches, the researcher explained why the contextual model with its emphasis upon contestation was chosen to guide the framework of the study. In addition to an exposition of policy and the models of policy development, this chapter also looked at the implementation of policy and the difficulties encountered in this area of the policy process. By considering the problems of policy implementation, the chapter tried to glean some important lessons that would assist policy implementers in their work.

Although the main aim of policy analysis is to provide information and aid understanding so that policy making and policies can be improved, there are limitations to this exercise (Van der Waldt, 2001). In trying to gain a deeper understanding of educational policy and its implementation, however, one should not lose sight of the end result of all of this: does it contribute to a better educational environment and hence society? As Henry (1993:104) so aptly puts it:

> *Policy analysis is not always about the workings of policies and their deeper agendas. It is also a value-laden activity which explicitly or implicitly makes judgments as to whether and in what ways policies help to "make thing better" - acknowledging of course the contested nature of these judgments.*

CHAPTER THREE

PERSPECTIVES ON SCHOOL GOVERNANCE

3.1   INTRODUCTION

The concept of 'school governing bodies', as espoused in the South African Schools Act (1996), is a new development in South Africa. Since this thesis sets out to explore the contestations involved in developing school governance policy in depth, it may be necessary to first look at the development of this phenomenon in other countries before considering the South African context. The experiences of other countries in this field of education might help to shed more light on the school governance situation in South Africa.

School governance is based on two primary concerns (Sayed, 1997b):

- how to efficiently reintegrate the school into the community and wider society; and

- how to make the school more accountable to the people it claims to serve.

This chapter will be divided into four sections. The first and second sections will outline school governance development in Uganda and England respectively. The third part will concentrate on the rise of school governance in South Africa, followed by the last section which will investigate some of the issues flowing out of the preceding three cases.

Uganda and England have been chosen because they represent third and first world economies respectively. South Africa, with its mixture of both first and third world conditions, could prove an interesting comparative study with Uganda and England.

The following two sections give a synopsis of developments in school governance in Uganda and England respectively. Much of the background material is from Nkata and Thody (1996).

3.2   SCHOOL GOVERNANCE IN UGANDA

During its pre-colonial period (until the late nineteenth century), Ugandan education stressed community involvement in which all members of society were regarded as having a right to help the whole group (Ocitii, 1973). Learning and internalising social norms and standards was seen as the embodiment of community strength, identity and pride. However, colonial educators, arriving in the late nineteenth century, did not recognize the community as teachers. The reason for this was that these educators were themselves coming from societies which were beginning to replace home-based learning with more formal schooling. This approach was duplicated in Uganda. According to Nkata and Thody (1996:70), "*Lacking awareness of the format of formal schooling, Ugandan communities were not deemed to be capable of involvement nor did they themselves envisage it.*"

Ugandan education legislation, from colonial times until the 1960s, approved non-involvement of the community in its schools and the dominance of schools by religious authorities. Bell (1985) has described the management style of these religious authorities as "permissive paternalism". During this period, church and state were seen as inseparable. Community involvement in education was severely limited. In fact, the only manifestation of community influence in the early twentieth century development of schooling in Uganda came as the missionary school graduates employed in the civil service spread out to work in remote areas and encouraged local demands for education. After independence in 1964, conditions in schools worsened and everyone expected the government to make available facilities "free of charge" (Gonahasa, 1991).

Formal community involvement in schools did not emerge from the 1969 School Management Committees. These committees were made up of four appointees of the area educational committee, three appointees of the Chief Education Officer and three elected parents. The urgency of nation building demanded centralization. In this context, informal community involvement began to emerge. State provision of education became very unpopular, the result being the establishment of private schools with Parents' Associations. These Parents' Associations also existed in government schools.

From 1972, when Idi Amin became ruler of Uganda, conditions did not promote effective community participation in schooling. The entire country was in the grip of tyranny and all democratic institutions were destroyed. The badly battered economy meant that schools could

not be adequately supported by the state. In this volatile climate the Parent Teacher Associations emerged as a force for the re-establishment of schools. They received huge financial support from parents and began influencing school affairs, although their involvement had no legal backing.

From 1986, when the National Resistance Movement came to power in Uganda, parents, PTAs, Management Committees, and pre-colonial traditions of community education were used as a guide to support a growing Ugandan movement which demanded community involvement in all social matters, especially education.

From history, democracy in school governance in Uganda is now beginning to emerge. At the local level, Uganda's government is gradually encouraging the re-emergence of community involvement in school management through School Management Committees, which are the legal owners of schools; Parent Teacher Associations, which raise and control funds; and local Resistance Councils (the local government units for each area of Uganda).

Of the nine local residents making up each Ugandan primary school's Management Committee, two are elected by the parents, three are selected by the Resistance Council from amongst community leaders, and four are appointed by the Commissioner for Education after their recommendation by the local Resistance Council. In 1994, the Ugandan government proposed to increase community representation on primary school management boards from nine to 15 persons. Boards of Governors of Ugandan secondary schools consist of 13 members: five are appointed by the Ministry of Education, four by the school's founding body and four by the first nine. The chairpersons of these bodies are appointed by the District Education Officer acting on behalf of the Minister of Education.

In terms of powers, Ugandan school governing bodies oversee:

> *school policy formulation and implementation (including) supervision of school budgets…review of educational performance and…oversight of pupil and staff discipline (planning) for school infrastructure expansion (i.e. adding additional grades or parallel streams),…repairs,…staffing needs,…raising additional funds from the PTA.* (USAID, 1990:33-34).

3.3   SCHOOL GOVERNANCE IN ENGLAND

In England, mass schooling began to emerge from home-based education in the early nineteenth century and, like Uganda, this large-scale education was first developed by religious authorities. There was also at the same time a strong private sector with schools run by secular authorities to counter the influence of the religious component. All these schools were provided for poor children but they were all governed by selected boards of managers from the more affluent sections of the community. Central government gradually took part in these developments. Government's role was first ensured by providing grants for school buildings, then through curriculum regulations enforced through payments for examination results and finally through the establishment of local authorities for education: the School Boards. These School Boards were charged with the responsibility for ensuring education for all children not already in school.

From 1902 until the mid 1980s in England, school governing bodies were very much out of the spotlight. Schools continued to have governing bodies and many had PTAs with elected committees, involving themselves exclusively with fundraising on a small scale. The proceeds from these efforts were used largely for extra-curricular provision. Real control, however, lay with the local education authorities (LEAs) as the managers of whole areas of schools. Each LEA decided its schools' budgets and curriculum guidelines, selected its schools' staff, drew up strategic plans for the areas, determined which school could have new buildings or repairs done and whether or not children should wear school uniforms. The LEAs ran services such as music teaching, school meals, transport, psychology, welfare, advice, training and inspection.

The demand for greater community control for individual schools began to surface from the late 1970s. Parents' groups clamoured for greater control of their children's education. Researchers and teachers developed the concept of the self-managing school, free from government control. Central government began demanding better results from schools, introducing a national curriculum from 1988 and requiring schools to undergo four annual inspections. At the same time, central government reduced the powers of the LEAs, transferring many of their obligations to newly revived school governing bodies.

At present, schools may choose whether or not to have Parent Teacher Associations, or Parent Associations, and the majority of them have such associations. All parents, and usually teachers, qualify for membership, and the members elect a committee. The PTAs raise small amounts of money but they are generally resistant to large scale fundraising, believing that to do so would in effect relieve central and local governments of their responsibility to finance education.

There are four main constituencies on governing bodies in about 95% of primary and secondary schools in England. They are the elected parent governors (between 2 and 5); elected teacher governors (about one or two depending on the size of the school); nominees of local political parties, usually in proportion to the representation of these parties in the area; and co-optees selected by the preceding three groups acting collectively. Co-optees may represent local community interests or may be anyone interested in the school. Before selecting co-optees, governors are duty bound to ensure that there is at least one representative of local businesses amongst the governors, and if this is not the case, then an appropriate representative should be co-opted. Parent governors, local authority governors, and co-opted governors together make up 75% of the governing body. The remaining 25% is to include the one or two teachers, and a variety of other nominated people such as those representing lower level local government bodies, charitable trusts that started schools which are now government maintained, non-teaching staff and the principal. The principal may choose whether or not to be a voting governor but will always be present at meetings. A small primary school could have a governing body composition of eight or nine, while a large secondary school could have as much as nineteen members.

Bush and Heystek (2003) draw a comparison between the composition of governing bodies in South Africa and England. They note the following differences between the two systems:

- South Africa allows for learner membership in secondary schools;
- the parent constituency makes up the majority in governing bodies in South Africa;
- the chairperson of SGBs in South Africa must be a parent governor; and
- co-opted members have voting rights in England but not in South Africa.

For the first time governing bodies had a range of duties prescribed for them by the Department of Education and Science (DES). The powers of England's governing bodies can be summarized as: planning school's policies, deciding how funds will be allocated amongst planned policies (at least 85% of the money for school costs is devolved to each governing body), appointing (and dismissing) staff, and determining policies for the admission of pupils. Governing bodies appoint the head teachers and determine their salaries.

3.4 THE DEVELOPMENT OF SCHOOL GOVERNANCE IN SOUTH AFRICA

The struggle for a just and democratic system of education cannot really be separated from the more macro political struggle for freedom and equality in South Africa. The dream of having a fair and equitable education system (with the accompanying idea of democratic school governance) can be traced back to the early 17th century when slavery was an institutionalized way of life.

In more recent times, the demand for equality and democracy in education has manifested itself in the student protests of the 1970s and 1980s. At the core of the upheaval and dissatisfaction were two key ideas:

- that schools should be managed by a grouping that includes all sectors/roleplayers/ stakeholders; and
- that greater participation by all concerned would mean greater educational accountability, legitimacy and democracy.

It was during this period (the 1980s) that Parent-Teacher-Student-Associations (PTSAs) began to develop in South Africa. PTSAs were seen by the oppressed as a progressive step not only in the move to reforming an oppressive and exploitative education system but also as a forward thrust to empowering the disenfranchised politically.

As the pace of political change in the 1990s increased, the role of PTSAs became the subject of intense policy debate. In this regard, many documents were produced, namely, the Educational Renewal Strategy (ERS), the National Education Policy Investigation (NEPI) and the African National Congress (ANC) Education and Training Framework Document. Of

these, NEPI placed the greatest amount of stress clearly outlining the role of PTSAs as organs of school governance.

The shortcoming of PTSAs at this time was that most of them lacked managerial skills as there was no capacity building programme to assist PTSAs. Because of this, NEPI proposed that PTSAs should function as primarily representative structures determining school policy within a specified national framework. The implementation of policy determined by PTSAs would be in the hands of a Management Executive consisting possibly of the Principal and senior school staff.

According to the NEPI School Governance Option, greater participation by legitimately organized constituencies such as parents, teachers and students would be assured. In addition, it recommended that all sectors should have an equal number of representatives on the PTSA or school governing body.

3.5 AN OVERVIEW OF DEVELOPMENTS IN SCHOOL GOVERNANCE POLICY SINCE 1994

Although multiparty democratic elections resulted in a new government for South Africa in 1994, the liberation forces were systematically involved in developing policy for school governance since 1990. In the pre-election period (1990-1994), policy development was undertaken by the National Education Policy Investigation (NEPI).

Before 1994, the ruling white National party focussed all of its energies on the restructuring of white schools which formed 13% of the total number of schools in South Africa. It was left to the newly-elected incoming government in 1994 to start the restructuring of the rest of the schools in the country.

In 1990 the Minister responsible for white education, announced that white state schools would be allowed to change their status from the beginning of 1991. The condition was that a large majority of parents should vote to approve the change. Schools could choose from any of the following models:

- Model A would result in the privatisation of the school;
- Model B would remain a state school but could admit black learners up to a maximum of 50% of its total enrolment;
- Model C schools would get a state subsidy but would have to raise the balance of their budgets through fees and donations. Model C schools could admit black learners up to 50% of enrolment.

A fourth option was introduced in 1992: a Model D school would be a school belonging to the white Department of Education and Culture that could enrol an unlimited number of black learners due to decreasing enrolment of white learners.

In 1993, the government declared that all previous white schools (except Model D schools) become Model C schools unless parents voted by two-thirds majority to retain their old state school status or to become Model B schools. The government also announced that subsidies to all Model schools would be reduced. From April 1992, 96% of the ex-white state schools became Model C schools.

Parents had to elect a governing body in each Model C school. The state granted the title to the fixed property and equipment to the school to be administered by the governing body. The schools became legal entities with the prerogative to enter into contacts, sue or be sued. They enjoyed a high degree of autonomy, with the power to charge compulsory fees and determine the admissions policy of the schools.

The move to change the status of white schools was based on two reasons. Firstly, the National Party Government was unable to provide the same level of financial support that it did previously. This was due in part to the slow economic growth of the 80s and early 90s and also pressure from domestic and international quarters to equalise spending on black and white education. The second reason was that conferring Model C status on white schools would in all probability ensure that control of these schools would remain in the hands of whites rather than fall to the control of a new government which was anticipated in the near future.

The education system in South Africa prior to 1994 was extremely complex. There were fifteen different education ministries – one for each of the bantustans (separate homelands for the different black ethnic groups), one for each of the four officially recognized race groups outside the bantustans, and one responsible for the Department of National Education. Each department had its own school models with each model having its own funding formula, its own relationship to the department and to parents and its own governance structure.

Before 1996, three types of governance structures existed at school level. These were:

(a) school committees or management councils (mainly in ex-House of Representatives, ex-House of Delegates, ex-Department of Education and Training, and KwaZulu Department of Education and Culture schools;

(b) governing bodies of Model C schools (ex-House of Assembly); and

(c) non-statutory PTSAs in secondary schools and PTAs in primary schools.

This onerous and chaotic system needed to be rationalised and this rationalisation had to be executed in line with the principles of the new government. The principles on which the transformation of the entire education and training system was to be based were set out in the first White Paper on Education and Training (Department of Education, DoE, 1995). Amongst the principles were:

- the physical rehabilitation of educational institutions must go hand in hand with the restoration of the ownership of these institutions to their communities through the establishment and empowerment of legitimate representative governance bodies.

- The culture of learning, teaching and management involves the creation of a culture of accountability. This means the development of a common purpose or mission among learners, teachers, principals and governing bodies, with clear, mutually agreed and understood responsibilities, and lines of co-operation and accountability.

The following sections discuss the various policy initiatives in respect of school governance:

- The Hunter Committee Report.
- The Education Policy White Papers.
- The South African Schools' Bill and South African Schools' Act.

3.5.1 The Hunter Committee Report

The Hunter Committee (Report of the Committee to Review the Organization, Governance and Funding of Schools, August 1995) can be seen as the forerunner to the South African Schools Bill. The Committee's brief was to recommend:

> *"a national framework of school organization and funding and ownership, and norms and standards on school governance and funding which……are likely to command the widest possible public support……(and) improve the effectiveness of schools……"* (pg.1)

The Hunter Committee proposed that two categories of schools should operate in South Africa: public and independent (private) schools. It also proposed that parents, students, teachers, non-teaching staff and the principal (ex-officio) should serve on the governing bodies. Provision was also made for members of the community to form part of the school governing body. These community representatives should be nominated by parents or guardians and elected by the governing body. They could be (depending on the school in question) owners, representatives of sponsoring bodies, or of tribal authorities. It must be borne in mind that the community representatives envisaged were people with certain skills or expertise who can make a practical contribution to the improved functioning of the school. It does not include or refer to people from the community who are able to reflect or articulate the opinions and feelings of the community, whatever these may be. The Committee felt that parents and guardians should have the largest representation of the constituencies represented on the governing body.

The Hunter Committee proposed two sets of powers and functions of school governing bodies. 'Basic powers' were those that all governing bodies possessed and included powers such as codes of behaviour for learners, school budget priorities, and community use of school facilities. Included under 'basic powers' were powers to recommend, for example, the appointment of teachers, school-level curriculum choices and selection of temporary teachers. 'Negotiable powers' were those which either the province can provide on contract to the school, or the school can contract privately, where the province grants the school the

permission to do so. An example of 'negotiable powers' would be a function like maintenance of buildings. The delegation of such powers to governing bodies would be conditional. The governing body would have to satisfy the provincial education department that it had the capacity to manage and execute the additional functions according to the standards of provision specified by the province, and that the school community had the will to sustain this responsibility. If the provincial authority was not convinced of a governing body's ability to continue exercising such functions, then the province could withdraw these responsibilities from the governing body.

3.5.2 The Education Policy White Papers

The government's response to the Hunter Committee took the form of two policy White Papers (WP 2a: November 1995 and WP 2b: February 1996). White Paper 2a contains the Hunter Committee's proposals and the Ministry's response to them, while White Paper 2b simply lists the policy choices. In terms of providing an outline of developments leading to the South African Schools Act, White Paper 2b is more definitive and directed in that it deals specifically with policy issues.

White Paper 2b suggests a similar composition of governing bodies to that of the Hunter Committee. The main difference is that community representatives are elected by the governing body and not the community. The Ministry's motivation for this is that community representatives must be acceptable to all school-based constituencies.

Because of the legal and financial decisions for which governing bodies would be responsible, elected representatives of parents and guardians should be in the majority on public school governing bodies.

As far as powers of governing bodies are concerned, White Paper 2b proposes a menu of responsibilities for public school governing bodies. The document lists twenty such functions. Governing bodies are at liberty to choose and the provincial education departments can decide which of the twenty functions governing bodies can take control of depending on their capacity to fulfill those responsibilities.

3.5.3 The South African Schools Bill vs The South African Schools Act

Both the South African Schools Bill (SASB) and the South African Schools Act (SASA) did not make any distinction between a PTSA and governing body. Composition meant a governing body containing all three components of the PTSA plus others, that is, the principal, non-teaching members of staff, and co-opted community representatives. It is interesting to note that while the SASB does not talk of the principal being present in an ex-officio capacity on governing bodies the SASA stipulates that the principal serves in an official capacity.

Community representation on governing bodies has always been a strong point of contention. Three forms of community representation can be detected through the policy documents:

- community representatives **nominated by parents and elected by governing bodies** (Hunter Committee);
- community representatives **elected only by governing bodies** (WP 2a and b); and
- community representatives **co-opted by governing bodies** (SASB and SASA).

It must be remembered that one of the foundations for democratic school governance was that the school must promote the interests of the community in which it is located. It is ironic that this principle seems to be relegated to the sidelines by the manner in which community representatives are selected to serve on governing bodies. As Sayed (1997a:7) puts it: "…*the move towards strong community representation on governing bodies is becoming weaker in the recent policy texts.*"

Both the SASB and the SASA specify nineteen powers and functions of governing bodies. These can be grouped as follows:

- key policy matters (for example, language, religious observance, recommendations for employment, code of conduct);
- day-to-day matters (for example, time table, administration of school property); and
- financial matters (for example, financial accounting).

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The SASB did not distinguish between the functions of SGBs. However, the SASA differentiated between "functions of all governing bodies" and "allocated functions of governing bodies". In the case of the latter, a governing body may apply to the HOD in writing to be allocated any of the following functions:

(a)   to maintain and improve the school's property, and buildings and grounds occupied by the school including school hostels, if applicable;

(b)   to determine the extra-mural curriculum of the school and the choice of subject options in line with provincial curriculum policy;

(c)   to buy textbooks, educational resources and equipment for the school;

(d)   to pay for services to the school;

(e)   to provide an adult basic education and training programme or centre subject to any applicable law (RSA, 1996 and 1999).

3.6   ISSUES IN SCHOOL GOVERNANCE

This thesis is about contestations in the development and implementation of school governance policy. School governance is about people and this means human subjectivity is ever present in governing bodies. A discussion of governance policy must therefore include the following themes: the principle of lay participation; the values espoused by governing bodies; power dynamics within governing bodies; empowering governing bodies; and financial implications in the functioning of governing bodies.

3.6.1   The Principle Of Lay Participation

The question of whether there is actually a role for lay people in the administration of education, and what this role thus should entail, is a very complex issue. This issue has received a great deal of attention from Deem, Brehony and Heath (1995). It involves thinking about for whom and what purposes publicly funded schools are intended, how they should be organized and by whom, and how much involvement is appropriate for those who are neither employees nor students.

Lay governors are in a sense similar to voters or even some members of parliament: provided they are neither bankrupt nor convicted criminals, they do not necessarily have to have any qualification or training, or even aptitude for the task. Some governors do bring the relevant qualification, skills and knowledge of their full-time vocation to assist the school governing

body while others do not. But governors who do not have a formal qualification or close knowledge of education systems can, and often do, make valuable contributions. By asking seemingly naïve questions about certain practices in school, they can often prompt the rest of the governors to reconsider newer, or novel ways to approaching such practices. The sound suggestions they make are often based on years of experience rather than some formal qualification. Their value lies in the fact that they are offering an "outside perspective" on the problem. As Wragg and Partington (1995) observe, the two most important qualities of the effective school governor are: (a) a concern for the well-being of the children, teachers and others in the school community; and (b) common-sense.

The issue of whether governors should have a formal qualification has surfaced in England where lay volunteer participants in governing bodies have to have their performance evaluated. The 1992 Schools Act in England stipulates that the work of governing bodies forms part of the criteria by which schools are assessed by inspection teams. There are three aspects to this: the first relates to the role of the governing body in the efficient and strategic management of the school; the second concerns the fulfilment of legal responsibilities and associated policy formulation by governing bodies; the third concerns the discharge by governors of responsibilities in connection with the National Curriculum.
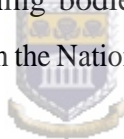
If governors are found wanting, there will be pressure on them to resign, especially if the school itself is found deficient in certain respects. Some suggestions have been made to the effect that all governors should not only be trained but certificated. This amounts to the award of a formal qualification.

While there may be advantages to this move (it could guarantee fuller and more competent involvement and even lead to more power to schools), there are definite problems. There is the danger that volunteers will become what Deem, Brehony and Heath (1995) refer to as agents of the state that are spatially removed. This concept of the "state volunteer" does not take into account the possibility of conflicts arising between volunteers and government. In fact it may have the effect of discouraging volunteers from challenging the government on certain issues. The state volunteer concept does not increase governors' sense of accountability to the community that they are supposed to serve. Deem, Brehony and Heath (1995:162) sum up their objections to this concept of the state volunteer thus:

The "state volunteer" as governor steps well over the boundary of citizenship towards a servant of the state and this is not, in our view, a desirable development in a democratic society, however much it is disguised as community empowerment, parental power or "stakeholder" involvement.

While not commenting specifically on the principle of lay participation, South African writers on school governance have tended to focus more on the kind and quality of participation amongst roleplayers prevailing in SGBs. In their study of stakeholder participation in SGBs in the Limpopo Province of South Africa, Mabasa and Themane (2002) found that serious challenges regarding the participation of different blocs on SGBs exist. These challenges include: the constraints experienced by members of SGBs; the constitution of SGBs; divisive and conflicting interests served in the SGBs, the manner in which decisions are taken; power relations in SGBs; and the participation of women in SGBs.

3.6.2   School Governing Bodies And Values

If the citizen as school governor is actually only a thinly disguised state volunteer, what consequences does this have for the values governors adopt and cultures they espouse? It is obvious that governors do not all come from the same social class, or culture. Their cultural capital varies and is dependent upon the class to which they belong. This being so, individual governors may react in different ways when it comes to debates about, say, teachers' salaries and working conditions. Governors from the middle- and upper-classes may be more conscious of teachers' roles and responsibilities and as a result their salaries and working conditions. On the other hand, governors from the working class or ethnic minority groups may be guided by other considerations, for example, racism that they perceive to be practiced in school.

Deem, Brehony and Heath (1995) suggest three different models of governing bodies, each with their own value orientations. The political model sees the governing body as an arena for solving value conflicts over schooling. The participatory model stresses individual and collective personal development. The third model, the new managerial approach, concerns itself with the pursuit of efficiency. This includes a strong preference for business and enterprise cultures to be introduced in school in place of more education-centred cultures. Whatever kind of governing body model is adopted, the kinds of values held by governors are absolutely crucial to the ways in which governing bodies themselves operate.

One way of addressing the question of values in governing bodies is for members to openly articulate their values as it relates to education and schooling. But there are various factors that militate against this idea. The complex power relations that exist in governing bodies means that not everyone participates equally. The manner in which governors are chosen to serve on sub-committees is anything but random: gender, ethnicity, cultural capital and occupational background all play a significant role. Another factor relates to the degree of familiarity among members of governing bodies. All of these factors contribute to creating conditions in which it becomes difficult for members to freely divulge and discuss their values with each other.

In discussing values and governing bodies, one question that cannot be ignored is: does the work of a governing body have any direct influence on teaching and learning? Learning as a value has implications for occupational choices and class mobility. Thus far researchers have found little evidence to suggest that governing body activities impact directly upon a school's core processes, although certain decisions of governors (about patterns of expenditure, staff appointments, use of facilities) do influence teaching and learning.

3.6.3   Power In School Governing Bodies

Many writers have expounded and theorized on the concept of **power**. Some have seen power as the property of structures (as evident in the state or an organization), some as control over the distribution of resources, and some as being about relationships. The question of whether power is negative and repressive, facilitative rather than repressive, or a combination of both, has sparked off a lot of research and debate and as yet there is little agreement on the matter. But social scientists have agreed on one point: power is not neutral.

Lukes (1986) refers to power as having three dimensions. In the one-dimensional notion of power, emphasis is placed not just on who adversely affects the interests of whom, but on interests explicitly revealed as preferences in decision making. An example here would be a principal who desires to introduce uniforms for his/her pupils and achieves this by simply overruling the governors who are opposed to it.

In the two-dimensional concept, power is exercised not only by prevailing over the opposing interests of others, but also by manipulating agendas and determining which issues are debated and which are not, thus excluding any public discussion on issues which might

threaten the interests of the powerful. An example of this might be when the chair of a governing body or principal decides not to place an item on the agenda for the next meeting because they she/her does not think that it is in their interests to do so.

In the three-dimensional concept of power, interests that are both revealed and concealed are included, but, in addition, this concept "*also allows that power may operate to shape and modify desires and beliefs in a manner contrary to people's interests*" (Lukes, 1986:10). It is extremely difficult to observe three-dimensional power in action, but one might suspect a three-dimensional concept of power to be operating in certain instances. One such instance is where some governors (including the chair) and the principal believe strongly that the school should have a hall. Another group of governors feel that the procurement of computers is a more pressing need. The governors and principal (who are "pro hall") always silence those governors who are in favour of computers by using every opportunity in public to express their preference (one-dimensional power). They also use covert means by refusing to place purchases of computers as an agenda item for meetings (two-dimensional power). However, these two strategies might lead to unintended consequences whereby the "pro-computer" group, frustrated at having their desire blocked within the governing body, decide to air their views and motivations at other forums in the community. This in turn has the effect of rallying more members of the community behind them, thus facing the issue of obtaining computers on the agenda of governing body meetings, and also possibly increasing its public appeal, something which the "pro-hall" group had always tried to prevent. Because three-dimensional power is usually not directly observable, one can only speculate about its existence.

The idea of power and power relations in SGBs has particular relevance in South Africa. During the apartheid era (pre-1994), power in government and organs of civil society was concentrated in the hands of a small elite. Besides the practice of whites wielding control in all sectors, leadership positions were occupied almost exclusively by males from the upper and upper-middle classes. With the advent of a new government ushering in democracy in 1994, one would have thought that this practice would change significantly. Although concerted efforts at transformation are being made in some quarters, the racial, class and gender hegemony remain. As Karlsson (2002:331) argues:

> *At this stage we can say that the post-apartheid school governance model is structured for representative democracy through the tri-annual electoral process and inclusion of relevant stakeholders. But the Act (SASA) provides no mechanism for avoiding and overcoming a re-enactment of the traditional power relations in South Africa in terms of gender, class and race. Nor does it ensure racial heterogeneity when constituencies comprise of diverse racial groups.*

In connection with the last point, Carrim (2001) maintains that the State in South Africa has actually sanctioned a notion of educational governance that privileges the homogenizing of people's identities in ways that are more manageable for the present South African State. This could be a deliberate strategy because it relieves the State of the burden of dealing with the complex particularities and peculiarities of people's existence.

A discussion of power in SGBs cannot ignore the relative power exercised by constituencies within these bodies. Two of the significant blocs within SGBs are the teacher/principal versus parent governors. In her study of educator perceptions of SGBs, Van Wyk (2004) argues that parents in affluent areas exercise more power in SGBs than educators by virtue of their position in society. However, the opposite could be true in lower socio-economic environments where educators and the principal rely heavily on their status within the school. In these environments, they are often the most highly qualified people in the community and therefore wield greater power in SGBs. Van Wyk (2004:51-52) captures the contrast in power between the principal educator and parent components rather well when she says:

> *…one principal admitted that in his previous school situated in a poor community, he could virtually do as he pleased because most of the members of the SGB were poorly qualified and accepted his status and knowledge. In contrast, the more affluent community his current school serves, can choose highly competent school governors who have a clear understanding of their rights and duties, and who exercise considerable power in the school.*

3.6.4 Empowerment

Empowerment may be generally regarded as the granting of the necessary skills, resources and capacity to equip a group, individual or organisation to effect meaningful change. The term 'empowerment' has been used so often in recent times that it has become a well-worn catch phrase to be used to motivate just about any move at reform. In the educational establishment of most countries, the term has come to be synonymous with 'parent power'

and even 'student power'. Giddens (1991:141) suggests that "*……there are often problems about how….. empowerment becomes translated into convictions and into action.*" Gore (1993) argues that a notion of empowerment only makes sense in connection with those theories of power which see it as repressive, or as the property of some rather than all. Empowerment, Gore (1993) maintains, implies both an agent of empowerment and a vision of what it is to be empowered.

In the context of SGBs some argue that empowerment can be achieved by increasing the number of parents (and students) on governing bodies. This increased representation can present a challenge to the beliefs and practices of the professionals who have had control over the system for so long. It is very likely that the professional educators, although accepting the principle of increased parent and student participation, will be resistant to the idea of empowering lay people with ideas and skills so that they have access to power over the management of teaching and learning.

Empowerment cannot develop on its own in school governing bodies. Even if one argues that government should be the empowering agent, policy texts and statutes in themselves cannot "give" power to parents. As Deem, Brehony and Heath (1995:153) explain:

> *……power on governing bodies is not a thing, nor is it fixed; it varies, it is fluid, it is fragile and it is closely linked to relationships, rules and resources. It is not available to be "given" as one might award a prize.*

Deem, Brehony and Heath (1995) are referring here to the contingent, insidious nature of power. Empowerment, however, also has another dimension, that is, the capability to achieve some goal. What can SGBs do? What can they change? The point is that empowerment (through an Act of Parliament) must be accompanied by the necessary resources. Does a power conferred by an Act remain a power, even though it cannot be executed (through lack of resources)? An investigation into the perceptions of governing body functions revealed that stakeholders had only a partial knowledge of their legislated function (McPherson and Dlamini, 1998). Indeed, Karlsson, McPherson and Pampallis (2001:169) contend that "*...ignorance about and the incapacity to perform certain functions will tend to lead governing bodies to function only as crisis committees – a situation that was not intended but which is very possible.*"

Empowerment, if it is to be successful, must take into account the circumstances and daily complexities of people's lives. Fataar (2004:11), in commenting on Carrim's views on decentralization and education reform in South Africa, states that:

> *I concur with his first statement that school governance policy…based on decentralizing democratic participation to the school and the community may not have set in train productive democratizing processes at the local level, as a result of an under-specified approach to dealing with the complexity of people's lives. In fact, resultant school governance processes at many schools may have actively detracted from the intentionality of democratic involvement and empowerment of local people and processes in and around the schools.*

3.6.5 The Enterprise Culture

Lay participation in the running of schools has been in existence for many years in other countries, for example, England, New Zealand and the United States. The notion of involving ordinary citizens in the administration of schools was seen as part of the ideal of extending democracy to the citizenry. But there was also another idea underpinning this move. This was to encourage what Keat and Abercrombie in Deem, Brehony and Heath (1995) call an 'enterprise culture', a form of business culture in which emphasis is placed on entrepreneurial drive, innovative financial planning and consumer service. This means that financial responsibilities such as controlling budget is handed down to individual school governing bodies rather than regional authorities. We see the beginning of this tendency in SASA where individual governing bodies may apply to the Head of Department in the province to be granted, amongst others, the following functions:

- to improve and maintain the school's physical plant;
- to purchase text books, educational materials or equipment for the school; and
- to pay for services to the school.

Enterprise culture has two features. Firstly, it refers to the extension of the free market into public sector services, so that commercial enterprise become the paradigm to be emulated by public sector institutions. This includes a more stringent form of state control, new forms of financial control, strategic planning, and satisfying the needs of consumers. Secondly, enterprise culture awards prominence to individuals who possess characteristics such as initiative, drive, independence, boldness, self reliance, a willingness to take risks, and accept

responsibility for one's own actions. These are qualities that are admired and encouraged to develop in the business world.

There is already some suggestion that elements of enterprise culture have already entered the organization and functioning of school governing bodies in England. Whether this is going to happen in South Africa on a large scale remains to be seen. As mentioned earlier, the SASA does open up the possibility of enterprise culture permeating the functioning of SGBs. No doubt, adopting the market mentality of the private sector will help the state which does not have the financial capability to fund education alone. However, one needs to sound a note of caution, especially in the South African situation where the past of historical privilege and denial still heavily influence the present. As Carr and Hartnett (1996:166) have indicated: "*Markets reproduce the inequalities which consumers bring to them, and markets actively confirm and reinforce the pre-existing social order of wealth and privilege.*"

The existence of enterprise culture in SGBs in South Africa can perhaps best be inferred by the budgetary powers that SGBs have been given. Besides being tasked with preparing annual budgets, parents have to decide on whether to charge fees and the level of such fees. This is part of the budgeting process. In preparing budgets, SGBs have to make difficult decisions about income and expenditure and they consequently expose themselves to criticism. In this way the government escapes accountability to the public for the poor financial state of many schools, lack of adequate resources, and the resultant poor quality of education (Smyth, 1996; Bush and Gamage, 2001). Sayed (1999:146) echoes this view when he states that "*user fees…can be read simply as a cost-cutting exercise.*"

In addition to the negative features of enterprise culture mentioned above, there is some evidence to suggest that the idea of user fees, if taken too far, can become tantamount to extortion. Masemola (2001) reports that traditional leaders on the Kwazulu-Natal North Coast are "extorting" money from poorer families. Parents are "forced" into paying 20 rands at registration or risk having their application for admission rejected! Such tendencies may just be initial orientation problems for South Africa's new democracy, or indicate a fundamental contradiction between new and traditional forms of governance (Vos, 2002).

3.6.6 Partnership

One of the issues dealt with earlier was the concept of lay participation in the running of schools. The countries touched on in this chapter, namely Uganda, England and South Africa all reflect this tendency of lay participation in the oversight of schools. Of course, these are not the only countries manifesting this trend.

The idea of lay participation implies a partnership, a collaboration between government, civil society, and sometimes the private sector, in the governance of schools. The notion of partnership is consciously articulated and promoted in all the policy documents preceding – and including the SASA, as well as the Norms and Standards for School Funding (DoE, 1998). This partnership principle was deemed to help in the capacity – building of governing bodies, the majority of which were and still are ill-equipped, under-resourced and generally lacking effectiveness. While this strategy of partnership can have tremendous benefits for the functioning of governing bodies, there is a potential pitfall as Karlsson, McPherson and Pampallis (2001:174) explain:

> *Partnership represents a rolling back or diminution of the state's role and may limit the extent to which policy interventions can be applied in practice. This could be problematic in South Africa, where intervention by the state is essential to deal with the great developmental needs, high unemployment, poverty and illiteracy.*

3.6.7 Decentralisation And School Governance

The impact of globalization on developing countries has been tremendous, forcing them to become globally competitive. Governments have been under enormous pressure to adopt decentralization policies in education as well as other fields. Writers have used various typologies in attempting to explain why decentralization is chosen above other options by legislators. Lauglo (1996) refers to politically legitimate dispersal of authority, efficient use of resources, and quality of services rendered. Bray (1985) identified the motives as political, administration or a combination of both. In South Africa, Lewis and Motala (2004:116) state that: "*It is clear that educational decentralization generally, and devolving power to schools specifically, is almost always motivated by economic and political aims.*" Pedagogical rationales have been far less common although it is familiar rhetoric to claim that decentralization will improve the quality of education (Fiske, 1996).

In the South African context, decentralization was opted for because of political and economic considerations. On the political front, the newly elected government in 1994 had to extend power to the people and at the same time embark on a programme to redress past injustices and achieve equity in educational provisioning. The economic motivation was prompted by the harsh reality that the incoming government did not have sufficient financial resources to meet the educational needs of the country. In any event, it was thought that decentralization, in terms of school governance, would mean, inter alia, democratic participation of all stakeholders in the running of schools, a more efficient identification and satisfaction of local needs, more generation of funds locally thus assisting the state, and a general improvement in the quality of teaching and learning at schools.

However decentralization is not the panacea that most politicians hoped it will be. Lewis and Motala (2004:126) draw on empirical evidence to suggest that decentralization, in terms of school governance, has resulted in some major problems at the school level in South Africa. They cite the following three conclusions from their study:

- In part as a result of the technocratic, apolitical policy approach, which privileges form over functions, conflict has been diffused to the local level. This has important implications for the exercise of democratic process.
- The centralizing/decentralizing tension in schools governance and financing policy is evident in recent legislative amendments. The tightening of central control is effectively reducing the discretion and authority of SGBs.
- The decentralization of authority for governance and financing to the school has been accompanied by a strengthening of the principal's authority in many types of schools, but not in the former Model C Schools. While authority is being diffused to the school, it is not necessarily being shared with all interest groups (or 'stakeholders') represented on SGBs.

3.7   SUMMARY AND CONCLUSION

This chapter began by making the observation that school governance as conceived of in the SASA was a relatively new concept in the management of schools in South Africa. Even the PTSAs of the 80s and early 90s did not contain all the elements, both of form and function, of school governing bodies as envisaged in the SASA. Having said this, the chapter proceeded to look at the development of school governance in other countries, specifically instances of

one first world economy (England) and another of a third world country (Uganda). This brief excursion into the school governance in England and Uganda was undertaken to see how these countries compared to South Africa. In terms of powers and functions, school governing bodies in all three countries show many similarities despite different historical backgrounds. SGBs in all three countries are responsible for determining school policy, controlling budgets, and staffing requirements. The one significant difference is that while SGBs in England appoint the head teacher (principal) and determine his/her salary, this is not the case in the other two African countries.

The development of school governance in South Africa looked at the situation under the apartheid regime, resistance to the political and educational dispensations during this period, the ushering in of a new democratically elected government in 1994 and the educational policy progressions preceding the passing of the SASA. Issues of a more general nature flowing out of a discussion of school governance in Uganda, England and South Africa were then critically scrutinized. These issues have a bearing on contestations in the development and implementation of school governance policy. These issues were: the principle of lay participation; governing bodies and values; empowering governing bodies; power dynamics operating in governing bodies; the development and infusion of an enterprise culture in SGBs; the concept of partnership between state and communities in the establishment of SGBs; and the relationship between decentralization as a political tactic and school governance. Of course these are by no means the only generic issues allied to school governance. There are many others, for example, composition of SGBs; conflict within the SGBs; SGBs as pressure groups; and the like. However, a discussion of the above falls outside the scope of this thesis, since the focus at all three (that is, national, provincial and local) levels of analysis is on **powers and functions** of SGBs.

The following chapter will expound on the methodology that was employed in this project.

4.1 INTRODUCTION

This chapter will concentrate on the approach that is to be adopted in gathering data for the study. This will include a critical examination of the broad methodological orientation as well as the different methods or techniques that were to be employed and the justification for the use of each. The actual modus operandi in connection with each technique will then follow, after which issues of reliability, validity and generalizability will be explored. Attention will be given to the analysis of data and the chapter will conclude with some discussion of ethical considerations and guidelines to be followed in the gathering of data.

The overarching research methodological orientation that was followed in this study was primarily qualitative in character. The necessity for using such a model crystallized once the topic of this thesis was considered. The areas of focus of this investigation were the contestations involved in the development and implementation of the SASA and the Western Cape Provincial Schools Act. The development and implementation of a national or provincial Act is a process in which people from different contexts and persuasions are involved. These processes entail, amongst other things, debates, interpretation of clauses, a consideration of available resources, and preservation of vested interests. Developing and implementing a policy is a detailed and complex undertaking. The depiction of process requires detailed descriptions, the experience of process differs for different people, process is fluid and dynamic and participant's perceptions are a key consideration.

From the above explanation, it becomes clear that a lot of meanings accompany the process of policy development and implementation. As such, a qualitative rather than a quantitative research orientation becomes necessary. In the implementation process, varieties of social interactions occur, the subtleties of which are difficult, if not impossible, to capture by quantitative means. To quote Patton (1990:96-97) on this issue:

> *...the nature of social process is sufficiently complex and interdependent that they are seldom easily represented along some set of unidimensional quantitative scales. Nor can quantitative dimensions and scales provide the kind of detail that is necessary for blueprints of program processes where the description of those processes are to be used in constructing models for purposes of replication and demonstration. Thus qualitative methods are particularly appropriate for process issues and questions.*

The motivation for choosing a qualitative research framework rather than a quantitative one will be further elaborated on as the characteristics of qualitative research are identified and discussed.

4.2   CHARACTERISTICS OF QUALITATIVE INQUIRY

One of the central features of qualitative inquiry is its naturalistic essence. The qualitative researcher does not try to manipulate the research setting. The research setting is a naturally occurring event with no predetermined course. The whole purpose of using qualitative methods is to study phenomena or real-world situations as they unfold naturally. Guba (1978) defined "naturalistic inquiry" as a discovery-orientated approach that minimizes investigator manipulation of the study setting and places no prior constraints on what the outcome of the research will be. As a relatively unobtrusive presence, the researcher is never sure what the end result of his/her investigation is going to be and accordingly assumes an attitude of openness to whatever emerges from the study.

Conducting investigation into the development and implementation of educational legislation can, in a sense, be categorized as naturalistic inquiry, since education is a 'natural' part of human (social) existence, especially in modern times. Most societies adopt a formalized, institutionalized approach to schooling. As part of human enterprise, education and learning is supposed to occur in schools, hence the passing of laws that govern education in educational institutions. The focus of this particular thesis is an examination of the development and implementation of such laws.

In going about this particular study, the researcher will be engaging in the study of specific policy texts and interviewing specific individuals or groups. The unique features of each of these situations will be carefully analysed with the view to seeing how they relate to each other. General patterns across cases may be identified when cases are analysed, the purpose

being to see whether these patterns have applicability, use or relevance to other contexts or settings.

Fieldwork is the central activity of both quantitative and qualitative research. In the case of qualitative research, going into the field means having direct and personal contact with people under study in their own environments. Qualitative methods stress the importance of getting close to the people and situations being studied in order to personally understand the realities and minute details of everyday life. The researcher gets close to the people under study through physical proximity for a period of time as well as through development of closeness in the social sense of shared experience and confidentiality.

The commitment to go into the field, to enter the real situation and real world experiences of others, involves what Denzin (1978:8-9) calls "*the studied commitment to actively enter the worlds of interacting individuals.*" This makes possible description and understanding of both externally observable behaviours and internal states (that is, opinions, values, attitudes, symbolic meaning, and the like). In qualitative research, the invitation is to actively engage in the life of the people studied and to get close to the sources of data. Fieldwork involves getting one's hands dirty, participating where possible in actual programme activities, and getting to know participants on a personal level. The qualitative analyst questions the necessity and purpose of distance and detachment from the people being studied. In qualitative research, the assumption is that without empathy and sympathetic introspection derived from personal encounters, the observer cannot fully understand human behaviour. Closeness to people and the situation under study does not necessarily mean that the researcher is going to become biased; distance is no guarantee of objectivity. First hand experience is what really counts, as this ensures closeness and intimacy with the people and situations being studied.

Fieldwork in the case of this thesis means firstly interacting with policy texts and other documents relating to schools governance, for example, draft Bills, and departmental circulars. Secondly, it entails interviewing people associated with the development and implementation of policy on school governance. This includes a wide spectrum of players, that is, political party spokespersons on education, officials in government departments (both provincial and national), office-bearers of teacher organizations. This second aspect is where the direct personal contact with sources of data becomes applicable. In conversing with this

wide range of actors, the researcher will in many ways be getting closer to them, some more than others. In talking to them, one is actually being given a chance to hear how they perceive and interpret policies and developments surrounding school governance. Some of these actors may reveal more of themselves during interviews than others, some may reveal information of a confidential nature, all of these confessions allowing the researcher a wider glimpse into the individual subjectivities of participants.

Researchers using qualitative methods strive to understand a phenomenon as a whole. The researcher looks for the totality to find some central unifying principle. This holistic approach assumes that the whole is seen as a complex system that is greater than the sum of its parts. It also contends that full understanding will only be attained once one understands the social and political context in which people are immersed. The holistic approach gathers data on multiple aspects of the setting under study in order to arrive at a comprehensive and complete picture of it. The advantages of adopting a holistic perspective is that greater attention can be given to setting, interdependencies, complexities, idiosyncrasies, and context.
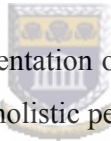
In looking at the development and implementation of the South African Schools Act and the Western Cape Provincial Schools Act, the holistic perspective requires that the policy process cannot be fully understood without taking into account the whole policy development scenario. It also means that factors which make the implementation process complex must be carefully analyzed. The design and formulation of national and provincial policy cannot be considered without studying the context (political, economic and social) in which the country and province find themselves.

Qualitative inquiry is change-orientated. It assumes an ever-changing world. Change is a natural, expected and inevitable part of human existence. As Patton (1990:53) puts it: "*Rather than trying to control, limit or direct change, naturalistic inquiry expects change, anticipates the likelihood of the unanticipated, and is prepared to go with the flow of change.*"

The inclusion of provisions in the SASA concerning democratic school governance represents a change from past practices. There is also the likelihood whereby provisions in the original document (the SASA) will not translate neatly into practice by the Western Cape

Province. Detractions from the original and the innovations that these lead to become almost a given in a study of this nature.

In qualitative research, the researcher's aim is to understand the world in all its complexity. The investigator does not have any personal agenda to fulfill, no axe to grind, no theory to prove, and no predetermined results to support. Rather, the investigator's commitment is to understand the world as it is, to be true to complexities and multiple perspectives as they emerge, and to be balanced in reporting both confirming and disconfirming evidence. The researcher includes personal experience and empathic insight as part of the relevant data, while taking (as far as possible) a non-judgemental stance towards whatever content may emerge.

The above point does not in any way mean the researcher cannot approach his/her study from a particular theoretical position. In the case of this study, the theoretical orientation being used is that of contestation as an underlying principle of policy development.

In qualitative research, the context is always uppermost in the mind of the researcher. Findings are placed in a social, historical, and temporal context. The question of whether these findings can be generalized to other contexts across space and time is debatable. It may depend a lot on the nature of the findings themselves and the special circumstances surrounding the contexts.

In the case of this study, the development and implementation of one aspect of national and provincial legislation in post-apartheid South Africa is being researched. This study is located firmly in a context of transition where past practices which fostered inequality are in the process of being removed and the country tries to move ahead into a new era of political, economic, social and educational life. Whether the findings of this study can apply to other transitional settings remains to be seen.

A last point about qualitative inquiry concerns its flexibility. During the course of a qualitative study, the researcher may have to take unexpected, unanticipated shifts in direction as understanding deepens and/or situations change. In this way, the researcher avoids getting locked into a rigid, fixed mode of inquiry that may miss all the rich, thick, pieces of information so crucial to obtaining insight. An open, flexible attitude may go a long

way to encourage responsiveness and to capture spontaneity. Being open, flexible and pragmatic requires a high tolerance for ambiguity and uncertainty as well as trust in the ultimate value of what the study will yield. In the case of this research, it was not possible to have access to relevant policy actors within Parliament and provincial departments of education. It was necessary then to either identify other suitable sources or ask respondents to give written responses to interview questions.

Having discussed the characteristics of qualitative research and the manner in which this study fits in as qualitative inquiry, it may be opportune to give an outline of the research design for the investigation and then consider the particular techniques of data-collection that have been used in this study.

4.3   THE RESEARCH DESIGN

This study was conducted at three levels: national, provincial and school. In order to highlight what was done at each of these levels and how they related to the aim of the study, it may be appropriate at this point to restate the aims of the investigation. The overarching aim was to study the contestations in the development and implementation of school governance policy, with specific reference to the powers and functions of school governing bodies. The objectives residing under this overall aim were:

- To highlight the contestations surrounding school governance at national level, focussing specifically on the powers and functions of school governing bodies in the development of educational policy at national level.
- To explore how provincial education policy was developed from national policy and the areas of contention between the two, concentrating specifically on the powers and functions of governing bodies.
- To study the implementation of national and provincial school governance policy at one school, noting carefully the contestations around powers and functions at this level.

It is clear from the above that each objective was directed at a specific level, be it national, provincial or school.

Since this study focussed on the development and implementation of a national Act, the first level of analysis involved roleplayers, institutions and materials at national level. Officials in the national Department of Education, national officebearers of the organized teaching profession, parent and student bodies, and other relevant stakeholder bodies were interviewed. Documents produced at national level, for example, the Hunter Report (1995), three White Papers (1995/6), and the South African Schools Act (1996), were also carefully analysed. The object of interviewing these national roleplayers and analysing nationally-produced documents was to trace the evolution of educational policy, the shifts and changes in succeeding documentation and the factors which caused these shifts and changes.

The second level of analysis was the province (that is, The Western Cape Province) where the same procedures were repeated but obviously with a different set of roleplayers, institutions and materials (documents). Officials of the Western Cape Education Department, provincial officebearers of the organized teaching profession, parent and student bodies, and other relevant stakeholder bodies were interviewed. In addition, documents produced at provincial level, for example, provincial education bills, Acts, and notices were also carefully analysed. The purpose of these activities was to uncover how provincial policy is developed from national policy, identify changes between the two and explore **why** these changes were made.
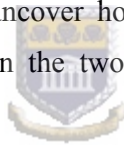
At the school level governing body meetings were observed, members of the governing interviewed and documents produced by the governing body examined. The tables which follow help to capture the research design of this study.

TABLE 4.1: *Research Design Of Study*

NATIONAL LEVEL		
Technique/Method	**Target**	**Purpose**
Documentary Analysis	1. The Hunter Report (1996). 2. White Papers (1995 and 1996). 3. South African Schools Bill. 4. Submissions by various stakeholders to SASB. 5. South African Schools Act.	To trace the changes from earlier policy documentation to later ones and finally the South African Schools Act.
Interviews	Education spokesperson of main political parties. *	To identify the differences in thinking of the various political groups and thereby identify reasons for ensuing contestations.
	Members of the portfolio committee on education. *	To identify positions of the various roleplayers on issues related to schools governance.
	Officials: Department of National Education.	To uncover reasons for shifts in policy positions.
	Officebearers of teacher unions or associations.	To find out why roleplayers are opposed to other policy positions.
	Officebearers of governing body associations and student bodies. *	To identify areas of consensus and difference with policy texts and legislation.

∗   These interviews were not conducted because these roleplayers were unavailable. *See Chapter One* (Limitations of the Study).

PROVINCIAL LEVEL		
Technique/Method	**Target**	**Purpose**
Documentary Analysis	PGE (provincial education bills) (1994).	To highlight the development of Educational policy for the province i.e. tracing progression from SASA to draft Provincial Bills to Provincial Education Act.
	Provincial Schools' Act (1997).	Comparison with SASA to note significant differences.
Interviews	Education spokesperson of main political parties.	To capture subtle shifts in emphasis as far as interpretation of SASA is concerned.
	Officials: Western Cape Education Department.	To elicit reasons for differences between SASA and provincial Education Act.
	Officebearers of teacher unions/associations.	To delineate areas of consensus and disagreements on key areas of school governance provisions.
	Officebearers of governing body associations and student bodies.	To highlight the circum-stances of the recipients of policy and how this contributes to conflict.

SCHOOL LEVEL		
Technique/Method	**Target**	**Purpose**
Documentary Analysis	Documents of governing bodies: correspondence to parents, reports to the governing body, minutes of meetings.	To identify powers and functions where conflict/ disagreements prevail.
Interviews	Members of governing body: representatives of all sectors (5 in total).	To obtain members' perceptions of contestations around powers and functions.
Observations	Governing body meetings (5 in total).	To identify and record instances of contestations as the governing body tries to fulfil its functions.

4.4   RESEARCH METHODS USED IN THIS STUDY

The methods of data collection used in this study were semi-structured interviews, documentary analysis and observation. Each method will be analysed in turn.

4.4.1   The Use Of Documents

Interviews, questionnaires, observation and experiments are important sources of data in social and educational research. But they do not constitute all the means of information gathering. Existing sources, whether in writing, figures or electronic form, are also important means of gathering data. They can be used both as the main source of information for the research or as a supplementary source.

Although more recent literature on documentary sources include radio and/or film material to written texts, for the purpose of this study the term **documents** will be used to refer specifically to written texts. Most writers usually distinguish between 'primary' and 'secondary' sources of information when talking about documentary sources and the same distinction applies to the written text. A primary source in terms of written texts would be the basic and original text; this is the researcher's raw evidence. Secondary sources copy, interpret or judge material that is found in primary sources. Thus, as far as this study goes, the South African Schools Act (SASA) was the primary source of document while a newspaper report on it (or aspects of it) would be regarded as the secondary source.

Another distinction which writers make with reference to documents is their **direct** and **indirect** uses. Documents, whether they are parliamentary papers, letters, newspaper accounts, minutes of meetings or a column in the Hansard, can provide direct information about events or situations just by concentrating on the factual content contained in them. But those same documents were not written from a neutral perspective. All of them have their own hidden agendas in which evidence may have been selected to serve certain purposes. This is where the indirect use of documents comes in. Besides giving direct information, documents are also self-revealing in the sense that they contain alot of implied messages and meanings, for example, the author's perspective, motivations, type of audience aimed at, or the social context in which the document was written, can be gleaned from a written source indirectly.

(a) *The Origins of Documents*

Documents do not arise automatically through some natural process. They may look authoritative, as if they could not have been produced in any other way. But all of these sources are the result of human activity. They are produced by human beings acting in particular circumstances and within the constraints of particular social, historical or administrative conditions.

Documents are the result of human decisions. An individual decides to write a diary, or memoir, a committee prepares a report, a department decides to issue a circular, or a political party decides to make a written submission. These decisions are followed by further decisions: the diary (or memoir) will be very explicit, the report of the committee will highlight certain aspects and downplay or even suppress others, the circular will be structured in a certain way so that certain regulations are emphasized or the written submission will concentrate on and exploit the possibilities of one particularly sensitive issue. All of these decisions will obviously affect the nature of the document as it comes into existence. The document (or its origins) may well be influenced as much by 'unconscious decisions' of people as by conscious ones.

In all these cases a series of choices has been made – the eventual completed document reflects the choice made. The resultant document can be better understood, assessed and analysed if one knows the process by which it came into being. We can in this way learn more about the author's circumstances, and perhaps about the influences on him or her by other individuals or groups. If some account has come into existence, through rumour rather than concrete evidence, this too is relevant as it has direct bearing on accuracy of information used in the study. The same applies if the information used is a forgery - it is important for the person using the document to know that. Knowing how a document came into being may be directly relevant for understanding who was responsible for it, assessing its reliability, and ultimately the manner in which it is analysed.

The origins of documents is also related to the audience towards whom the document is directed. Who the supposed audience is and the extent to which the creator of the account or report shares the audience's preconceptions are likely to affect both what is said and what is left unsaid. There is also the matter of **how** material is presented. The manner in which material is presented is likely to be influenced by the audience the author has in mind.

Certain styles of presentation have become accepted as appropriate for particular types of publication. The style gives yet another clue to the nature of the document's origins and hence what one can expect from it.

Reference was made earlier to the distinction between 'primary' and 'secondary' documents. Looked at from the perspective of how documents originate (that is, all the factors involved as it comes into being), this distinction pales and becomes a little superficial. In the words of Finnegan (1996:145):

> *...although the distinction...between primary and secondary sources, is indeed a useful one, <u>no</u> source is really primary in the literal and ultimate sense of giving the plain, unvarnished facts. There is always some element of production and shaping, some process by which the source came into being.*

Even the distinction between 'direct' and 'indirect' uses of documents becomes somewhat simplistic when one considers the many complexities operating behind the creation of documents. All texts contain a series of meanings and functions. These depend on both the viewpoint of the writer or the person hearing it. To quote Finnegan (1996:145) again: "*Texts are typically multi-functional and multi-vocal, and which elements one picks out of these is seldom a simple direct/indirect alternative, but a matter of judgement and interpretation.*"

One of the ways in which texts can be multi-functional and multi-vocal in the case of this study, is the perception of parents as portrayed by the SASA. Parent is conceived of in two ways: firstly, as a 'citizen administrators' and secondly, as a "consumer". In the former case, parents are seen as citizens who are active in exercising their rights to determine important areas of school policy. With this set of rights comes a set of responsibilities. The parent, in exercising his/her right to close participation in the affairs of the school, is seen as an agent who contributes actively to the smooth functioning of the school. And it is mainly in the administrative sphere that the parents assist in running the school. In the latter case, parents are regarded as consumers because they have to provide the fees required to raise additional finances for the school over and above the state subsidy.

Another way in which the SASA can be seen as multi-functional and multi-vocal is in the notion of **conflict**. Firstly, in the composition of governing bodies, there is the tacit assumption that all the constituencies will work harmoniously together. Nowhere in the

SASA is provision made for conflict within governing bodies. Secondly, there is an acknowledgement that there may be conflict between governing bodies and provincial departments of education because provision is made regarding procedure for withdrawal of functions and recourse of governing bodies to the provincial Minister of Education. This acknowledgement, however, does not take into account the legal recourse that governing bodies may resort to. The multi-functional and multi-vocal nature of the SASA can again be manifested in the model of governing bodies themselves. Governing bodies are a creation of the state, an extension of the administrative arm of the state. On the other hand, these governing bodies are amenable to market tendencies via their practice of raising additional funds, keeping financial records, paying for services to the school and other functions that they perform. Elements of the **private**, market-oriented tendencies exist alongside **public** state education.

(b) *Critical Analysis of Documents*

The term 'critical analysis' involves an examination of the assumptions that underpin any account and a consideration of what other possible aspects are concealed or ruled out. It can also involve moving beyond the documents themselves and critically analysing the institutional and social contexts in which the documents were produced.
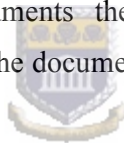
In critically analysing documents, for example, an official policy text like the SASA, the researcher must carefully consider what kind of conceptualizations are put forward in the document, for example, how is the concept of 'democratic school governance' defined? How is the concept of 'participation' defined? What is the implicit theory of management that underpins the documents? On what notions of power are the responsibilities of governing bodies based? and so on. A critical reading of texts is aimed at uncovering how problems are defined, what explanations are put forward and what is seen as the preferred solution. It also seeks to reveal that which has been rejected in the text and that which does not even appear: what is **not** seen as problematic, what is not considered, and what are not the preferred solutions. As Jupp (1996:311) puts it: "*...the analysis is concerned with how official documents frame the public agenda.*" By going beyond the text and looking at the "constructors", the "senders" and the "recipients" of it, the analysis will then be opening up questions such as: for which section of society does the document speak; and, what will the consequences be for schools and the people who occupy them? In critically analysing a text, the researcher is not solely concerned with a scrutiny of definitions, explanations and

solutions offered, but seeks to challenge them and to suggest alternative proposals and viewpoints.

(c)   *<u>Approaches to Documentary Analysis</u>*

Documentary analysis has been approached from various perspectives, for example, history, linguistics, and literary criticism. In the case of linguistics, documentary reconstructions of social reality often depend on particular uses of language. Certain document types constitute 'genres', with distinctive styles and conventions. They are, for instance, often marked by quite distinctive uses of linguistic **registers**. One can often recognize what sort of document one is dealing with simply through a recognition of its distinctive use of language. One can, for example, probably recognize the register of an article on motor sport or a legal report without seeing more than a random extract from it. Each genre has its own characteristic vocabulary. Official documents, reports and the like are often couched in language that differ from everyday language usage. A policy document like SASA, for example, abounds with formal terms and phrases such as "subject to this Act"; "agreement contemplated in subsection (1)"; "discharge other functions consistent with this Act"; and so on.
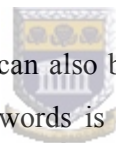
The formality of these policy documents can also be detected in their tone. Even when the context involves emotion, the choice of words is formal. For example, in the section on allocated function of the governing bodies, subsection (5) states that "*Any person <u>aggrieved</u> by a decision of the Head of Department…*" Rather than use the term such as "unhappy," "upset" or "saddened" (which are more subjective and emotionally laden) the choice has been for the more formal, objective and clinical "aggrieved".

Coffey and Atkinson (1996) refer to the term **intertextuality**. This term is derived from contemporary literary criticism, and is used to highlight the fact that literary texts (such as novels) are not free standing, and that they do not refer to just a fictional world. Rather, they refer, however implicitly, to other texts. In analysing the documentary realities of an organizational or work setting, therefore, one can explore the intertextual relationships. One can examine how conventional formats are shared between texts, and thus how they construct a uniform, bureaucratic style. One can note how they are linked as series or sequences of documents. Minutes of meetings, for example, refer to previous minutes and items such as 'matters arising'. Minutes of different meetings will look remarkably similar in constructions,

language and tone. They thus construct rational sequences of decisions and their consequences, distributed regularly over time, and reported in uniform formats.

In the case of this study, the SASA refers constantly to other policy documents, for example, the Educators Employment Act, 1994; the Labour Relations Act, 1995 and so on. These policy documents display very similar formats. For example, a typical format that all these policy documents employ is the use of **sections** and **subsections**. Even within subsections, there may be further clauses. Thus for example, in the section dealing with withdrawal of functions from governing bodies, subsection (2) states that the Head of Department may not take action under subsection (1) unless he/she has:

(a)   informed the governing body of his/her intention so to act…

A typical example of format in the SASA is the following. This particular format, that is, section, subsection and clause, and the particular manner of indicating them, that is, 22 (Bold Print) give the impression of order, logicality and regularity. The implication also is that this order will or should also prevail in practice, in the arena of implementation.

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                                        (1)   ----------------------
                                        (2)   ----------------------
(a)   ----------------------
(b)   ----------------------
(a)   ----------------------
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Intertexuality, in the case of this study, can also refer to the SASA and the policy documents that preceded it, that is, the report of the Hunter Committee, the relevant White Papers, and the South African Schools Bill. These documents were forerunners to the SASA and the provision of the SASA refer directly back to them. For example, the functions of governing bodies was part of the Hunter Committee Report. These functions were further adapted (with additions and/or deletions) in the White Papers and the South African Schools Bill and then finally included in the SASA. SASA and some of its predecessors clearly enjoy similarity in formats.

While it is obvious that a person or group of people must write (produce) documents, that does not always imply a social recognition of authorship. It is part of the feature of many official and organizational documents that they are not identifiably the work of an individual author. Their very anonymity is part of the official production of documentary reality. There may be an implied ownership of a document - such as the originating department - but official materials do not normally have visible human agencies expressing opinions, beliefs and so on. One can therefore inspect texts for indications of authorship, or its absence. In that sense, too, one can look for how they claim whatever authority may be attributed to them.

The absence of an implied personal author is one rhetorical device that is available for the construction of authentative, official or factual accounts. It implies a reality that exists independently of any individual observer, interpreter, or writer. That device, however, is not sufficient in itself to guarantee such status, which also rests on the organizational, professional or bureaucratic contexts in which documents are produced and used.
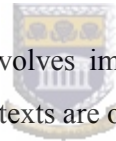
Documentary reality construction also involves implied readers. Any literate person may actually pick up and read a document, but texts are often aimed at particular audiences, and it may be that only a restricted readership, with specific competencies, will be able to fully decode them. At the same time, it must be stressed that no text, whether literary or official, can determine or constrain exactly how it shall be read. Reading is an activity, not the passive receipt of information. The reader brings to the text his/her stock of cultural knowledge, a knowledge (or ignorance) of similar texts and his/her unique biography.

(d) *The Nature of Policy Documents*

According to Ball (1994:16) "*…policies as representations…are encoded in complex ways (via struggles, compromises, authoritative public interpretations and reinterpretations) and decoded in complex ways (via actors' interpretations and meanings in relation to their history, experiences, skills, resources, and context).*" A policy is both contested and changing, always in a state of "becoming", of "was" and "never was" and "not quite"; "for any text a plurality of readers must necessarily produce a plurality of readings" (Codd, 1988: 239).

While it is true that authors cannot control the meanings of their texts, policy authors do make concerted efforts to assert such control by the means at their disposal, to achieve a "correct" reading. SASA, for example, in its opening chapter, contains a list of definitions of terminology used in the Act, for example, "Principal" means an educator appointed or acting as the Head of a school and "learner" means any person receiving education or obliged to receiving education in terms of this Act. One needs to understand these efforts and their effects on readers and to recognize the attention that readers pay to the writers' context of production and communicative intent (Giddens, 1991). But, in addition, it is crucial to recognize that the policies themselves, the texts, are not necessarily clear, closed or complete. The texts are the products of compromises at various stages (at points of initial influence, in the micropolitics of legislative formulation, in the parliamentary process and in the politics and micropolitics of interest group articulation). Ball (1994:16) calls them "*the cannibilized products of multiple (but circumscribed) influences and agendas. There is ad hocery, negotiation and serendipity within the state, within the policy formulation process.*"

(e)   Use of Documentary Analysis in this Study

The modus operandi regarding documents in this study comprised a critical analysis of the various texts produced at national and provincial levels. Most of the analysis centred around the comparisons between documents (a variation of intertextuality). Thus, for example, to highlight the contestations surrounding the development of education policy at national level, the various policy documents preceding the SASA had to be compared against each other as well as the SASA itself. Similarly, to explain the development of provincial education policy, the Provincial Education Bills and Act had to be considered in relation to the SASA. Besides the comparison of documents, the researcher also analysed the language of documentary material so reminiscent of literary criticism. Finally, the content of documents, that is, arguments, reasons advanced, examples used and logicality of reasoning were critically scrutinized and commented upon. This is also a technique used in literary criticism.

4.4.2   Interviews

People are interviewed to find out from them things we cannot directly observe. The purpose of interviewing is to find out what someone else is thinking. Feelings, thoughts, and intentions cannot be observed. Nor can we observe behaviours that took place in the past or are going to take place in the future. The way that people have organized the world and the meanings that they attach to what goes on in it are not always accessible to the naked eye.

People have to be asked about these things. The purpose of interviewing, then, is to allow us to enter the other person's perspectives.

Qualitative interviewing begins with the assumption that the perspectives of others is meaningful, knowable, and able to be made explicit. There are three basic ways of collecting qualitative data through interviews. These are: (a) the structured interview; (b) semi-structured interview; and (c) the unstructured interview. Each will be discussed in turn. Since the semi-structured interview was used in this study, a more critical examination of this method will be undertaken.

(a)   *The Structured Interview*

This kind of interview consists of a set of questions carefully worded and arranged with the intention of taking each respondent through the same sequence and asking each respondent the same questions with essentially the same words. Flexibility in probing is limited, depending on the nature of the interview and the skills of interviewers. The structured interview is used when it is important to minimize variation in the questions posed to interviewees. This reduces the possibility of bias that comes from having different interviews for different people, including the problem of obtaining more comprehensive data from certain persons while getting less systematic information from others. A structured interview may be particularly appropriate when a large number of people are to conduct interviews on the same topic and the researcher wishes to reduce the variation in responses due to the fact that, left to themselves, different interviewers will ask questions on a single topic in different ways. By controlling and standardizing the interview, the researcher obtains data that are systematic and thorough for each respondent but the process reduces flexibility and spontaneity.

(b)   *The Semi-Structured Interview*

The semi-structured interview method that was used in this study, involved outlining a set of issues that were to be explored with each respondent before interviewing began. The issue in the outline need not be taken in any particular order and the actual wording of questions to elicit responses about those issues is not determined in advance. The outline simply served as a basic checklist during the interview to make sure that all relevant topics were covered. No set of standardized questions or an interview schedule are written in advance. The interviewer

is thus required to adapt both the wording and the sequence of questions to specific respondents in the context of the actual interview.

It is important to remember that the interview schedule provides topics or subject areas within which the interviewer is free to explore, probe, and ask questions that will elucidate and illuminate that particular subject. Thus the interviewer remains free to build a conversation within a particular subject area, to word questions spontaneously, and to establish a conversational style - but with the focus on a particular subject which has been predetermined.

The advantage of a semi-structured format is that it makes sure that the interviewer has carefully decided how best to use the limited time available in an interview situation. The approach helps make interviewing across a number of different people more systematic and comprehensive by delimiting in advance the issues to be explored. The semi-structured interview is especially useful in conducting group interviews; it keeps the interactions focussed but allows individual perspectives and experiences to emerge.

A possible disadvantage of the semi-structured interview, especially in the case of the inexperienced interviewer, is that the responses of the interviewee on a particular topic could be so interesting that the interviewer may be tempted to probe this topic in more detail than was intended, thus neglecting other areas or topics of concern or probing them superficially. The interviewer has to constantly exercise discipline and restraint, constantly making mental decisions about when a topic has been sufficiently probed and another one can be tackled.

(c)   *The Unstructured Interview*

The unstructured interview relies entirely on the spontaneous generation of questions in the natural flow of an interaction. During an informal conversational interview the person being addressed may not even realize that he/she is being interviewed. The conversational interviewer wants to maintain maximum flexibility to be able to pursue information in whatever direction appears to be appropriate, depending on what emerges from observing a particular setting or from talking to one or more individuals in that setting. Most of the questions will flow from the immediate context. No predetermined set of questions is

possible under such circumstances, because the researcher is not sure beforehand what is going to happen or what will be important to ask.

Rather than maintain a strict and sometimes artificial separation of the three types of interviews discussed above, it is often advisable to use all three of them (or two) in different combinations. The manner of combinations may depend on factors like the immediate circumstances of the interview setting, the person being interviewed, time constraints, etc.

(d)   *Interviewing Figures of Authority*

Since this study was concerned with public policy and the people involved in its initial formulation and implementation, it follows then that many of the role players that were interviewed in the course of this study were those occupying positions of authority. This included key officials from the Department of National Education, the Western Cape Education Department, representatives of teacher, student and parent organizations, and spokespersons of political parties in both the provincial and national chambers of parliament. Interviewing figures of authority is not the same as interviewing ordinary members of the public. It carries with it its own nuances as Ball (1994:96) explains:
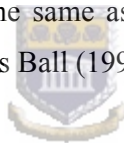
> *For various reasons political actors have an investment, public and personal, in being interviewed. But they also have particular reasons for being careful about what and how they say things in interview…More than in any other kind of interviewing I have experienced, interviews with political actors highlight the struggle both to control the event and to control meanings.*

According to Walford (1994) it may be better to use a semi-structured format when interviewing the powerful rather than a structured or by implication, unstructured format. It may not be the best thing to pose a predetermined set of questions to those in power because the aim is to uncover the depth of understanding that they can give on particular issues through their individual knowledge. Those who have influenced events directly have a detailed knowledge of events and a sophisticated understanding that is worthy of careful examination. The interviewer thus has to be prepared to be flexible in the interview, to structure questions to suit the occasion, to follow leads and to ask new questions whenever appropriate. On the other hand, using an unstructured interview format may not be in the best interests of the researcher; people in positions of power have busy schedules and using a

format in which one may come across as being too 'chatty' and unnecessarily wasting time, may just be counter-productive to the interviewer.

Two factors that need to be acknowledged and dealt with, especially in interviewing the powerful, are the attitude of the interviewer towards the interviewee and the conscious efforts by respondents to assert themselves during the interview. There is a very real danger in the former case of the interviewer being intimidated by the powerful and thus adopting a deferential attitude towards him/her. This could affect the quality of data obtained from the interview in that the interviewer may be reluctant to probe deeper into 'sensitive' areas and thus end up with findings that are at best superficial. In the latter case, Scheurich (1992:24) has this to say about interviewee resistance:

> *Interviewees do not simply go along with the researcher's program. I find that they carve out space of their own, that they push against or resist my goals, my intentions, my questions, my meanings.*

(e)   *Interviewing Strategy Adopted in this Study*

The researcher had to bear the above factors in mind when conducting research in the course of this investigation, not least for the fact that they could be symptomatic of other things which could lead to significant insights later on.

The interviews that were be used in this study were primarily of the semi-structured type, because they allowed the interviewer space to explore while at the same time not losing the focus. The questions that were used were formulated under specific categories, namely, Powers and Functions of Governing Bodies; Tracing Differences in Policy Texts (*refer to Appendices C, D and E*).

In going about the interviews, the researcher decided to use the tape recorder in order to capture most, if not all, the verbal exchange between interviewer and interviewee. Permission was sought from potential respondents before the tape recording commenced. The researcher also made notes later when reflecting on the interview.

4.4.3   Observation

Lee (2000:33) maintains that simple observation is "*focused on situations in which the observer has no control over the behaviour or sign in question, and plays an unobserved, passive and non intrusive role in the research situation*". According to McCall (1984:270) "*observation is always selective and purposive*". The observer therefore has to decide beforehand what it is that she/he wants to observe. During the process of observation, the researcher should know what events, utterances and exchanges to capture and record and what can safely be ignored.

In the observation of governing body meetings, the researcher was constantly on the lookout for instances of contestation, of differences of opinion, of debate and disagreements (as well as consensus) and the issues that provoked these arguments and agreements. The school in question is situated in an upper-middle class suburb. The student population is racially mixed, but the staff is predominantly white. Governing body meetings were always well-attended, with a high level of participation from most members.

The role of the researcher making a systematic observation of a situation is essentially one of passivity. However, this passivity could have the effect of making the observer conspicuous and inviting challenges from the group being studied. This happened in about two instances in this study where the researcher was asked to give his comment on an issue. One problem associated with non-participant observation is the matter of reactivity, the extent to which people are conscious of being observed and their responses to this. In this study of school governors, the impression gained by the researcher was that there was very little evidence of this phenomenon. A total of five consecutive meetings were observed and there were no inconsistencies on the part of governors in terms of behaviour. Recording of data as field notes was sometimes problematic as the meetings progressed. In trying to capture the richness of detail, through continuous recording, the researcher found that the general flow and context of the discussion was sometimes lost. However, the use of observation to obtain accurate data should not be underestimated. As Lee (2000:61) sums it up: "*…the ability of observational methods to garner precise and reliable information about naturally occurring events and episodes, often unobtainable by other means should not be discounted.*"

4.5   DATA ANALYSIS

The first step in qualitative data analysis is a close reading of the data. This involves looking carefully at the data with a view to identifying aspects of them that may be significant. Reading through the data, the researcher notes down topics or categories to which the data relate and which are relevant to the research focus, or are in some other way interesting or surprising. The researcher is also on the look-out for recurrences that may indicate patterns, whether these are typical sequences of events in a setting, or preoccupations around which a particular group's or individual's view of the world revolves.

A next step is the gathering together of segments of data from different parts of the data record that are relevant to some category or topic. The categories generated in the course of coding the data will be determined by the aims of the study.

The categories generated may vary in character. Some may be relatively banal, others may be less obvious but more interesting. The importance of this latter set of categories is underlined by Boulton and Hammersley (1996:292):

> *Research is judged not only in terms of its validity but also in terms of its relevance, and one element of this is the extent to which it tells us something new. It follows from this that any novel or theoretically interesting categories that emerge are especially welcome to a researcher.*

The next step in the data analysis is to compare and contrast all the items of data that have been assigned to the same category. The aim of this is to clarify what the categories that have emerged mean, as well as to identify sub-categories and relations among categories. In the process, these categories may be developed and some data segments may be reassigned as a result. It is then necessary to go through the data sample again in case any data segments not previously identified as relevant have been overlooked. After this, further data samples will be analysed, perhaps producing new developments in the categories, and these will, of course, make it necessary to recode previously coded data.

What is involved actually is an ongoing process of analysis that generates categories and interpretations of the data in terms of these categories. And, over time, at least some of the categories will come to be integrated into a network of relationships. This network, then, will inform the main claims/conclusions of the study.

4.5.1 Documentary Analysis

Insofar as **documentary sources of data** in this study are concerned critical analysis was used. Critical analysis in social science involves an examination of the assumptions that underpin any account and a consideration of what other possible aspects are concealed or ruled out. It can also involve moving beyond the documents themselves to encompass a critical analysis of the institutional and social structures within which such documents are produced. Within this critical analysis of documents an examination of discourse was undertaken. The dictionary definition of 'discourse' refers to talk, conversation and dissertation. Within social science, it takes on a wider meaning. As with documents and texts, discourses are concerned with communication. However, as Worrall (1990:8) points out, discourse goes much further "*to embrace all aspects of a communication - not only its content, but its author…, its authority…, its audience…, its objective…*" Discourse can also be expressed in texts through the medium of documents. Authors may choose to display some documents in their texts and ignore others. The choice of documents in a presentation says something of the overall discourse which that presentation aims to convey. For example, a magazine that promotes black consciousness will most likely contain anecdotes, manifestos, and the like of black liberation movements. It is unlikely to display posters or essays celebrating white supremacist ideologies.

In the case of this study discourse analysis will be undertaken in the context of:

- differences between the SASA and its various precursors (to highlight contestations in the development of school governance policy at national level).
- differences between the SASA and WCPSA (to explain how provincial educational policy was developed).
- documents used by the local school's governing body that indicate instances of contestation around powers and functions.

Official documents provide valuable data for the analysis of official definitions of what is defined as problematic, what is viewed as the explanation of the problem, and what is deemed to be the preferred solution.

4.5.2   Interview Analysis

Content analysis is a set of methods for analysing the symbolic content of any communication. The basic idea is to reduce the total content of a communication to a set of categories that represent some characteristic of research interest. Thus, content analysis may involve the systematic description of either verbal or nonverbal materials.

Content analysts refer to their units of analysis as **recording units**. The recording unit is that element of the text that is described by the content categories. It could be a single word or symbol; the sentence; paragraph or other grammatical unit, the whole texts or some other aspect of the text such as the character or the plot. Because it may not be possible to place the recording units in a particular category without considering the context in which it appears, content analysts also distinguish **context units**.

Content analysis was used for the interviews in this study in the sense that questions were framed under certain categories. The categories that were used were: Powers and Functions of Governing Bodies and Tracing Differences in Policy Texts. All the interviews were taped and thereafter transcribed.

These categories are linked to the aims of the study, depending on the level at which the interviewee is located. For example, the category **'functions of governing bodies'** will generate different questions or emerging categories. To illustrate further, a question falling under this category could be: "have any function(s) been withdrawn from any governing body?" This question is more appropriate to a provincial roleplayer, namely, an official from WCED. Under the same category, a question to a national roleplayer could be: "Why were the ex-Model Schools alarmed at the perceived reduction of the powers of SGBs?" At school level a typical question within this category could be: "Which function(s) elicit many disagreements and conflicts?" (*see Appendices C, D and E for the list of questions that will be put to National, Provincial and School Roleplayers*).

4.5.3   Observation Analysis

As mentioned previously, the researcher was involved in a systematic observation of governing body meetings. This observation required intense concentration since the observation was coupled with a simultaneous continuous recording of data in a diary. The researcher was mainly concerned with instances of debate, conflict or any other kind of

disagreement during governing body deliberations. Since the chairman of the governing body usually read out items on the agenda before discussion commenced, it was easy for the researcher to identify and delineate the topics or issues that aroused contestation. This helped in the recording of data. Since the issues that aroused debate resulted in constant exchanges between individuals in the governing body, the recording of the data often resembled more an anecdotal record. These exchanges meant the explicit stating of opposing views on a particular topic. The exchanges at governing body meetings were not recorded on cassette since this was not allowed.

4.6   VALIDITY, RELIABILITY AND GENERALIZABILITY

In this study, three data collection techniques have been used: interviews, documentary (textual) analysis and observations. Multiple sources of information have been sought and used because no single source of information can be trusted to provide a comprehensive perspective on the situation being studied. By using a combination of interviews, documentary analysis and observation, the researcher is able to use different data sources to validate and cross-check findings. Each type and source of data has strengths and weaknesses. Using a combination of data types increases validity as the strengths of one approach can compensate for the weaknesses of another approach (Marshall and Rossman, 1989).
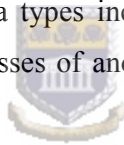
In assessing claims of reliability and validity, the researcher has to address him/herself to various questions, some of which are:

- Is it likely that the data may have been 'shaped' by the presence of the researcher in such a fashion as to lead to misleading conclusions?
- Were the people observed "putting on a show" or "maintaining a front" for the observer?
- Did the informant tell the researcher what he/she thought the researcher wanted to hear?
- Was the observer or informant in a position to be able to observe and record accurately what happened?
- Were the phenomena being described of a kind that anyone would probably be able to recognize and agree on, or were they more problematic?

- Is there any indication that the observer or the informant could have been biased, consciously or unconsciously selecting evidence to support one outcome or conclusion rather than another?

Perakyla (1995:201-16) has written at length on the validity and reliability in research based on tapes and transcripts. In discussing reliability she states that the "*working with tapes and transcripts eliminates at one stroke many of the problems that ethnographers have with the unspecified accuracy of field notes and with the limited public access to them.*" The great advantage of tape recorded data is that one can study it again and again. According to Perakyla the key aspects of reliability in tapes and transcripts involve selection of what is recorded, the technical quality of recordings and the adequacy of transcripts.

Perakyla (1995) argues that one of the ways in which recorded talk can be validated is through the idea of the "next turn." This refers to the successive order in which the participants talk, that is, who follows whom as the exchange continues. She states that "*Regularly……a turn's talk will display its speaker's understanding of a prior turn's talk, and whatever other talk it marks itself as directed to.*" In other words, as the conversation progresses the participants display to each other their interpretations of what is going on, especially of what was going on in the immediately preceding turns of talk. Even though the meaning of any expression, if considered in isolation, is extremely open-ended, any utterance that is produced in a conversation will be locally interpreted by the participants of that conversation. Their interpretation is displayed in the next actions after the utterance. And therein lies the proof for the researcher who is analysing the conversation. Whatever interpretation the researcher gives to an utterance can be measured against the way the participants themselves react to or treat the utterance. In this way, interactions captured on tape and their transcripts can be seen as 'self-validating'.

In deciding what are and are not reasonable inferences to be made on the basis of data collected, the researcher must consider the likelihood of errors of various kinds. Further, the researcher must take active measures to counter these.

In this study, the researcher has aimed to be a reflective practitioner, continually thinking about the process of research and his own role in it, and the implications of this for the analysis. Qualitative researchers usually record in their field notes their interpretations of and

feelings about what they observe and about their role. This process of reflection was continued throughout the whole research process in this study, and is captured in the researcher's personal diary.

Can findings and conclusions arrived at in this study be relevant or applied to other settings? In discussing the characteristics of qualitative inquiry earlier in this chapter, the point made was that emphasis is always placed on context in qualitative inquiry. Qualitative researchers tend to be sceptical of generalizations. As Patton (1990:487) puts it: "*Findings based on samples, however large, are often stripped of their context when generalizations are made - particularly generalizations across time and space.*"

Guba and Lincoln (1981:62) are critical of the emphasis on generalizations in quantitative-experimental research because, they ask: "*What can a generalization be except an assertion that is context free? (Yet) it is virtually impossible to imagine any human behaviour that is not heavily mediated by the context in which it occurs.*"

Instead of using the term generalizations, Cronbach and Associates (1980) prefer the term "extrapolation." An extrapolation indicates that one has gone beyond the narrow confines of the data to think about other possible applications of the findings. Extrapolations are modest speculations on the likely applicability of findings to other situations under similar, but not identical, conditions. Perhaps the more suitable term, then, in the case of this study, would be extrapolation and not generalization. This study, being a qualitative inquiry, is a detailed investigation of a particular situation in a state of transition. It may be possible that some of the findings generated by this investigation could be relevant/applicable to other settings, especially those where transition and change are involved.

Qualitative research does have its limitations. Proponents of quantitative research have criticized qualitative research as being too subjective, lacking structure and rigour and without an explicitly stated hypothesis at the outset to guide the ensuing research. The preoccupation with context is seen as militating against generalizations especially those on a wide scale and across space and time. The value of the study thus becomes limited. The danger also exists that the qualitative researcher can become so immersed in the situation and subjects that he/she is studying, so-called objectivity becomes virtually non-existent. Although it was mentioned earlier that the qualitative researcher makes explicit his/her

biases, impressions, and hunches as the investigation continues (and this indeed is part of the data which is included in the study), the closeness of the researcher to the situation and subjects does bring up a lot of ethical issues and difficulties.

The advocates and practitioners of qualitative research are able to counter quite effectively the objections to and criticisms of their approaches. For example, in the debate surrounding the issue of objectivity and subjectivity, philosophers of science are very sceptical about the idea of anyone or any method being totally 'objective'. Subjectivity is inevitable (Peshkin, 1988). The credibility of qualitative inquiry is especially dependent on the credibility of the researcher because the researcher is the instrument of data collection and the centre of the analytic process. The qualitative researcher employs rigour in data collection and analysis, is concerned about issues of validity, reliability, generalizability and triangulation, and is open and honest about the limitations of the methods adopted. Qualitative research is as much about integrity of self as about credibility and usefulness.

There are no simple formulas or list of rules in qualitative research about how to perform a high-quality analysis. All one can hope for is to do one's best to make sense out of a dense mass of information. A qualitative analyst returns to the data over and over again to see if the constructs, categories, explanations, and interpretations make sense, if they really reflect the nature of the phenomena. As Patton (1990:477) puts it: "*Creativity, intellectual rigor, perseverance, insight - these are the intangibles that go beyond the routine application of scientific procedures.*"

In terms of individual limitations on the part of the researcher in this study, the main one was time. Because the researcher was working on a full-time basis, this study had to be completed, 'after hours'. Work commitments meant that minimum time could be allocated to the study. The problem of insufficient time was further exacerbated by the impossibility of obtaining study leave so that one could work full-time on the study.

This thesis was halted temporarily at the end of November 2000 and then taken up again in February 2004, a gap of some three years. This time delay was necessitated by an uncertain employment situation coupled with mental fatigue resulting from normal work pressures. However, contrary to being a limitation, the researcher has found that the three year absence has resulted in fresh insights.

4.7   A STATEMENT OF ETHICS

Doing research in the field can raise some complex ethical issues. Schutt (1996:343-4) maintains that: "*No matter how hard the field researcher strives to study the social world naturally, leaving no traces, the very act of research itself, imposes something <u>unnatural</u> on the situation.*" As far as possible, the researcher should try to anticipate what the likely consequences of his/her research is going to be on participants and plan accordingly.

In terms of this study, one of the key principles guiding the researcher's practice was negotiation. Interviews with key actors, whether at national or provincial level, had to be negotiated: the time and place of the interview, duration of the interview (so as not to inconvenience or intrude upon working life), use of a tape recorder, what to include/exclude from transcripts, etc. An ethical code which entailed use of consent also applied to the use of documents. Although some of the documents used were a matter of public record, others were not. These would include private correspondences, reports of committees, minutes of meetings and other such documents of a more confidential nature. The submissions made by various organisations on the SASB also required judicious use to protect the identity of institutions and people working in these institutions. It is for this reason that the relevant volumes and page numbers were not included in the excerpts quoted from the submissions, especially in chapters five and eight. The researcher had to obtain consent on the use of certain documents and negotiated around quoting sections of the documents which were perceived by the authors(s) to be particularly sensitive. In the case of observing governing body meetings, the researcher was requested to submit a written 'guarantee of confidentiality' to the principal of the school (*see Appendix F*).

Negotiating access and obtaining consent are vital steps to take if the researcher is to protect his/her subjects and himself. The researcher used various kinds of codes to conceal the identity of individuals and organisations.

Another issue related to ethics is the benefit that participants derive from involving themselves in the study. While the researcher is obtaining valuable data for the completion of a thesis and the accompanying honour that this entails (conferring of a degree, adding to one's qualifications), what is in it for the participants? Why should they agree to be interviewed, observed or make documents available to the researcher? The researcher made it

clear to participants how they could benefit from the research. One of the ways that this could be effected is via workshops, where information presented by the researcher can be debated and hopefully applied by the participants in their own practices. There were requests from some interviewees on obtaining a copy of the thesis once it has been completed. The researcher acceded to these requests.

On the issue of confidentiality it is standard practice for researchers to use fictitious names for participants, but this is not always a guarantee of confidentiality for the subjects concerned. Individuals in the setting studied may be able to identify those whose actions are described, and may thus become privy to some knowledge about their colleagues or neighbours that had formerly been kept from them. What this means, in effect, is that every effort should be made to exclude possible identifying material from published information and to alter unimportant aspects of a description when necessary to prevent identity disclosure. Details such as the race group, religion, political party affiliation or member organization, where deemed unimportant or of little relevance, were excluded. This happened especially during discussions of provincial implementation of the SASA and specific instances of conflict at governing body meetings. At national level, the organizations that made submissions to the state on the SASB were clustered into sectors so that reference was made to sectors rather than individual organizations. In this way, the names of organizations were concealed.

Stake (1995:244) sums up the conduct of researchers well when he says: "*Qualitative researchers are quests in the private spaces of the world. Their manners should be good and their code of ethics strict.*"

4.8   SUMMARY AND CONCLUSION

This chapter commenced by making the statement that this was primarily a qualitative study. Being a qualitative study, it was therefore necessary to outline and explain in some detail the identifying features of qualitative research. Since this thesis traversed three levels of inquiry, namely, national, provincial and school, the research design identified relevant roleplayers and documentation at all three levels for interviewing and analysis respectively. The third level of inquiry, that is, the school included an extra research method, observation (of governing body meetings).

All three research methods used in this thesis, that is, interviews, documentary analysis, and observations, were critically examined, exposing their strengths and shortcomings. The technique of analysing data from all three sources (interviews, documents, and observations) was then discussed with the emphasis on the manner of categorizing data.

Issues of validity, reliability, and generalizability were tackled towards the latter and of the chapter with a statement of ethics following thereafter. This chapter concentrated on how the researcher proceeded to work with all the data collected. The findings from which this data was constituted form the subject of the next three chapters.
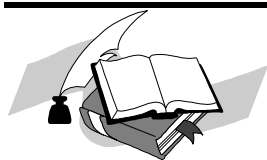
CHAPTER FIVE

CONTESTATION: NATIONAL LEVEL

5.1 INTRODUCTION

The aim of this chapter is to highlight the contestations leading up to the development of school governance policy at national level, focussing specifically on the powers and functions of governing bodies. The submissions of schools in the four ex-departments of education as well as other stakeholder bodies in other sectors will be expounded on. The schools in the ex-departments of education have been further subdivided into the following categories: **primary, secondary/high, technical, special and pre-primary**. In the other sectors, namely, political parties, state departments, business, teacher organisations/unions, independent schools, lobby groups/community organisations and tertiary institutions, the individual stakeholder bodies are first identified before discussing their input to the South African Schools Bill (SASB). The various sectors together with their organisations/institutions are captured below.

TABLE 5.1: *Sectors With Their Respective Organisations/Institutions*

	Sectors	Organisations/Institutions
1.	ex-House of Assembly (HOA)	Primary, Pre-primary, High, Technical High, Special Schools
2.	ex-House of Delegates (ex-HOD)	Primary, High, Special Schools
3.	ex-House of Representatives (ex-HOR)	Primary, High, Special Schools
4.	Department of Education and Training (ex-DET)	Primary, High, Special Schools
5.	Political Parties	African National Congress (ANC); Nationalist Party (NP)
6.	State Departments	Department of Education, Culture and Sport – Eastern Cape Province; Department of Finance (Pretoria)
7.	Business	The Free Market Foundation of Southern Africa
8.	Teacher Bodies	Transvaalse Onderwysvereniging (Transvaal Teachers' Association); Suid-Afrikaanse Onderwysfederasie (South African Teachers' Federation); National Professional Teachers' Organisation of South Africa (NAPTOSA); South African Democratic Teachers' Union (SADTU)
9.	Independent Schools	Four schools together with Independent Schools' Grouping
10.	Lobby Groups	LG01-15
11.	Tertiary Institutions	Colleges A and B; Universities P and Q

The form in which the analysis will be undertaken is as follows: the issue that aroused the conflict will be defined in relation to the SASB. Then the controversy, namely, the opposing arguments/positions will be highlighted, followed by relevant quotes where appropriate. The solution to the conflict or alternatives suggested will be discussed where applicable.

The following letter which was submitted to the Director General by some of the primary and high schools under the ex-House of Assembly serves as a useful forerunner to the contestations surrounding powers and functions of governing bodies. It illustrates the seriousness with which these schools saw what they perceived as the reduction of the powers and functions of their governing bodies. The letter is reproduced in its entirety.

Dear Sir

PROPOSED ALTERATIONS TO THE RIGHTS, POWERS AND FUNCTIONS OF GOVERNING BODIES OF SCHOOLS AS LISTED IN SECTION 247 OF THE INTERIM CONSTITUTION

Your letter of 24 April 1996 addressed to the Chairpersons of the Governing Bodies of all Public Schools, *which was never received by this Body*, and Notice 502 of 1996 which appeared in Government Gazette number 17096 of 26 April 1996, and Notice 532 of 1996, refer.

In the above letter, it is indicated that:

> *'...in fulfilling my constitutional duty to negotiate the changes in school governance with governing bodies, I invite you to reach agreement with me on the terms of the draft South African Schools' Bill, especially those matters which may alter the rights, powers and functions of governing bodies.'*

The constitutional right which is created by section 247 (I) of the Interim Constitution of South Africa, 1993, applies to the rights, powers and functions of governing bodies of certain types of schools. The reference in the letter to the draft Schools' Bill as the subject of the negotiations is therefore not in line with section 247 and this hereby placed on record. In the light of this, we must inform you that the acceptance of the invitation contained in section 52 of Notice 502 of 1996 relates exclusively to the exercising of a constitutional right as contained in section 247 of the Constitution, namely bona fide negotiations concerning rights, powers and functions of Governing Bodies. This is not therefore an unqualified acceptance of the invitation as contained in the letter of 24 April 1996.

Furthermore, we must state very clearly that we are exercising *our individual right* to participate in the process of negotiation subject to certain understandings, namely that:

(a)   the governing body of School A hereby informs you that we will negotiate with you in terms of section 247 (I).

(b)   we thank you for the opportunity to comment, and in this regard reference is made to, amongst others, section 5, 13, 14 and 15 of the draft Schools' Bill.

(c)   while there is appreciation for the extension of the period for comment, it must be brought to your attention that the period granted is still not adequate, particularly in the light of the need for mandating and where our constitution states that 14 days notice of general meetings must be given. A period of 30 days from receipt of any documents is therefore requested.

(d)   negotiations will not take place in a group, unless this governing body decides to combine forces with one or more governing bodies or to nominate an Association of which this governing body is a member, to appear on its behalf. Any such agreement which is reached, is subject to final confirmation by this Governing Body.

(e)   there is no limitation on the manner in which a Governing Body or a group of Governing Bodies can compile its negotiating team.

(f)   negotiations with the government will not take place in public at mass meetings, and no party without *locus standi* regarding the management and control of schools will be accepted at the negotiations.

(g)   the points expressed in this letter will not be interpreted as a negation of any of the rights, powers and functions referred to in section 247.

(h)   in order to ensure that the process is not later declared invalid, it is necessary to ensure that every school has been notified of the process in time and has the opportunity to participate and to mandate people to negotiate on its behalf.

(i)   this Governing Body is of the opinion that section 13 of the draft Schools' Bill removes all competencies from this Governing Body, and that some of the competencies which are listed in section 13 as being discretionary, are constitutional rights of the Governing Body as a juristic person. You are therefore also removing from this Governing Body the right to negotiate with the Provincial Government in the light of the fact that the education acts of some of the Provinces purport that they are in a position to negotiate about these matters.

(j)   this Governing Body therefore insists on negotiating individually with you in order to convince you that it is not in the interests of this school to have all or some of its competencies removed in this way.

(k)   in order to satisfy section 247 (I), the provinces must already now negotiate with us concerning section 15 (I) of the Draft Schools' Bill and in particular concerning the following:
        i)   transitional measures;
        ii)   election procedures for Governing Bodies;
        iii)   criteria and procedures for the initial granting of competencies by the MEC;
        iv)   criteria and procedures for the expansion of competencies by the MEC; and
        v)   procedures for the withdrawal of competencies by the responsible MEC.

l)   if agreement is reached about the alteration of legislation which applies to the rights, powers and functions of governing bodies, and such legislation is introduced into the parliamentary process, any deviations from or alterations to the agreement will have to be brought back to the negotiating table.

It must be clearly stated that we see these negotiations as representing a real step in the development of a more equitable education provision in South Africa. We therefore direct this letter to you in a spirit of co-operation in order to establish a sound basis for negotiation.

Yours faithfully

_____
Chairman: Governing Body

5.2   EX-HOUSE OF ASSEMBLY (EX-HOA)

5.2.1   Introduction

The ex-HOA controlled the affairs of Whites in the pre-1994 political dispensation. The schools under this ex-department made a number of submissions, the total being approximately 664. Schools generally addressed themselves to the following concerns: school funding; employment of additional staff; admission- and language policy; religious observance; the powers of governing bodies; and the negotiation process.

5.2.2   School Funding

According to many submissions, section 5(2)(a) of the SASB gave the impression that parents have a right not to pay school fees. This could only lead to problems as it further entrenches the culture of non-payment and so schools wanted it made clear in the Bill that steps will be taken to obtain school fees from those parents who are in a position to pay.

Schools commented on chapter 5 of the Bill dealing with financing of public schools. They said that this section gave the impression that this was a very sensitive issue and needed to be handled very carefully. Some schools felt that the following areas needed urgent attention in order to ensure the continued financing of education:

- No parent is automatically exempted from paying school fees.

- Sliding scales are totally unacceptable since this is nothing more than another form of indirect taxation, which places more pressure on the already overburdened taxpayer in the middle and higher income groups.

- Governing bodies should have the right to take legal action against parents who refuse to pay school fees, if it can be established that such a parent can afford the school fees.

- Governing bodies raise school fees on a regular basis but this increase need not apply to certain cases where the parent cannot afford the increase.

- The question was posed: How will the situation be handled where schools decide not to pay any fees at all? This creates a burden for the taxpayer and this is unacceptable. Free school education is an ideal that is just not attainable in the foreseeable future. Will the government subsidize these schools? And for how long? Where will the line be drawn?

Primary schools in this sector were adamant that school governing bodies should have the right to determine school fees. The state should not interfere with this function/power as well as with the control of the fees collected by schools. Governing bodies should decide who is eligible to pay school fees and who is not, using exemption criteria as set by the Minister. One finds that in the matter of school finance, especially the determination and collection of school fees, governing bodies were reluctant to relinquish any powers and insisted that state intervention be kept to an absolute minimum.

The payment of school fees seemed to be a very sensitive issue. The crux of the matter was whether the fees should be made compulsory or voluntary. One of the implications of school fees was the question of exemption of parents who are unable to pay the required school fees as determined by the governing body. It was felt that these parents would have to depend on those parents who are able to afford the school fees. The idea was expressed that paying parents would eventually tire of this arrangement and may well withdraw their children and seek admission for them at independent schools.

These schools insisted that the MEC should consult the governing body before granting exemption to a parent. The reason for this is that the governing body can furnish facts of the case to the MEC, facts that the parent seeking exemption may not have divulged to the MEC.

According to some submissions, the Bill did not make provision for governing bodies to determine which parents would be able to pay school fees and which parents qualified for exemption. They felt that the Bill should empower governing bodies to request/demand payslips from parents or their employers as well as letters from the Department of Manpower (Labour) certifying or proving that a particular parent is unemployed.

Some schools made the point that the principle of "soft zoning" would work to the disadvantage of fee paying schools. The principle of "soft zoning" meant that learners could seek admission at schools outside their areas if places at these schools were available. Learners from non-fee paying schools (or schools where fees are not raised regularly) may seek admission at fee paying schools in great numbers because facilities and resources there are better. This would result in the politicisation of payment of school fees and the resultant tensions would not be in the best interests of education.
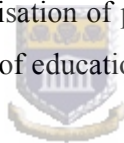
Some schools sounded the following warning to the national Education Ministry: schools would only be able to run efficiently if sufficient funds were forthcoming from parents. If exemption from payment was to get out of hand or be conducted irresponsibly by the provincial education authorities, then it would mean that schools (especially larger ones with more powers/functions vested in their governing bodies) would have to give up some of these powers/functions, thus creating more of a financial burden for the state.

One school harboured the concern that technical schools were more expensive to run than ordinary public schools. This was so because of the technical departments that they had, coupled with the purchase and maintenance of machinery and workshops. If school fees were not compulsory, then technical schools would find themselves in financial difficulties. The state would consequently have to subsidize technical schools insofar as equipment/ machinery/maintenance of workshops is concerned.

According to one special school, article 5(1)(b) and (c) gave the impression that school fees were not obligatory. As this school put it:

> *Extreme care should be taken not to create an unwillingness on the part of parents to pay school fees. The rent and services boycotts should provide ample illustration of what can happen unless rigid and conclusive legislation exists which determines who shall be exempt from payment and how such shortfall can be compensated. It is of paramount importance to establish a sound financial parent payment policy and legislation which will prevail, for the next five to ten years, otherwise the precedent being set will remain to haunt you and us for many, many years to come.*

Some schools offered the compromise that the state should subsidise those learners whose parents are unable to pay. In this way schools would be ensured of a constant flow of income in order to meet their running expenses.

The main thrust in terms of school funding from this sector was that fees should be compulsory with exceptions being tightly monitored. Parents who can afford fees must pay. Exemption should be very carefully and responsibly handled.

5.2.3   Employment Of Additional Staff

The main issue here was whether the governing body would have the power to employ and directly remunerate additional staff. The remuneration of additional personnel by the governing body aroused debate and disagreement in terms of the procedure laid down in the SASB. According to the Bill, the governing body would have to pay the money to the Provincial Department who in turn would remunerate the persons employed over and above the staff establishment. It was felt by schools that this was not a very cost-effective way of dealing with the matter as unnecessary monthly bank, administrative and other costs would have to be borne. If this procedure of first paying governing body funds to the Provincial Department to remunerate additional staff remained in the Bill, then schools would not be able to employ many additional staff and this would lead to more teachers joining the ranks of the unemployed. Ultimately, the teaching force in South Africa would not be effectively and creatively utilized to the benefit of the country's children. The principle of employing additional teachers and the school paying them directly was supported by almost all schools in this sector.

Insofar as the employment of staff in subsidized posts is concerned, some schools objected to the idea of the state (Provincial Department) having the final decision. The reasons advanced for this were that the teaching personnel were important agents in shaping the character and ethos of schools. They were also crucial to the quality of education that pervaded schools. If the state had the final say in the appointment of personnel, then this would rob the governing body of the opportunity to determine the character and ethos of the school, a right which justly belongs to the governing body. Moreover, the governing body is representative of the community. Educators are involved in and should be accountable to the community they serve. Therefore, governing bodies should be in a position where they can appoint and terminate staff, especially teaching staff. Additional staff appointed on a temporary or part-time basis by the governing body should be done on the basis of the governing body negotiating contracts directly with the person concerned.

The intention of the State to redeploy educators as part of the rationalization programme was a major concern for some governing bodies. They felt that this practice would impact negatively on the ability of governing bodies to recommend the appointment of educators. In the words of the governing body of one school:

> *Schedule 2.4(2) opens the way for additional ways in which recommendations of a governing body on the employment of educators can be ignored by the Department. This provision, for example, potentially enables the establishment of a "redeployment list" which will seriously limit the capacity of Boards of Governors to recommend the employment of educators. This is entirely unacceptable to the Board of Governors of (this) Primary School and we have a mandate from the school's parents and staff to reject and resist it.*

Some schools were of the view that governing bodies merely recommending the appointment of teaching and administrative personnel was not enough. Governing bodies should be directly involved in the appointment of staff. The reason for this was that the Head of Department could always ignore the recommendations of governing bodies meaning in effect that governing bodies may not have the person that they desire. As long as the person had the required qualifications, was not guilty of any misconduct, and there was no evidence of improper influence, governing bodies could see no reason why they could not directly appoint staff.

If the governing body had to pay additional educators according to clause 41 of the Bill, this would mean paying in accordance with post level and category scale. In addition, extra money would have to be added for pension and medical aid. This would be too costly for most governing bodies and therefore they would not be able to employ extra educators. It should be left to governing bodies to determine the recruitment, appointment, conditions of service and benefits of extra personnel. The governing bodies should be able to negotiate the above matters directly with the prospective employee. While some schools conceded that the educator seeking employment could have his/her teacher organisation/union present in the negotiations, others were not in favour of this. The further advantage of schools dealing directly with the person seeking a post is that it would be less administration for the Provincial Department, and possible time delays in payment of salaries will be avoided.

One school felt that there was a more sinister motive for the requirement that governing bodies transfer the costs of additional educators to the Provincial Department. The school maintained that this practice would pave the way for the Provincial Department to appoint its own selected educators, educators whose values may differ substantially from the community served by the school.

According to the Bill, the provincial authorities could reject a recommendation of the governing body if there was evidence that such recommendation was based on improper influence. One school pointed out that the reverse should also hold true, that is, the governing body could reject a recommendation of the Department if there was evidence of improper influence on the part of the Department.

In summary, schools were anxious that the Provincial Education Department should have very little or no dealing with the employment of additional staff. Recruitment, appointment, remuneration and conditions of service should be the sole responsibility of governing bodies without any state intervention. Schools were also keen on having more influence in the appointment of permanent staff in the hope that this would counter the government's redeployment plans.

5.2.4 Admission Policy

According to SASB one of the conditions of admission was that parents did not have to subscribe to the mission, goals or objectives of the school in order for their child/ren to be admitted. Many schools were very strong in their objection to this condition. They felt that it would not make any sense to admit learners whose parents did not support the mission, goals, or objectives of the school. Amongst other things, the discipline in school would suffer and the parents of these learners would be likely to be in constant conflict with the school's authorities.

In addition, the above condition seems to give more weighting to individual rights rather than collective community rights. The example taken by one governing body was as follows: If the mission of the school is to give children the opportunity to become well-educated and well-balanced adults, a parent or learner opposed to this mission could well be infringing on the rights of other learners. This school did agree that the mission, goals and objectives of the school should not be discriminatory. However, once this precondition is satisfied, the missions, goals and objectives should be enforceable.
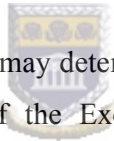
According to the Bill, the governing body may determine the admission policy of the school with the concurrence of the Member of the Executive Council. The proposal of one governing body was that the words "with the concurrence" be amended to read "after consultation" (with the MEC). This is significant in the sense that the wording in the Bill seems to give more power to the MEC, whereas the suggested amendment neutralizes this power. Schools felt that there was a contradiction between Section 13(a) and Section 5(2)(b).

Schools objected to the admission policy (which the governing body should determine) being subject to the approval of the MEC on the grounds that the agent (that is, the governing body) responsible for the compilation of the admission policy should certainly have a hand in the way it is applied.

In summary, schools were of the persuasion that parents and learners should abide by the mission, goals and objectives of the school as long as these were not discriminatory. In addition there should be a balance of power between the MEC and SGBs in terms of the determination and application of school admission policy.

5.2.5 Language Policy

According to the SASB, the language policy of a school, as determined by the governing body should be in line with national and provincial policy. This was not well received by schools as they felt that a more flexible, pragmatic approach needed to be followed with regard to language policy. If language policy was subject to national and provincial guidelines, this would mean that language could be used as a political football. Some schools argued that the decisions of the national Minister and MECs of provinces could be made on ideological grounds which may not be in accordance with the wishes of a governing body. Fears of existing language usage at schools being overturned can be captured in the following quote:

> *As the Governing Body of a rural school where these 'boere' children only know and use Afrikaans all their lives it is impossible to introduce any other language at this stage. The submission is that the Bill must make provision for consultation by which language choices are made.*

Some schools felt that the Bill was vague about when the application of a particular language policy (determined by governing bodies) becomes "reasonable" or "unreasonable" discrimination. One school maintained that "reasonable" discrimination is practised worldwide in many spheres of life and ought to be accepted in the South African situation as it can ensure stability.

Schools were generally of the view that the language policy of the school should be determined by the governing body alone. The governing body should be guided in its decision, taking into account the dominant language being used in the community. Some schools felt that the term "where reasonably practicable" with regard to language was unacceptably vague. It was felt that this provision could lead to certain expectations which might result in unnecessary conflict and trauma for the school and learner who may not be proficient in the language used by the majority of the school population. Schools appealed for more clarity on this term.

The fear was expressed by some schools that a significant minority of learners may demand to receive instruction in one of the other official languages of South Africa, and the school may not have provided adequately for this. Other schools interpreted the section to mean that the language(s) spoken by the majority of learners at the school would be observed, and that a

"Tower of Babel" scenario (with instruction in multiple languages) was not intended in the Bill.

Some of the high schools supplied additional motivations for their views on language policy. The right to mother tongue instruction should be entrenched against political decisions of the government of the day.

> *"Die bestuursliggaam wil graag sy bepalende mag uitoefen op die taalbeleid vir die skool waar 'n enkelmedium voertaal, wel Afrikaans by ons skool, die beste onderrig vir die leerder moontlik sal maak. Ons spreek ons kommer uit oor die nasionale en provinsiale beleid in die verband wat die algehele gesag van die bestuursliggaam kan ondermyn. Lees in die paragraaf ons opregte bedoeling en dat geen rassediskriminasie 'n motief is nie."*

The fear was expressed that this provision in the Bill would give education authorities leeway to force communities to accept double and parallel medium schools.

Some special schools requested clarity on the terminology used in the SASB: "*where this is reasonably practicable*". They posed the following question: if there were, for example, two or three children in a class at a special school, would the parents be able to insist that they be taught in their own language? Another reason for clarity was that this term could lead to disputes.

In summary, schools from the ex-HOA were keen on seeing a more pragmatic, flexible approach to language policy rather than observing rigid provincial and national policies. There was still clarity required on certain terms and expressions in the SASB since the circumstances of communities differed.

5.2.6 Religious Observance

The SASB confers power upon governing bodies to determine religious observance policy of schools provided that this is done on an "equitable basis" and that participation in activities should be free and voluntary. The point made by some schools was that there were insufficient guidelines in the Bill for governing bodies to successfully execute this function. Since religion is a very sensitive issue, there were many "grey areas" that the Bill could not possibly anticipate and provide for.

Some schools anticipated that the policy determined by the governing body may conflict with the idea expressed in clause 5(2)(b) where parents and learners do not have to subscribe to the mission, goals or objectives of the school in order to gain admission. This also has implications for the code of conduct of the school. Persons who do not want to accept the code of conduct can always maintain that it violates their freedom of conscience. If this happens on a large scale and frequently, governing bodies do not have any powers or guidelines on how to deal with the situation.

Another uncertainty with regard to religious observance policy can be seen in the following questions posed by one school: What does the governing body do in the following cases:

- A person seeking employment at the school is refused or his/her application is unsuccessful. This person is from a religious group not represented by the majority of the school's population. Can this person say that he/she is a victim of discrimination?
- An educator who is accused by the principal of undermining the religious convictions of learners can in turn accuse the principal of violating his/her (the educator's) freedom of thought/conscience/religion and the expression thereof, as protected by the Constitution.

The point raised by some schools was that the Bill forced schools to treat all religious doctrines on an equal basis, regardless of the number of learners practising each doctrine. In the words of one school: "*This could be crucial in the formative years of learners.*"

Some schools were of the view that parents should definitely have the right to intervene and prevent their children from being exposed to ideas, practices and behaviours of others that were contrary to their religious beliefs/principles, again attesting to the sensitivity surrounding religion. Schools felt that the SASB did not and could not cover all eventualities in this potentially volatile area.

Clarity was sought by many schools on the term "equitable basis". What is meant by religious observances being conducted on an "equitable basis"? One school felt that the government should not be too prescriptive on this issue lest it be seen as being totalitarian. The matter

should best be left to arrangements being made between parents, learners, educators and the governing body.

Most high schools did not comment on religious observance policy. A synopsis of the religious observance issue revealed that schools required clarity on many facets allied to this issue. The SASB, in their view, provoked more questions than provided answers. While some schools accepted that the SASB could not anticipate all possible problem areas regarding religious observance, other schools wanted some sort of guideline in their every day application underlying insufficient input from the state in this matter is that many schools and SGBs could become embroiled in costly legal battles. Governing bodies would understandably be reluctant to become drawn into legal test cases or become legal "guinea pigs".

5.2.7   General

The issues under this category were twofold: the powers of governing bodies versus the powers of the provincial HOD and MEC, and disagreement over the negotiation process. Many schools felt very strongly that the HOD and MEC had too many powers over governing bodies and this required attention and possible change. The understanding that governing bodies had about the procedure to alter their competencies differed from the understanding of the national Ministry of Education.

In terms of relative powers of the MEC/HOD and governing bodies, some schools felt that Section 15 of the Bill (Powers of the MEC with regard to governing bodies) gave too much power to the Provincial MEC. Other schools were of the opinion that since the powers exercised by governing bodies were subject to Provincial and National Policy, the state either did not trust parents or felt that they were not responsible enough. The question was also raised whether governing bodies really had any power, in the light of the wide discretionary powers that education authorities were given in the Bill. It was felt that the Bill was vague when it came to the rules and criteria that education authorities had to follow in exercising their discretionary powers. Schools argued that political emotionalism, expectations and expediency may sometimes override the pragmatism that a situation requires. Schools felt that as a juristic person, a governing body automatically qualifies to exercise any power/function required for the orderly running of a school.

The fact that important issues such as admissions-, language-, religious observance policy and the character/ethos of the school were subject to the decisions and approval of the education authorities flew in the face of parents' democratic rights. Parents had an inalienable right to determine the above issues concerning the education of their children.

Since, according to the Bill, the exercise of powers/functions of governing bodies was subject to the approval of either the HOD or the MEC, governing bodies may no longer have any interest in developing the school. The effect of governing bodies being constantly subject to autocratic decisions from the top may result in community involvement in education being severely downscaled and people losing interest.

The perceived limitation of real powers of governing bodies can be seen in the following submission with its play on paradox.

> *These new proposals pay lip-service only to the powers given to Governing Bodies, who after all, are being required by the government to assist with the running of schools. It is our belief that expecting parents, elected as members of Governing Bodies, to run the institutions under their care whilst removing all actual power, is tantamount to playing political games. For example: Develop The Mission, Goals And Objectives Of The School. Yet the Governing Body is, under the new proposals, denied the right to exclude ANY pupil who refuses to adhere to that mission, those goals or objectives.*
>
> *Determine The Admission Policy Of The School: Yet the Governing Body may not exclude ANY pupil on the grounds...sexual orientation, age, disability, religion, conscience, belief...In fact, the draft bill uses the words "shall not unfairly discriminate in ANY WAY" (my caps).*
>
> *Determine The Language Policy Of The School: Yet the Governing Body may not exclude ANY child on the grounds of language, furthermore, the draft bill states that it is the learner's constitutional right to be taught in the language of his or her choice.*
>
> *Determine And Oversee The School Budget: Yet "no child can be denied its right to basic education on the grounds of a parents inability to pay school fees". We propose that the Governing Body (elected) be given the power to determine school fees, exemption from payment of fees, and all the other powers as listed in Section B, without continually referring*

back to the parent majority, as this will hamper smooth decision making, giving leeway for disruptive elements to scuttle effective governance of the school.

Determine The Policy For Religious Observance Of The School: Yet the draft document states that "religious observances may be conducted...provided that observances shall be conducted on an equitable basis". Does this mean that, for example, if a Governing Body decides that religion X is the predominant religion of the school, if any religious observance is to be conducted, religion A has to share EQUAL prominence/time/etc. with religions B, C, D, E and F? What, then, it might be asked, is the function of the determining of a Policy for Religious Observance?

Regarding the negotiations to alter the responsibilities of governing bodies, the contested nature of the policy process can be clearly seen in the procedure that was followed by the National Department of Education and the response of governing bodies to this procedure. According to the Interim Constitution (1993), Section 247(i) provides for the government to enter into "bona fide" negotiations with governing bodies regarding the proposed alterations to their rights, powers and functions. The letters that schools received asking them to comment on the SASB and making the Bill the point of departure for negotiations was not well received by many school governing bodies. They felt that it was not in the spirit of the Interim Constitution. Furthermore, schools were quite firm in their stance that the written comments that they were submitting in response to the SASB should not be seen or interpreted as "bona fide" negotiations. The same applied to the public gatherings/hearings that the National Department arranged to have with schools. This point was the opening remarks in a significant number of submissions. One finds the term **"bona fide" negotiations** being subject to different interpretations by the government and school governing bodies from a certain sector of society. The "bona fide" negotiations envisaged by the Interim Constitution was very much a "closed" affair in the minds of governing bodies, in the sense that parties not involved in school governance and management should not be part of the negotiation process. Schools were adamant that negotiations would not be acceptable if the government chose to marginalise governing bodies in the negotiation process. According to these schools, the negotiations should be underpinned by a desire to empower governing bodies as much as possible. Another request that schools made was that the National Department should not in any way place limitations on the composition of the negotiating team of governing bodies. The fact that the negotiation procedure and process was subject to

different interpretations and contested by governing bodies in a sense set the stage for what was to follow in the South African Schools Act.

Schools were quite clear that although they were making written submissions to the SASB, this should not be seen as prejudicing their rights to negotiate (on an individual and collective basis) with the National Department as required by Section 247 of the Interim Constitution. The right to mandate organization(s) to negotiate on a school's behalf should also remain intact and should not be negated by the written submission.

5.2.8   Summary Of Ex-HOA Schools

In the original analysis of schools from this ex-department, a distinction was drawn between primary, pre-primary, high and special schools. However, since schools within this ex-department were echoing each other on key issues, it was decided to abandon the categorization of schools. What were the key issues besetting schools from the ex-HOA? The payment of school fees was clearly a burning issue. Central to this was the idea that parents who could afford to pay fees, should do so otherwise face some kind of penalty. Exemption from payment should only be granted in genuine cases after a thorough investigation. The state should be prepared to fund those parents who really cannot afford to pay fees. Schools were very firm in their belief that governing bodies should appoint and remunerate additional staff directly without the provincial Education Department being the intermediary in any way. In the case of language policy, rigid adherence to national and provincial policy should give way to a more pragmatic approach, taking into account current language usage by the majority at schools. Schools would be plagued with disciplinary problems and conflicts as long as clause 5(2)(b) remained. Schools sought more clarity on the determination of religious observance policy. They were extremely worried at the wide powers that the MEC and HOD enjoyed over governing bodies. In addition, their understanding of the negotiation process differed from the perception of the national Ministry of Education.

5.3   EX-HOUSE OF DELEGATES (EX-HOD)

5.3.1   Introduction

During apartheid rule, the education of Indians fell under the jurisdiction of the ex-House of Delegates. The total number of submissions from this sector was approximately 58. This section will address the following issues raised by schools from this sector: school funding;

employment of additional staff; admission- and language policy; and powers of the MEC over governing bodies.

5.3.2   School Funding

As in the case of schools from the ex-HOA, schools from the ex-HOD felt that payment of school fees should be obligatory for all parents who can afford them. Exemption should only be granted after a careful consideration of each case. Schools were unhappy with the fact that the MEC has "carteblanche" powers over the exemption of parents. This was totally unacceptable to most schools. The MEC should only exempt a parent/s if he/she is satisfied that special circumstances exist and **after** consultation with the governing body. If the MEC exempts a parent from paying fees, then the MEC should reimburse the school by the equivalent amount. If the majority of parents decide that school fees should not be levied, then this has serious implications for the school. Who then bears the operational costs of the school? The governing body and not the MEC should grant exemption from payment of fees. If a parent is unhappy with the decision of the governing body, then such parent can appeal to the MEC.

The amount of emotion stirred up by this issue of paying school fees can be gleaned from the following quote from a high school:

> *Who will be exempt? The GB (Governing Body) is supposed to determine who is going to be exempt. That is the façade of Democracy. But the truth is that the MEC has the right to determine an exemption on appeal. Without the corresponding duty to foot the shortfall… In the final analysis, government is seeking to avoid its own financial commitment to funding education. It is making it compulsory to educate children up to age 15 not on its own financial budget but on the strength of those it claims are well off. It is a rip off. It is legal extortion. But it would satisfy a majority that in the end would become dependent on a culture of leeching off the citizenry while praising the politicians who legislate the morality of leeching.*

Insofar as school funding was concerned, schools could not countenance a "laissez fair" attitude on the part of the state. Those who could afford fees must pay. Exemption should be granted by the governing body and only in the most deserving cases. Schools wanted the state to make up the shortfall in the case of exemptions.

5.3.3 Employment Of Additional Staff

Schools were equivocal that the governing body should have a greater say in the appointment, termination, conditions of service and benefits of educators in unsubsidized posts. The governing body should have the right to employ additional staff. If the governing body has to first pay the full costs of additional staff to the Provincial Department (who then does the appointment) then this will be too expensive for schools to afford. Consequently, additional educators will not be appointed, classes will become larger and education will ultimately suffer. Another view held by some schools was that since all schools would not be able to pay the full cost of additional staff, the state should be responsible for payments of additional staff. Otherwise schools in disadvantaged communities will always remain under-staffed.

The procedure of first paying salaries to the education department who then pays the same to additional staff did not make much sense to most schools in this sector. According to them, this meant extra work for the education department which would have to employ extra personnel to monitor the collection and payment of salaries. Because of the additional financial burden brought about by additional posts, many public schools would have to reduce the number of these posts. The result will be a loss of employment. On the level of democratic principles, if an educator is prepared to work for a lower salary (or a salary that excludes medical aid and pension benefits), then it should be that educator's democratic right to do so.

In summary, ex-HOD schools echoed the sentiments of ex-HOA schools. SGBs must have a direct say in employment of additional staff without first paying their salaries to the provincial education department. The state should bear some of the cost of paying additional staff, although this was not the feeling of all schools in this sector.

5.3.4 Admission Policy

Section 5(2)(b), drew responses similar to that elicited in ex-HOA schools. On the one hand, governing bodies may develop the mission, goals and objectives of the school. But on the other, a parent or learner is free to reject the mission, goals and objectives that the governing body has developed. One school put it thus:

> *We believe that this clause is at, variance and contradicts the entire tenor of the Bill… It is submitted that if this clause is retained then a governing body will be no more than a "paper tiger".*

Another school maintained that this was planting the seeds for "uncontainable radicalism". As long as the mission, goals and objectives of the school did not violate the Constitution or the Bill of Rights, parents and learners should subscribe to them. Otherwise, it would be difficult to maintain discipline.

In summary, schools were clamouring for the removal of section 5(2)(b). They felt that it weakened the position of SGBs and promoted ill-discipline at schools.

5.3.5   Language Policy

Schools drew attention to the mistake of strictly following national and provincial language policy. If national and provincial policies are to be strictly observed, then there will be no point in the governing body determining language policy. If educators are expected to teach learners in the language of their (the learners') choice, there would be large scale chaos and confusion. One school summed it up as follows: "*…think of the problems that can arise out of entrenching the pupils' language rights.*"

The solution proposed by some high schools was that the language of instruction should be the language spoken by the majority of residents in a particular community. The general feeling among schools regarding language policy was that instruction according to pupil choice was in the main unworkable. Pragmatism needed to prevail, not necessarily following national or provincial policy.

5.3.6   General

Schools were anxious that the MEC had too much of powers and devolution of these powers should be examined. They were desirous of a balance of power between SGBs and the state (via the MEC). If SGBs were to make any meaningful changes and improvement to schools, then they would have to be able to take decisions on their own without first waiting for approval from the MEC.

5.3.7 Summary Of Ex-HOD Schools

Submissions from ex-HOD schools revealed that regarding payment of school fees, schools could not countenance a "laissez-faire" attitude. Exemption should only be granted after a thorough examination of the individual case. The provincial Department of Education should not interfere in the employment of extra educators by the governing body. If clause 5(2)(b) remained, then schools would continually be faced with disciplinary problems. Existing language usage, taking into account the language spoken by the majority, should be the guiding criteria for determining language policy of schools. It is impossible and impractical to cater for students' language preferences at all times. Schools from this sector did not comment on religious observance policy except to say that governing bodies should have the power to close schools on religious holidays. Schools did not comment at all on the negotiation process but expressed concern somewhat at the wide powers enjoyed by the MEC and HOD in respect of governing bodies.

5.4 EX-HOUSE OF REPRESENTATIVES (EX-HOR)

5.4.1 Introduction

During White minority rule in South Africa, the ex-House of Representatives (ex-HOR) controlled the affairs of the Coloured communities in the country. There was a total of approximately 157 submissions from this sector. Schools from the ex-HOR constituency discussed the following issues in their submissions: school funding; employment of additional staff; and language policy.

5.4.2 School Funding

One school pointed out that the community they served had a high unemployment level. As a result, many parents could not afford to pay school fees. A culture of non-payment was already being established at the school. The message that the school was conveying was that since the payment of school fees was discretionary and not obligatory and enforceable, this culture of non-payment would become more entrenched in time. Schools complained that it is not fair that parents must pay fees to subsidize other pupils/learners. Those learners whose parents cannot afford to pay school fees must be subsidized by the state.

In summary, schools from the ex-HOR were demanding that fairness prevailed in the payment of fees. If fees are to be paid, then everyone pays, even if it means that the state pays for poor families.

5.4.3   Employment Of Additional Staff

Some primary schools pointed out that according to the Bill, the MEC determines the salaries, allowances and other conditions of service for educators in unsubsidized posts. They argued that the governing body has to pay for such posts yet does not have any power over it. This is not a reasonable situation. The governing body should be able to negotiate salary and other conditions of service directly with the educator/s concerned.

One secondary school urged that the employment and remuneration of additional and temporary educators should be the responsibility of the department/government. This responsibility, which carries with it a financial burden, could not be dumped onto poor communities. However, another group of secondary schools felt that governing bodies should be able to appoint additional educators. The governing bodies should also be in a position to negotiate with these educator/s concerned their salaries.

With the exception of one school, schools generally were of the view that employment of additional staff should be the sole competency of governing bodies. No interference from the state was necessary.

5.4.4   Language Policy

If the language policy of the school (as determined by the governing body) has to be subject to national policy, then this might cause chaos insofar as the decision making power of the governing body is concerned. The governing body of the school should have more say in determining language policy so that peace in communities can be assured.

In this section the rights of the learner are fully protected while the power of the governing body to determine language policy is restricted and subservient to the choice of the learner and other national interests. Governing bodies were advocating some freedom for themselves in deciding on the most appropriate language policy for their schools.

5.4.5   Summary Of Ex-HOR Schools

The payment of school fees was again a sore point here. It was argued that the culture of non-payment would continue unabated if there was no element of compulsion for school fees. While one school argued for the state to employ and pay additional staff, the majority of schools in this sector wanted governing bodies to appoint, remunerate and negotiate with

additional staff directly. Problems could arise if language policy was strictly subservient to national policy. Governing bodies needed more room to manoeuvre in this area. In connection with religious observance, schools wanted governing bodies to have the power to close schools on religious holidays, a similar stance as ex-HOD schools. No views were expressed on admission policy specifically clause 5(2)(b), the negotiation process or the powers of the MEC/HOD visà-vis powers of governing bodies.

5.5 DEPARTMENT OF EDUCATION AND TRAINING (EX-DET)

5.5.1 Introduction

The Department of Education and Training (ex-DET) was in charge of administering education for urban blacks during nationalist party rule. There were approximately 78 submissions from this sectors. The submissions covered basically the following issues: school funding; employment of additional staff; and language policy.

5.5.2 School Funding

Schools complained that the powers of governing bodies regarding school fees was a cause for concern. Governing bodies may be able to determine exemption of parents from paying school fees. The problem here is that most of the rural population live under impoverished circumstances and how will the governing body be able to determine who can and who cannot pay. One school argued that most parents will not pay as the government had already announced over the radio that fees do not have to be paid. This will only encourage the culture of non-payment.

Although agreeing with the principle of exempting those that cannot afford to pay, the governing council of one school conceded that those who have the means to pay will not do so when they see others being exempted. For this reason, the governing council advocated the system of government subsidising those learners whose parents simply cannot afford to pay school fees.

Although sympathetic to the plight of black parents, special schools in this sector conceded that parents should be encouraged to pay school fees as the school may find itself in financial difficulties. Learners should not be turned away if their parents cannot afford to pay school fees.

In summary, schools empathised with the circumstances of poor families while recognizing the need for additional sources of income for schools. They saw government funding of poor learners as a possible way out.

5.5.3   Employment Of Additional Staff

Special schools in this sector stated that schools should be allowed to make use of volunteers or part-time teachers on a contract basis which is negotiated individually with each person. The motivation for this was that specialized persons are often needed for shorter periods for audiology, technical matters and the like. Other schools did not comment on this issue.

5.5.4   Language Policy

Schools were deeply concerned at the fact that the Bill was silent on **when** the exercise of learners' rights to be taught in the language of their choice becomes unreasonable. In other words, what would happen if all learners insisted on being taught all subjects in their vernacular?

5.5.5   Summary Of Ex-DET Schools

The ex-DET schools were not very vociferous about compulsory payment of fees even though they conceded that, without parental contributions, schools would suffer. They were more concerned about the massive poverty and the difficulty of determining who is/is not exempted from paying fees. In fact some submissions highlighted the terrible state of disrepair into which schools had sunk, and appealed for furniture, equipment, stationery and donations to help alleviate the problem. Only special schools in this sector commented on employment of additional staff. Clause 5(2)(b) was not a pressing concern for this sector. Schools from the ex-DET acknowledged the difficulty of implementing language policy based on national stipulations. Religious observance policy did not feature in this group of schools. One school actually felt that governing bodies were granted too many powers in the Bill. This remark in a sense conveyed the overwhelming lack of resources, both human and material, the almost total absence of basic infrastructure confronting schools from this ex-department. No school from this sector mentioned the negotiation process that was supposed to change the powers and functions of governing bodies.

5.6 GENERAL COMPARISON OF SCHOOLS FROM ALL EX-DEPARTMENTS

While the ex-HOA, ex-HOD and ex-HOR were insistent on fees being compulsory for those with the means, the ex-DET was more guarded in their criticism of this aspect of the Bill. However, all four ex-departments were unanimous that the state should assist students unable to afford school fees. With the exception of one school from the ex-HOR, most schools from all ex-departments were of the view that governing bodies should employ and remunerate additional staff without the provincial ex-departments stepping inbetween. There was also a common thread throughout the ex-departments on language policy: school language policy should be more reality based, taking into account local conditions rather than blindly following national and provincial prescriptions. Clause 5(2)(b) was only an issue for the ex-HOA and ex-HOD. Clarity on religious observance policy was only requested from the ex-HOA, with the ex-HOD and ex-HOR wanting governing bodies to have the power to close schools on religious holidays. The ex-HOA was the only department to object to the manner of the negotiation process and was joined by the ex-HOD in protesting the wide powers wielded by the MED/HOD over governing bodies. In terms of the length of submission and quantity, the ex-HOA schools clearly submitted longer and more letters to the Director General than all other ex-departments. Schools from the ex-HOA formed associations of governing bodies to form lobby groups to exert more pressure on the national Ministry of Education. These associations proposed standard letters which some schools under the ex-HOA used as their submission. This "group" approach did not manifest itself in the other ex-departments.

5.7 POLITICAL PARTIES

5.7.1 Introduction

The submissions of the following political parties are presented and discussed:

- African National Congress (ANC)
- Nationalist Party (NP)

The ANC was the movement that led the resistance to white minority rule. After the 1994 democratic elections in South Africa, it became the ruling party in parliament. The NP was the whites-only party that ruled South Africa from 1948 to 1993 on the basis of racial segregation.

Both the ANC and NP commented on the following issues: school funding; admission policy and the extent of powers of governing bodies.

5.7.2 School Funding

Both the NP and ANC commented on the issue of school funding, particularly the matter of school fees. The NP welcomed the idea of the governing bodies determining school fees and the fact that such school fees will be compulsory, except for parents who are exempted. It however objected to the process as set out in the Bill. According to the NP, the process was too cumbersome and complex and could become counter-productive. In addition, it was argued that there was a lot of vagueness around the guidelines for payment and exemption to be published annually by the Minister. The provisions as set out in the Bill would make it very difficult for schools to budget realistically. The ANC position on school fees was that compulsory fees should be linked to a fee threshold. The reason for this was to ensure that free and compulsory education could begin to be introduced to the poor. Exemption criteria should be set by the province on the basis of nationally determined guidelines. The threshold must be decided by national norms and standards, not by governing bodies.

5.7.3 Admission Policy

The admission policy of a school which the governing body may determine was also contested by the NP. The NP felt that the right of the governing body to determine the admission policy of the school was severely restricted on two grounds. Firstly, the right had to be exercised with the concurrence of the MEC which meant that the MEC had the final say. Secondly, no learner could be refused admission even if the learner's parents did not subscribe to the mission, goals or objectives of the school. The latter provision could mean conflict or clashes between the wishes of parents who do not subscribe to the mission, goals or objectives and the school itself.

5.7.4 Extent Of Powers Of Governing Bodies

The contestation between the above-mentioned parties concerning powers and functions of governing bodies can clearly be seen in the following quote from the ANC document:

> *The central areas of conflict between the ANC and many of the opposition parties, in particular the Nationalist Party, has been over the distribution of policy making power between*

governing bodies on the one hand, and the provincial and national education departments on the other. The central aim of the NP has been to free governing bodies to make their own policy on a school by school basis. Since they no longer have control over the state it is in their interests to keep state control over schools to a minimum.

The above assertion by the ANC is actually confirmed by the NP as it mentions certain powers and functions where it feels governing bodies are somewhat curtailed. The powers and functions mentioned are 13(a), (b), (c) and (g). On the point of 13(g), the NP states that:

13(g) should include the very limited grounds on which a provincial department can refuse to accept these nominations, so as to confirm the real competence which a governing body can acquire here. This provision should also not fall under the category of "may" as White Paper 2 clearly gives it to the governing body.

The NP strongly supported the need for governing bodies to be able to employ additional educators through individual private contracts. The NP objected to the procedures laid out in the Bill, saying that it was administratively complex and would prove very expensive for communities.
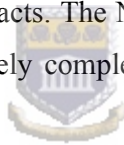
While the NP was concerned that powers of governing bodies regarding admissions were being eroded, the ANC was keen to see a tightening up of legislation that would curb the abuse of powers of governing bodies regarding admission to a public school. In particular the ANC proposed that the governing body should not administer any test related to admission of learners to public schools or authorize or direct the principal or any other person to administer such tests.

In summary, while the ANC favoured regulation of powers of SGBs, the NP strongly urged a more autonomous character to SGB functioning.

5.8   STATE DEPARTMENTS

5.8.1   Introduction

The submissions of the following state departments were obtained:

- Department of Education, Culture and Sport - Eastern Cape Province

- Department of Finance (Financial Planning) - Pretoria

The above state departments are units within the government ministries. These were the only two departments that made submissions on the SASB. The issues on which they expounded were: admission policy and extent of powers of governing bodies.

5.8.2   Admission Policy

The Department of Education, Culture and Sport - Eastern Cape Province, had reservations concerning admission policy, especially clause 5(2)(b). The Department felt that if a parent does not subscribe to the mission, goals and objectives of a school, then the possibility of conflict between the parent and the school will always be there. The following principle could be built into the clause: even though the parent does not subscribe to the mission, goals and objectives of the school, he/she will nevertheless abide by them.

5.8.3   Extent Of Powers Of Governing Bodies

The Department of Finance (Financial Planning) in Pretoria felt that the powers and functions of governing bodies as set out in the Bill was too limited. The reasons given were the limited capacity of the fiscus, the very great diversity in the operating costs of schools and the importance of achieving an equitable basis for government subsidisation of schooling. The Department felt that the following additional powers should be included:

- maintain and improve the grounds and buildings of the school;
- appoint and employ educators in addition to educators employed by the provincial department; and
- appoint and employ non-educators in addition to staff employed by the provincial department.

5.9   BUSINESS

5.9.1   Introduction

Government departments were not the only bodies to make submissions on the SASB. The private sector in the form of business also made submissions. The submission of one business grouping was obtained. Just as in the case of State Departments, this organisation expressed views on admission policy and extent of powers of governing bodies.

5.9.2   Admission Policy

The fact that the admissions policy of the school is going to be determined with the concurrence of the MEC gives the MEC overriding power over the wishes of parents. The organisation was of the opinion that as the provision stood, the danger existed that political considerations will enjoy priority over the welfare and educational needs of children at a particular school. There should at least be provision for an impartial arbiter.

5.9.3   Extent Of Powers Of Governing Bodies

The business grouping felt that governing bodies should have greater powers over the curricula of their schools. This was necessary so that a variety could be introduced to make schooling appropriate and meaningful. The Provincial Education Department could still play the role of advisor, could persuade and reprimand but should not dictate the curriculum. The Provincial Department will still be able to monitor and ensure the quality of delivery.

Insofar as section 13(g) and (h) is concerned, governing bodies should have greater powers than merely to recommend staff appointments. If governing bodies did not have greater say in the employment of educators, it is doubtful whether these bodies would be able to bring about improved standards of teaching in a school.

In the main, business was keen to see SGBs assume greater powers with regard to curricula and staff appointments.

5.10   TEACHER BODIES

5.10.1 Introduction

The submissions of the following teacher bodies were obtained:

- Transvaalse Onderwysersvereniging (Transvaal Teachers' Association)
- Suid-Afrikaanse Onderwysersfederasie (South African Teachers' Federation)

- National Professional Teachers' Organisation of South Africa (NAPTOSA)
- South African Democratic Teachers' Union (SADTU)

The teacher bodies mentioned above remarked on the following issues: school funding; employment of additional staff; admission policy; language policy and extent of powers of governing bodies.

5.10.2 School Funding

The "Transvaalse Onderwysersvereniging", "Suid-Afrikaanse Onderwysersfederasie" as well as NAPTOSA all held similar views on school fees. Both the "Transvaalse Onderwysersvereniging" and "Suid-Afrikaanse Onderwysersfederasie" maintained with reference to sub-clauses 13(k) and (l) that all monies collected will be subject to the independent autonomy of the school. The state should not be able to interfere in any way with the utilization of these funds. Of course, the condition attached is that the money should be used for educational purposes including extra-curricular activities. The "Transvaalse Onderwysersvereniging" and "Suid-Afrikaanse Onderwysersfederasie" were quite worried that the financing model contained in the Bill did not make it obligatory for parents who are able to pay fees. They felt that in certain communities where parents decided that fees would not be levied (even though a reasonable number could pay) children in these communities would be deprived of better educational opportunities. The problem was further aggravated by the principle of "soft zoning". Those learners whose parents are unable to afford fees will move in greater numbers to neighbouring schools where provision of education is better. This would obviously be to the disadvantage of those learners whose parents are paying fees. The "Transvaalse Onderwysersvereniging" expressed their objection as follows:

> *The "Transvaalse Onderwysersvereniging" has no other option but to interpret this as a disguised form of social engineering and the state, which makes no contribution by means of subsidies for children whose parents are notable to pay, can still appeal to the principle of the provision of free basic education to the children of these parents.*

The "Suid-Afrikaanse Onderwysersfederasie" also argued along these lines and predicted that school fees could become politicised in communities and this would not be in the best interests of education. The organisation sounded a warning that if this state of affairs arose, then parents who could afford to pay would move out of the system and set up private

schools where they would be able to determine the kind of education their children received. The "Suid-Afrikaanse Onderwysersfederasie" suggested that the model for financing should be based on that used by the government for the so-called Model-C schools. The advantages of this model would be that certain learners could be subsidised by the state. Parents who earned income above a certain level would be compelled to pay fees, while those below this level would be subsidised.

NAPTOSA offered the suggestion that a guideline amount (which need not be enforced) could be published to assist governing bodies. This guideline amount will reflect what is supposed to be reasonable school fees for a certain income group. As far as the "soft zoning" option is concerned, NAPTOSA recommended a further qualification. Once the numbers of non-paying learners exceeded a certain level (for example, 20%) the school would be at liberty to refuse admission to further non-paying learners if they lived outside the school's natural residential zone.

In contrast to the positions of the above-mentioned teacher organisations, the South African Democratic Teachers' Union (SADTU) recommended that although it was important for parents to contribute to their children's education, these contributions should be voluntary. The curriculum needs of the school should be provided for by the state, thus ensuring quality education for all. The money collected from parents should not be used for the essentials; this must be the state's responsibility. SADTU made it clear that they were in support of the principle of the equitable schools based formula - option 2 of the Review Committee. This model placed emphasis on a redress fund and a school index of needs. The fact that parents could be sued for failing to pay fees was a cause for concern for SADTU.

5.10.3 Employment Of Additional Staff

The "Transvaalse Onderwysersvereniging" was of the view that governing bodies should be able to appoint and employ educators as well as other support staff under their own service contracts. The proposed amendments to the Educators' Employment Act which makes the national minister the employer of these personnel is impractical. These proposals make it difficult for employee organizations and governing bodies to negotiate service contracts for these extra personnel. NAPTOSA also endorsed the views of the "Transvaalse Onderwysersvereniging" to the effect that governing bodies should be able to appoint

additional staff under their own contracts, provided that the money came out of the schools own budget.

SADTU was opposed to the idea of governing bodies employing additional staff. The union set out their reasons in their submission to the Education Laws Amendment Bill. The first reason that they advanced was that the privileges of previously white, ex-Model C schools will be further entrenched. They elaborated further by arguing thus:

> *Government has always claimed that central to its education policies are the principles of **equity** and **redress**. However, to allow governing bodies to employ extra teachers flies off in the face of these principles. It is only privileged schools in middle class areas which will have the financial means to employ extra teachers.*

The second reason that they put forward was that if governing bodies employed additional teachers, it was very possible that a two-tier labour system might develop in public schools. On the one hand, teachers in subsidised posts would be protected by the agreements of the Education Labour Relations Consul (ELRC), while the other group which are employed by governing bodies, are not protected. Governing bodies may have free rein to exploit teachers in their employ by not paying their salaries timeously, not paying for pensions, medical aid and other benefits. These teachers may find it difficult to fight for their rights.

Thirdly, SADTU argued that if governing bodies become employers, it could make the collective bargaining process very problematic and cumbersome. For unions to protect those members employed by governing bodies would mean that unions will have to negotiate with almost every governing body. Since there are well over 20,000 governing bodies in the country, the practical difficulties become apparent. In any event SADTU saw this as contrary to the practice of centralised collective bargaining which COSATU had fought for for many years.

SADTU was adamant that the government should not abdicate its responsibility for the provisioning of an essential social service like education, especially for the poor masses. They maintained that:

Devolution or decentralisation of management should not be used to allow the state to abdicate itself of its responsibility to provide for educational resources. This is a precarious move where we will see schools called 'public schools' but half the services, if not all, will be privatised. We therefore, as SADTU, reject any form of privatising aspects of education services as a whole. This will be a betrayal to the poor. The only weapon available to them to defend their interests is a strong state which should provide for essential social services. Education is therefore an essential social service and the state should play a central role in its provisioning. Basic resources like the supply of educators should be a responsibility of the state.

5.10.4 Admission Policy

NAPTOSA found Clause 5(2)(b) to be problematic. A child is supposed to be educated in a school to whose mission, goals and objectives the parents do not subscribe. It is also difficult to find persons willing to serve on governing bodies if these structures have only limited power to enforce parental co-operation. From a legal point of view, the question could be asked: Who does the school contract with to provide education if parents do not subscribe to the school's mission yet the child is admitted?
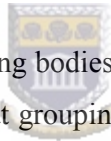
SADTU did not accept the idea of governing bodies determining admission policy. This was problematic for SADTU because it felt that groupings within communities could manipulate governing bodies into excluding certain learners from the school. SADTU recommended that an admission policy framework for all public schools should be drawn up by the provinces. The policy should be such that no child is discriminated against in terms of race, gender, cultural background, language proficiency, academic ability, a governing body's perception of a parent's ability to pay fees, and non-payment of a deposit for registration.

5.10.5 Language Policy

The "Transvaalse Onderwysersvereniging" objected to the practice that was taking place in relation to language policy, that is, the fact that school districts are determining district language policies. According to the "Transvaalse Onderwysersvereniging", this trend was in conflict with the Bill as well as Section 29 of the Constitution of the RSA, 1996.

SADTU expressed their reservations about governing bodies determining the language policy of the school. As they put it: "*Language issues are on the cutting edge of education debates and have already been used as a means to exclude pupils.*" SADTU recommended that regulations around language policy be included in the admission policy framework. Language should not be used to discriminate against learners.

5.10.6 Extent Of Powers Of Governing Bodies

The viewpoints of the first three teacher groupings on many issues concerning powers and functions of governing bodies were very similar. The "Transvaalse Onderwysersvereniging" was quite perturbed about the removal of powers and functions of governing bodies. It made the following assertion:

> *If it is the bona fide intention to grant juristic personality to governing bodies an exhaustive list of powers seem to be superfluous. The reality and implication of the acceptance of this Bill is the fact that presently governing bodies do have extensive original powers and competencies as well as functions. If this Bill is passed as legislation, the "de facto" and "de jure" position will be that they will not have any of these powers, competencies and functions. Each competency, power or function will have to be negotiated anew. In this regard we seriously question the State's bona fide intention to negotiate these matters in terms of the said Section 247.*

The "Transvaalse Onderwysersvereniging" felt that governing bodies must have the right to negotiate a specific power and/or function individually with the MEC with regard to sub-clause 15(2) as well as 15(1)(b). NAPTOSA also held the same view. These two teacher bodies also lobbied for schools that catered for learners with special educational needs (LSEN). The governing bodies of these schools which originally enjoyed considerable autonomy, were now being curtailed to such an extent that the character of these schools was changing fundamentally. An appeal was made by these two teacher organisations not to limit the rights and responsibilities of governing bodies at LSEN schools, and further that these schools should not be treated like other public schools.

The "Suid-Afrikaanse Onderwysersfederasie" was of the opinion that a list of powers/functions as set out in the Bill was rather more of a limitation for governing bodies. According to the Federation, Section 13 read together with Section 15 was contradictory.

In terms of Section 13(m), (n), (o) and (p) the "Transvaalse Onderwysersvereniging" and NAPTOSA felt that acceptance of these functions implied a financial burden for the school. What incentive was there for schools to take on these functions? These two teacher bodies were in agreement that schools had to have an incentive/s to perform these functions. The alternative could be some sort of co-funding partnership with the state.

According to Section 15 of the Bill, the MEC possesses certain powers with respect to governing bodies. The "Transvaalse Onderwysersvereniging" proposed that procedures should be included in this section to provide for the divesting and revestment of rights, powers and competencies of governing bodies.

The majority of teacher bodies rallied for more powers and functions for SGBs rather than removal of competencies.

5.11   INDEPENDENT SCHOOLS

5.11.1 Introduction

In RSA, independent schools are schools that are established by private organisations and depend almost exclusively on private funding with a minimal contribution from the state in certain cases. The submissions of four independent schools were obtained, together with an umbrella grouping of such schools. Organisations from this sector commented on the following: school funding; employment of additional staff; admission policy and extent of powers of governing bodies.

5.11.2 School Funding

The grouping of Independent Schools' felt that those parents who are paying fees will reach a point where they would want to stop subsidising the others. School D echoed these sentiments, saying that the school will have to subsidise non-paying learners; the Bill does not make any mention of bursaries/subsidies that will be available to children from needy families.

The latter school also raised the matter of the payment of accounts, specifically that of water and electricity. The Bill does not provide for the state's contribution to this account as is currently the case. The implication is that if the state does not assist schools with payment of accounts, then this will have serious financial repercussions for schools.

School B felt that the Bill gave a lot of protection to parents who cannot afford to pay fees, but there was a lack of criteria in determining whether parents were eligible to pay or not. If the state did not make guidelines available, it will be difficult for schools to enforce payment.

5.11.3 Employment Of Additional Staff

School B objected to the fact that the full cost of remuneration and conditions of service for additional educators should be paid to the Department. The full cost should not be borne by the school. If this arrangement did not change then it will make it very difficult for schools to employ extra educators; it will simply be too expensive. The result will be larger classes, weaker learners will suffer and there will be a general decline in the quality of education offered.

School D was concerned that governing bodies are not given clear powers to appoint additional staff onto the staff establishment.

5.11.4 Admission Policy

School C identified clause 5(2)(a), (b) and (c) as possible problem areas. In connection with 5(2)(a), there was concern about parents who may take advantage. In the case of 5(2)(b), the worry was that the mission, goals and objectives of the school will be undermined. Regarding 5(2)(c), the question posed was who is liable in the event of a civil case. The school maintained that: "*Government seems to be side-stepping its responsibility and putting it onto the school.*"

5.11.5 Extent Of Powers Of Governing Bodies

School A found subsections 5, 8, 14 and Chapter 5 problematic. As they put it:

> *We see gross impracticalities and contradictions in the sections referred to, in that the governing body is in one place given the instruction/power to draw up a code of conduct, determine school fees payable, do budgeting for expenditure, that is, to determine goals and a mission for their school and on the other hand (subsection 5) the parents are given a free hand to disregard all the above and still have all the services offered at the school, available for their children! NO ORGANISATION CAN FUNCTION LIKE THIS!*

School D expressed concern that the language and admission policies of schools are subject to national and provincial policies. In the same vein, they complained that the powers and functions of governing bodies in general will be highly restricted by the national and provincial Acts. This will mean that governing bodies will be left with little of the substantial matters on which to decide.

5.12   LOBBY GROUPS

5.12.1 Introduction

This sector consisted of diverse groups, ranging from associations of schools and governing bodies, PTSAs, education foundations, parent groupings, education forums and other miscellaneous units. For the purposes of anonymity, these various units were numerically labelled with the abbreviation "LG" (Lobby Group) placed in front of each number, for example, LG 01, LG 09, LG 13. The labelling was chronologically arranged from LG 01 to LG 15.

The above organisations made their views known on the following issues: school funding; employment of additional staff; admission policy; the negotiation process and the extent of powers of governing bodies.

5.12.2 School Funding

This area drew quite strong criticism from organisations representing especially white interests. In the main, they were outraged at the fact that there was no compulsion placed on parents to pay school fees. LG 09 saw it as highly problematic that the finance model in the Bill did not make it compulsory for parents who can afford to pay, to pay fees. According to LG 09 it cannot be left to communities to decide whether they want to pay or not. Those communities that decide to increase their school fee contribution could find themselves swamped by learners from other areas where school fees are either static or non-existent. This will happen through the principle of "soft zoning". LG 09 argued that as a result of this, the payment of school fees could become a highly politically charged issue and this could prove disastrous for education.

LG 09 made the following recommendations:
• School fees must be compulsory for all parents at public schools who earn above a certain level.

- Procedures must be put in place to prosecute those who are able to but neglect to pay.

- Learners whose parents cannot afford to pay, must be subsidised by the Education Department.

- Governing bodies should have the power to appoint additional educators. This can be effected by the governing body negotiating a contract between itself and the educator who could be assisted in the negotiations by the educator's professional association or union.

The following sentiments of LG 13 showed clearly the amount of emotion evoked by the school fees issue:

> *The choice of Option 4 hints at political aims. Evidence of this can be found in principle 1, where it is stated that "the proper interest of the weak must be protected from the improper use of power by the strong". From this document it seems that the improper use of power by the "strong" takes place when the so-called "strong" insist upon the compulsory payment of school fees by the so-called "weak". In no way can this be seen as improper use of power, especially when seen from a financial point of view. Furthermore, the terminology of "weak" and "strong", is revolutionary and this cannot be tolerated in any way.*

LG 13 was insistent that the government must compensate schools if certain parents are going to be granted free access. This free access also creates a loophole for those parents who might have the resources but are not willing to come forward to pay fees.

The process for granting exemption from payment, according to some of the above organisations, should not be a unilateral one. LG 14 welcomed the fact that the Minister will publish guidelines for the exemption of parents from paying fees. However, it is important that schools be consulted as part of the process of determining these guidelines. The Minister should not merely consult with his colleagues about the content of these guidelines. Before these guidelines are published in the Government Gazette, they should be circulated to schools for their comments. Although these guidelines are technically not rules, they are nevertheless important to the schools' financial planning. At provincial level the MEC should allow the governing body the opportunity to explain why exemption should not be granted in certain cases, if the governing body wished to do so. This brings up the matter of whether it

would not be more appropriate for the parent seeking exemption to apply to the governing body. If the parent is not satisfied with the governing body's decision, the parent can always appeal to the MEC.

The necessity of the state subsidising indigent learners was underlined by some of the above organisation. LG 01 made it clear that it could not support a situation where some parents are compelled to pay and these monies are then used to the benefit of the non-paying learners. Parents should be encouraged to pay school fees irrespective of how small the amount may be. This will help to encourage a culture of payment within school communities.

5.12.3 Employment Of Additional Staff

This was another issue that was hotly contested, not least because of the manner in which these additional personnel were to be appointed. LG 01 viewed the amendments to the Educators' Employment Act in a very serious light. They argued that if these provisions are implemented, it will mean that the jobs of many educators in unsubsidised posts will be in jeopardy, as many as three to four thousand. If the school has to pay the full costs of additional personnel to the Department, poorer communities will not be able to afford this and educators, who may have been prepared to work for a lower salary, will now be deprived of employment. The organised teaching profession was also concerned about this section of the Bill.

LG 15 maintained that the method of determining the contract for additional educators is going to pose more problems for previously disadvantaged school communities. They will not be able to afford an extra teacher. This means in effect that they will still be worse off than previously advantaged schools who most likely will be able to afford additional educators. The gap between advantaged and disadvantaged schools will still remain and not become narrowed. The Association, although sympathetic to the cause of labour, felt that the situation in South Africa at the moment demands a more pragmatic flexible approach. As a juristic person, the governing body has certain powers to execute. The Association believed that part of these powers is to appoint not only additional teachers but also non-teaching staff.

LG 14 reiterated the fears of some of the above mentioned organisations, stating that it was a cause for serious concern that the Minister is also responsible for determining the salaries and conditions of service of educators in additional posts without consulting with governing bodies. If additional educators are to receive standard remuneration packages, it is more than certain that poorer schools will not be able to afford them. LG 14 made use of the following example to prove its point: a school may wish to appoint an additional remedial teacher for three days a week without extramural duties. It stands to reason that such an educator's salary will be non-standard. Governing bodies should be able to negotiate salary and conditions of service directly with educators who are going to be additional to the staff establishment of the school. Such educators could be assisted by their professional organisations/unions in these negotiations. It is essential that great flexibility be exercised in this area, taking care at the same time not to exploit teachers.

LG 08 added another dimension to the debate by stating that if additional teachers can be employed and paid out of school funds, there is the real possibility that the more affluent sections of society will use this to perpetuate their exclusivity and inequalities, rather than being reduced, will remain or become even more entrenched.

5.12.4 Admission Policy

LG 02 argued that although governing bodies can determine the admission policy of the school, it was clear that they do not have much room to manoeuvre here as the MEC can overrule any refusal to admit learners. LG 04 found it unacceptable that the MEC will have the final say in the admission policy. That clause should be scrapped and replaced with a provision that the admission policy as determined by a governing body should not be in contravention of any law or educational policy. LG 10 wanted to know what was the point of the governing body determining the admission policy if in effect no learner could be refused admission.

LG 09 objected to clause 5(2)(b), saying that it did not make sense to give governing bodies the power to determine the mission, goals and objectives of the school, and at the same time make it impossible for them to refuse admission to learners whose parents do not subscribe to such mission, goals and objectives. LG 12 had a similar complaint about clause 5(2)(b) as LG 09, but linked this clause to the code of conduct. According to LG 12 the mission and objectives of the school can be seen as the heart and soul of the striving of the parent

community and yet the governing body as representative of the parent community has no control over it. The code of conduct flows from the mission and objectives. If a learner does not subscribe to the mission and objectives of the school, then that learner will not feel compelled to conform to the code of conduct of the school. This is an impossible situation according to the analysis of LG 12.

5.12.5 The Negotiation Process

LG 07 objected to the way that the negotiation process had been handled by the national Ministry of Education. The kind of "bona-fide" negotiations mentioned in section 247 (1) of the Interim Constitution did not mean the type of public gatherings which the Department had been arranging. Ex-Model C schools should be involved in a totally different kind of negotiation process where only these type of schools or their representative organisations are present. LG 07 and its members viewed the public gatherings as consultative meetings and the beginning of the negotiation process.

5.12.6 Extent Of Powers Of Governing Bodies

LG 11 was quite perturbed at the reduction of powers and functions of governing bodies and the dilution of the partnership principle articulated so strongly in the forerunners to the SASB. As they put it: *"In general, LG 11 is alarmed at the way in which the Bill deviates from the important principle of partnership between a provincial education department and a local school community enunciated so strongly in White Paper 2."* LG 11 provided the example of the appointment of educators. In White Paper 2 the governing body had the power to recommend the appointment of educators and the department is obliged to give reasons to the governing body if it declined the governing body's recommendations. The matter could be negotiated further if the governing body so wished. These important principles, according to LG 11, are not present in the Bill.

LG 11 argued that despite the apparent comprehensiveness of sections 13 and 14 of the Bill, the fact of the matter was that the powers and functions of governing bodies had been significantly scaled down. In terms of a partnership it seems as if the MEC and HOD are the dominating partners; whereas in White Paper 2 there was talk of "consultation" between the governing body and the provincial education authorities, the Bill speaks of obtaining the "concurrence" of the MEC [for example, in section 13 (b)].

LG 11 supported the principle of maximum devolution of powers to school governing bodies - this was the recipe for the success of the former Model C schools. The principle of maximum autonomy to the school community with the minimum amount of interference by the provincial education authorities must be clearly expressed in the Bill.

LG 10 proposed that governing bodies of ex-Model C schools should remain intact until 1998 since they were legally and carefully selected in 1995. Governing bodies should rather be established at schools that as yet do not have them or where they are not functioning well. If this is unacceptable, then they proposed that the present legally elected members remain while just the additional members be subject to a re-election process.

LG 01 had similar sentiments as LG 10, saying that the rights, powers and functions that previous state-aided schools (ex-Model C) enjoyed should be retained by schools. In cases where it is justified, some of these powers and functions can be withdrawn by the MEC after due notice has been given. However, there should be ongoing negotiations between the MEC and the school/s concerned in the spirit of section 247 of the Interim Constitution. If this does not happen, then these schools run the risk of losing all their existing powers and functions. Negotiations around a new set of powers and functions will have to be conducted in accordance with the new law.
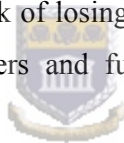
In general, there was a strong feeling among some lobby groups, especially those allied to ex-Model C interests, that the powers and functions of SGBs should be increased rather than reduced. These lobby groups were also concerned about the uneven balance of power between SGBs and provincial education departments.

5.13 TERTIARY INSTITUTIONS

5.13.1 Introduction

The tertiary sector was represented by institutions of higher learning, namely, colleges A and B, and universities P and Q. The colleges and universities expressed their views on the following: school funding; employment of additional staff; admission policy and extent of powers of governing bodies.

5.13.2 School Funding

University Q reasoned that schools where all or most parents paid fees would have more facilities and resources than schools where few or no parent paid fees. They further argued that parents in the former case would want to guard admission jealously which might just lead to tension. College B wanted to know whether the government will subsidise fees in accordance with the number of non-paying parents.

5.13.3 Employment Of Additional Staff

College A proposed the following additions to the powers and functions of governing bodies: governing bodies shall have the power to employ additional educators and non-educator staff in posts funded from school fees.

5.13.4 Admission Policy

Clauses 5(2)(b) and (c) elicited comments from Colleges A and B. College A advocated that one of the conditions of admission should be that the learner must accept school policy and rules. They moved that articles 5(2)(b) and (c) should be scrapped as they would be a source of unnecessary conflict, cause disciplinary problems and undermine the authority of the school. College B expressed their dissatisfaction with this clause by saying that even though the learner may be a total misfit and against all that the school stands for, he/she must still be admitted. They questioned whether this practice was really in the name of progress.

5.13.5 Extent Of Powers Of Governing Bodies

University Q was quite critical of the powers of the MEC and HOD in relation to governing bodies, so much so that they made the following cynical suggestion:

> *The whole of section 15 makes a toy of the governing bodies of public schools. The MEC and the Head of the Department may as well run the public schools and employ the members of the governing bodies as clerks.*

University P argued that there should be a clear distinction between the terms professional administration and governance. As they put it:

> *The governing body should not find itself trapped by "no-go-areas"...Can a governing body check how teaching is going on in a school? How is the governing body linked with the district manager, and area manager, should also be clearly stated in the Bill to avoid future confusions.*

5.14 SUMMARY OF FINDINGS FROM NATIONAL SUBMISSIONS

A brief overview of the submissions from all sectors covered revealed that school funding, the employment of additional staff, admission policy, the relative powers of governing bodies and to a certain extent, the negotiation process featured strongly as major issues of contestation for schools and organisations in civil society. The financing of schools meant that parents who could afford fees, should pay them. Clause 5(2)(b), if retained, could signal continual conflict and disciplinary problems for schools. Many organisations and schools, especially from the privileged white groupings, felt that governing bodies should enjoy a great deal of autonomy. State interference and intervention in school affairs should be kept to an absolute minimum. This included the right of governing bodies to negotiate, employ and pay additional staff directly, without government being the 'middle man'. The negotiation process was a bone of contention for mainly the historically privileged schools and their associations.

A deeper analysis of these and other issues forms the subject matter of *Chapter Eight*.

This chapter has attempted to highlight the contestations around powers and functions of governing bodies. It is clear that the schools from the ex-HOA formed quite a considerable grouping to exert pressure not to curtail powers and functions of governing bodies. Although there were similarities in the submissions of ex-HOA schools and schools from the other ex-departments, it was the ex-HOA constituency that was more concerned about the reduction of powers and functions of governing bodies. The schools in the other ex-departments focussed on specific powers and functions without commenting on the overall competencies of governing bodies. In other words, the degree of independence/autonomy was not so much a concern with these schools as schools from the ex-HOA.

The fact that ex-HOA schools were concerned about losing some of their existing powers and functions suggested a desire to retain the vast resources, facilities and privileges that they had enjoyed in the past. Some of the provisions in the Bill that dealt with powers and functions of governing bodies seemed to symbolize, at least to them, a loss of the superior quality of education to which they had become accustomed. It represented in many ways a threat to the then status quo.

The tension between state control and relative independence/autonomy was also encountered in the submissions from the other sectors. While some stakeholder bodies felt that the MEC and HOD exercised too much power over governing bodies, other roleplayers felt that this authority on the part of the state was justified and necessary, not least to prevent abuse of power. This polemic between state control and independence/autonomy, centralization/decentralization may prove to be a recurring feature that will always accompany new developments in school governance policy.

The contestation at national level led to the development of the SASA. This process is presented in the penaltimate chapter. But the manner in which the WCPSA was formed and implemented was also rich with contestation. It is to this subject, namely, the contestation in the development and implementation of provincial school governance policy that the next two chapters are devoted.

CHAPTER SIX

6.1   INTRODUCTION

The SASA was passed towards the end of 1996. The Western Cape Provincial School Education Act (WCPSA) came into being almost a year later. The aim of this chapter is twofold. The first aim is to explore how school governance policy at provincial level was developed from national policy, and the areas of contention that developed between the two. This will be done by making a close comparison of the SASA and the WCPSA. In looking at school governance policy, the specific focus will be on the powers and functions of school governing bodies. The second aim of this chapter is to examine the implementation of national and provincial school governance policy at provincial level, and the contestations/conflicts that this engendered. This will be accomplished by an examination of events both within and outside the provincial Parliament since the passing of WCPSA. The researcher will draw on the views expressed by officials from the Western Cape Education Department (WCED), representatives of teacher organisations and governing body associations.
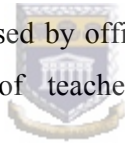
6.2   COMPARISON BETWEEN THE SOUTH AFRICAN SCHOOLS ACT (SASA) AND THE WESTERN CAPE PROVINCIAL SCHOOL EDUCATION ACT (WCPSA)

Unlike other provinces which have decided to amend existing education legislation to conform to the National Act, the Western Cape Province had decided to go through the entire policy process and therefore formulate its own provincial education policy within the framework of the SASA. The Western Cape Provincial Government drafted and passed the Western Cape Provincial School Education Act (WCPSA) which dealt with all aspects of education provision within the province.

WCPSA does not contradict the market tendencies which the SASA opens up. Market tendencies or forces refer to the emulation of business and private enterprise principles in the public sphere. This phenomenon will be discussed in more detail in *Chapter Eight*. In fact it endorses it, as parents will have to pay school fees which the governing body may determine.

Given the fact that a large number of schools in the privileged sector of the Western Cape are ex-model C schools, it would seem as though the Western Cape would be reluctant to oppose the market orientation which the SASA begins to introduce. Hence implementation of this aspect of the SASA (the market forces) would probably proceed more smoothly than other areas of the SASA which the Western Cape Province may not be so eager to embrace.

Sayed (1997a) states that the provincial authorities in the Western Cape deferred matters relating to the composition, powers and functions of school governing bodies. After the passing of the SASA, the WCPSA deferred a number of these crucial policy decisions to the issuing of proclamations and regulations. This is an interesting strategy on the part of the province in that whilst, Bills and Acts are subject to public scrutiny and therefore debate, proclamations and regulations are the prerogative of the provincial department and schools are required to implement these, thus circumventing the need for lengthy debates and discussions. This is a strategy in which national legislation may be altered in practice.

In terms of language policy, WCPSA states that the language policy of a school shall be determined by its governing body. It remains silent on the limitations clauses concerning racial discrimination which is contained in the SASA. Furthermore, in allowing governing bodies to determine school language policy, WCPSA simultaneously guarantees learners the right to mother tongue education (MTE) insofar as it is reasonably practicable. The SASA gives leverage to governing bodies to decide whether MTE is appropriate. The effect of WCPSA is that it strengthens the hand of those desiring MTE in a situation where a governing body might not otherwise choose it.

According to the SASA, religious observances may be carried out at a public school under directives from the governing body, provided that these observances are conducted on an equitable basis and attendance of these events is free and voluntary. WCPSA makes provisions for religious observances at schools to be in the hands of their governing bodies but does not mention equity or freedom of conscience.

The payment of school fees, a potentially sensitive area, is another area in which the SASA and WCPSA differ. The difference relates to the partial, conditional or total exemption of parents from paying school fees. In the SASA the determination of exemption is a ministerial prerogative whereas in the WCPSA it is left to the governing body. This latter route could

lead to abuse in the sense that it could favour the already affluent in society. Governing bodies in elite areas may resort to giving preference to parents who do not require such exemption from payment, thus resulting in a situation where exemptions may not have to be considered at all by the governing body since the school already has its quota of learners. No school authority willingly desires the school to be short of cash flow therefore paying parents would, as far as possible, be more attractive to schools than non-paying ones.

TABLE 6.1: *Comparison Of SASA And WCPSA*

	SASA	WCPSA
1.	School fees – exemption of parents a ministerial prerogative.	Exemption to be determined by governing body.
2.	Governing body to recommend appointment of educator and non-educator staff.	MEC to make regulations on functions of governing bodies.
3.	Language policy – limitations clause regarding racial discrimination.	Language policy to be determined by governing body – silent on limitations clause.
4.	Admission policy determined by the governing body – limitation clauses stipulated.	Admission policy determined by governing body – limitation clauses absent.
5.	Religious observance policy to be determined by the governing body – limitation clauses stipulated.	Religious observance policy to be determined by governing body – limitation clauses absent.
6.	Head of Department can allocate/withdraw functions of governing body.	MEC to make regulations on functions of governing bodies.

6.3 CONTESTATIONS RESULTING FROM IMPLEMENTATION OF SCHOOL GOVERNANCE POLICY AT PROVINCIAL LEVEL

6.3.1 Introduction

The similarities and differences between the SASA and the WCPSA have been highlighted above. Notwithstanding the similarities, the differences seems to suggest that contestation and conflict in the implementation process at provincial level occurred. In discussing these contestations and conflicts in the implementation process, the structure that will be used will be the following: the issue as it relates to both sets of legislation, that is, the SASA and WCPSA, will first be described followed by a discussion of the controversy and conflict which the issue had sparked.

6.3.2   Religious Observance Policy And Its Implications

Although both the SASA and WCPSA make provision for religious observance, they do not seem to go far enough. The point is not so much in what these policy texts have to say about religious observance, but more important is what they **neglect** to say, that is, the omission (deliberate or otherwise) of the implications of religious observance at schools. The SASA speaks of religious observance policy being formulated by governing bodies with the equitable, free and voluntary attendance proviso. The WCPSA echoes this but without the limitation clauses. However, both the SASA and the WCPSA do not consider the full implications of governing bodies deciding on religious observance policy at schools. If religious observances are to be conducted at schools under the direction of governing bodies, this implies that the various religions can be accommodated within a particular school. This also implies that schools cannot be labelled as Christian, Muslim, Hindu, because this would create misconceptions and perhaps even unnecessary tension.

If policies lack clarity, the implementation process can be beset with problems and tensions. An example of such tension can be seen in the following two extracts, one from a political party, the other from a newspaper. Both extracts deal with the referral and placement of a student at a school but this boils over into a religious issue. The conflict can be illustrated in the two extracts presented below, both of which are in their entirety to capture the full essence of the contestation and to enhance understanding of the sensitivity surrounding religious observance.

EXTRACT 6.1:

DP INSULTS MUSLIMS

THE WESTERN CAPE PARLIAMENT WAS TOLD THE FOLLOWING STORY BY A MEMBER:
At the end of January a psychologist who works for the Western Cape Education Department (WCED), was asked to assist with placing a young boy in a school. The boy, an extremely 'difficult' pupil, had been expelled from his previous school. After careful consideration, the psychologist in consultation with a number of her colleagues, recommended that the pupil be placed at Harold Cressy High School. Even though the school was full, the principal offered the pupil a place.

On learning that the school did not offer art, the pupil's mother refused this offer. Thereafter, despite the assistance given to her by the psychologist and the generous offer by Harold Cressy, the mother complained to Helen Zille the Minister of Education in the Western Cape. The mother was indignant that her child, a Jewish

boy, had been referred to what she perceived to be a predominantly **Muslim (obviously black) school**.

Instead of rejecting out of hand this racist, sectarian and ungrateful attitude, Helen Zille responded by instructing a senior official in her department to investigate the matter. This is the letter she wrote:

From   : Helen Zille
To   : Frans Booyse
Date   : Sun, Jan 30, 2000 9:42 PM
Subject : Assessment Centre

Dear Dr Booyse,

I don't know whether we have such things as Assessment Centres under our auspices. Please let me know. I am in receipt of correspondence that claims that a psychologist of "our" assessment centre referred a learner who wishes to do art to Harold Cressy, which does not offer art!

Secondly, the learner is Jewish, and Harold Cressy is predominantly Muslim.

Can you imagine what kind of outcry would ensue (quite correctly) if someone from the WCED referred a muslim student to Herzlia?

I have not heard the other side of the story and I'm not even sure this assessment centre is under the WCED's auspices, but could you find out who the psychologist is and find out from her what happened in this case. If we have counsellors making such ludicrous referrals, it is a matter of grave concern.

Thank you
Helen Zille
cc: Dave Shepherd, Robbie Francis

IN THE PROVINCIAL LEGISLATURE, THE ANC CLAIMED THAT HELEN ZILLE'S ATTITUDE IS:

A Gross Insult To Harold Cressy High School
• Harold Cressy has a long and proud tradition of non-racism and non-sectarianism.
• How does Helen Zille know that Harold Cressy is a 'predominantly' Muslim school?
• On what basis did she make the judgement that this school is Muslim?
• Did she count the number of Muslim students at the school?
• Did she look at the Curriculum?
• Or did she, like the mother, look no further than the Principal's Scarf?

A Diabolical Attack On The Muslim Community
• Why does the MEC regard the referral of this boy to Harold Cressy as "ludicrous"?
• What is wrong with referring a Jewish boy to a supposedly 'predominantly' Muslim school?
• What about the overwhelming majority of Muslim students who have no choice but to go to schools with a Christian orientation? Muslims don't find this "ludicrous".

- By suggesting that there would be an outcry amongst Muslims if a Muslim learner were referred to Herzlia (a private Jewish school) she is insulting the whole Muslim community.
- Who gives Helen Zille the right to decide what a Muslim would or wouldn't do?

A Shocking Insult To The Jewish Community Of South Africa
- Helen Zille's letter makes the assumption that because one mother doesn't want her child to mix with Muslims that the Jewish community is opposed to mixing with Muslims?

This whole incident puts into focus the meaning of the 3 so-called "senior" and "prominent" Muslim leaders to the DP. In the DP's immoral quest to fight back for white privilege, they insult the rest of our communities – even at the same time as they seek our support.

This incident shows that they know nothing about the reality of trying to live non-racial, non-sectarian lives in the new South Africa. They didn't know that Harold Cressy was one of our best schools open to all races and religions. Their apartheid mindset told them – as is the case on the TV programme Planet Islam – that if the principal wears a scarf, the school must be Muslim – therefore, this cannot be a school for a white, Jewish boy.

Their apartheid mindset tells them that Herzlia is white and Jewish and, therefore, not a place for blacks and non-Jews. The reality is that Herzlia has 3 Muslim teachers and has been open to black, Muslim and Christian students.

The dinosaurs of apartheid cannot be allowed to poison the minds of new South Africans.

*Issued by African National Congress (Western Cape),
Aden Road, Ledger House, Athlone*

EXTRACT 6.2:

Underhand tactics are mere politics

It is in the public interest to know whether public representatives practise what they preach.

This is why we should expect a far higher level of scrutiny than other citizens. This is also why I should not take undue offence if my political opponents use underhand tactics to get hold of my personal correspondence for point–scoring purposes.

What would be unethical in any other context is often rationalised in politics by "the public's right to know".

However, because the motive is to score political points, the truth is either lost or seriously distorted.

That is what happened last week when an internal e-mail, written by me to a chief director in my department, managed to find its way into the hands of Yusuf Gabru, the ANC's provincial education spokesman.

I sent the e-mail from my office at 9:42pm on Sunday, January 30, after having spent the day processing correspondence.

In it, I asked the chief director to respond to certain "claims" I had received in a letter of complaint from a parent whose son had been referred to a school by a Western Cape Education Department "assessment centre".

In my e-mail I said the Jewish parent had complained that her son wanted to do art, but had been referred to a "predominantly Muslim" school that does not offer art.

My e-mail requested the department's side of the story so that I could reply to the parent.

I also added the sentence which Mr Gabru has selectively extracted to pursue his political agenda. The sentence reads: "Can you imagine what kind of outcry would ensue (quite correctly) if someone from the WCED referred a Muslim learner to Herzlia?"

In his attempt to mobilise the Muslim and Jewish communities to support the ANC in the forthcoming municipal election, Mr Gabru says the statement "proves" I am a "racist".

He is entitled to his views.

Mine are that our clinics exist to provide a service to learners.

Referring a learner to a school is a complex matter, and must take account of many factors, from subject choice to psychological considerations. I believe it is appropriate for counsellors to take religious preferences into account as well.

If parents wish their religion to be taken into account in a referral, this is their right, guaranteed in the constitution. If they do not, that is fine too.

I have chosen the "religious diversity" route for my own children.

If learners are referred to schools against the express religious preferences of their parents, we can expect an outcry.

This is the only point I was making in a hurriedly written internal e-mail. To imply anything else is expedient in the extreme.

If Mr Gabru makes good his promise to distribute my e-mail to mosques in Cape Town, his sectarian manipulation of the situation will be there for all to see. (Incidentally, when I received my department's report as requested, I was satisfied that the matter had been professionally handled by the assessment

centre and reported this to the counsellor involved and I dismissed the parent's complaint.)

<div style="text-align: right">

Helen Zille
Western Cape MEC for Education

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<div style="text-align: right">

Cape Argus, 21 February 2000, pg.11

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Barring the obvious political "mud-slinging", the above incident raises certain questions. Although governing bodies may determine religious observance policies at schools subject to certain conditions, schools themselves cannot be described in religious terms. **This is what the SASA and the WCPSA failed to include in their provisions regarding religious observance at schools**. In reality, there are no Muslim, Catholic, Protestant, Hindu or Jewish schools in the public (government) school system. The only exception to this is a small number of public schools on private property owned by a religious organization. But in the main, to label a public school as Hindu or Muslim could lead to unnecessary confusion, misunderstanding and tension.

The second point emanating from the exchange above is that school governing bodies have to be very careful in the way that they determine their religious observance policy **lest** this leads to categorization of the school in terms of a particular religion. The relationship between determining religious observance policy and describing the school in religious terms could be very tenuous indeed. The third observation is that, following on from the previous point, defining a school in religious terms could have implications for referrals/admissions.

6.3.3   Appointment Of Temporary Staff At Newly Built School

The next issue has to do with the appointment of educators and the establishment of an interim school governing body. The WCPSA is not very explicit when it comes to a situation as described above. The provincial legislation makes provision for the MEC to make regulations regarding powers and functions of school governing bodies. It does not mention specifically instances where new schools are being established or even where interim governing bodies have to be formed. Perhaps in this absence of appropriate rulings to cover a situation as was described above, the provincial MEC does have some room for manoeuvre and could give priority to party political considerations or ideologies. The National Act (SASA) was amended to allow for school governing bodies to appoint additional educators and non-educators. These posts are over and above the staff establishment of the school. In

making these provisions, the Education Laws Amendment Act (No.100 of 1997) quite clearly stipulates that:

> *The (additional) staff contemplated in subsections (4) and (5) must be employed in compliance with the basic values and principles referred to in section 195 of the Constitution, and the factors to be taken into account when making appointments include, but are not limited to:*
>
> *(a)   the ability of the candidate;*
> *(b)   the principle of equity;*
> *(c)   the need to redress past injustices; and*
> *(d)   the need for representivity.*

The education spokesperson for the ANC in the Western Cape had this case to recount:

> *…I know of a new school being established or…where there was a particular school that was overflowing with pupils and the agreement was that they would (be) establishing a new school. Now – the idea would have been, and what would have happened in the Education Department, was that pupils who went to the new school would have gone there with their teachers. And that would have solved the problem of the over–supply of teachers in the original school, which I'll call school A. And school B I'll call the new school. What happened in this case was, that an interim governing body was brought into being in school B, and they were then allowed to appoint temporary teachers – while the school was being established. Those temporary teachers didn't come from school A, but they came from the vicinity in which school B was being established. I know that the MEC for Education over–rode the advice of her administrators, who said to her that the school governing body should not be allowed to appoint too many teachers in those temporary capacities.*

The interim school governing body was allowed to appoint most of the temporary teachers, except the promotion post ones from list A. List A contained the names of educators who are on the redeployment list and these educators have to be given first preference at new schools.

Whether the above conditions from the Education Laws Amendment Act were adhered to or the extent to which they were observed is not clear but from the extract quoted, the author mentions that the temporary teachers came from the vicinity in which school B was being

established. It does seem as if the conditions from the Education Laws Amendment Act could have been ignored. Implementation could become skewed in order to favour a certain grouping in society.

6.3.4   Convening Of Parents' Meeting

The third issue deals with the convening of a parents' meeting at school. The SASA makes it incumbent upon governing bodies to call up meetings with the various constituencies represented on them. The WCPSA does not mention this explicitly but one would assume that the governing body should call a meeting of parents whenever necessary.

An example to illustrate this point emerged from an interview. A principal of a school in a small semi-rural town sent a notice to parents inviting them to a meeting at the school. This in itself is quite unusual since the convening of a parents' meeting now rests with the governing body. However, what made this particular event noteworthy is that the invitation sent by the principal clearly stated that only white parents were invited. The MEC for Education did visit the school subsequently and the explanation offered by the principal was that white parents were called to the meeting to discuss the inter-racial attitudes of the white parents. The obvious question that is raised here is: How can one address racial issues by just concentrating on one race group? The principal did not indicate to the MEC whether similar meetings were going to be called with parents of other race groups. In any event, what is conspicuous in this whole episode was the non–featuring of the governing body. The governing body was conspicuously absent from the whole event. It seemed as if the governing body was not even mentioned during the meeting between the MEC and the principal. The MEC did say that she was satisfied that there was nothing sinister or irregular in the whole affair.

The above incident does raise certain questions. For example, what is the relationship between the principal and the governing body? In interviews with some roleplayers it emerged that in certain schools, principals were adept at manipulating and dominating the governing body. The SASA does draw a distinction between **governance** and **professional management** of schools. Some of the submissions to the South African Schools Bill felt that there should be a clear distinction between the roles of the governing body and the management of the school. The question is: Does the distinction drawn in the SASA go far enough to address this potentially sensitive and conflictual performance of roles?

6.3.5 Payment Of School Fees

Yet another issue that emerged from one interview is the question of school fees. According to SASA and the WCPSA the governing body of the school is responsible for determining the school fees.

The interviewee raised the incident where a parent of a learner at an ex-Model C school was threatened because the parent had fees outstanding. Apparently the school had written a letter to the parent stating that if the parent did not settle the arrears then the learner would be expelled. The parent had been taken to court and the fees were being deducted on a monthly basis. The issue here concerns the alleged threat to expel the learner from the school because of fees not being paid. The SASA is quite explicit that admission to a public school cannot be refused because of the parent's inability to pay fees. The WCPSA does not mention this except to say that the admission policy of the schools rests with the governing body. The differences in the two sets of legislation (however slight they may be perceived) could sometimes have the effect of making governing bodies move beyond the bounds of legality! This is another way in which the implementation process can become problematic.

6.3.6 Constitution Of Governing Bodies

According to the SASA, governing bodies have to submit a copy of their constitution to the Head of Department within 90 days of their election. The WCPSA does not mention this specifically but it seems as if the educational authorities in the province provided schools with a standard constitution in which details appropriate or relevant to the school could be filled in. As JS, an official of the Western Cape Education Department explained:

> *The school constitution, or rather the governing body constitution, is more a pro forma, which was sent to the schools, where most of the schools have just filled in the blank spaces, so that it forms the basis of what we need to do and when we need to do it. That to my mind is an important document, but it doesn't sort of — need to be re-visited all that often — not as much as you would visit or re-visit the mission statement itself.*

The point that one can raise here is that this "pro forma" constitution is based on one particular interpretation of national policy. Schools are at liberty to draw up their own constitutions and not necessarily adopt or accept the standard one issued by the WCED. The official interviewed did say that some constitutions sent in by schools were returned for

revision. Which brings up the question of what would be an acceptable or unacceptable constitution.

It seems as if implementation is sometimes dependent on the particular interpretation and reading of national policy. In trying to ensure easy implementation, the WCED, through its standard constitution, forces one and possibly a narrow interpretation of national policy.

6.3.7 Implementation vs Formulation Of Policy

The following extract from an interview with a WCED official demonstrates clearly one of the features of the policy process, that is, that those charged with implementation of policy rarely (if ever) have any knowledge about its formulation.

> *A:*   *The WCED has deferred matters relating to composition, powers and functions of school governing bodies, to be issued in proclamations or regulations, rather than announce them in the provincial gazette. What are your comments on this?*
>
> *JS:*   *Well the SACT (School and Co–ordinating Team) team is not a policy–making body, it's a dedicated team, as I said so, your question is…a little bit foreign to me and I won't be able to comment on those Acts….*

While the SASA provides a list of functions for all governing bodies and another list of allocated functions that they can apply for, the WCPSA simply says that the MEC will make regulations relating to the composition and functions of governing bodies. It is significant that JS, a member of the WCED, an official entrusted more with implementation issues, cannot comment on decisions of a more political nature taken higher up.

6.3.8 Allocated Functions Of Governing Bodies

Both the SASA and WCPSA make provision for schools to apply for allocated functions. If schools are granted some or all of these allocated functions, then it means that these schools have greater control over their finances. In other words, they can administer their own funds. Although the national and provincial acts are in accord here, it does not mean that implementation will proceed smoothly, as some of the following extracts reveal. In interviewing one of the officials in the higher echelons of WCED management, the following came to light:

> **IM:** *The only differences that I can think of now, is the power to administer its own funds by schools. Some of the schools' application to administer their funds have been turned down and there are reasons for it. Schools – some schools are not happy that theirs has been turned down because they feel that they can control…There is a list of criteria to which schools have to conform and which are checked by a certain committee, that has been established for this purpose and the committee goes through the applications and makes sure for itself that the school is in a position, and in a good position, to administer its own funds. It may be because of certain record keeping, or some other – something else that the school doesn't conform to, and in that case, the application will be turned down. Some will receive provisional consent or provisional approval, provided that certain criteria are met within a certain time.*

The above extract reveals a measure of contestation between schools and the provincial education department. Implementation is interwoven here with issues of schools' shortcomings and by implication, capacity-building of schools.

The researcher also interviewed members of the committee that IM spoke of. This committee is actually a school-based management team that focuses specifically on financial matters, that is, it was set up to facilitate schools to have a greater control and management of their finances. In interviewing the members of this committee problems of implementation surfaced again.

In order for schools to qualify to be granted allocated functions (Section 21 of SASA), schools were required to fill in a questionnaire. This questionnaire was designed to ascertain/assess whether schools would be in a position to manage their finances properly. AJS, one of the committee members interviewed had this to say about the response to the questionnaire:

> **AJS:** *…many people couldn't understand the questionnaire properly because – we for instance asked them for a reconciliation statement, then in most cases it would appear as if they didn't know what a reconciliation statement was. And they would…give you an opening balance from the beginning of the year, added some income, subtracted expenses, and a balance that they saw as a reconciliation statement, which in financial*

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terms or accounting terms is not the case. And then the other thing is, errr, capacity. At the schools, we're talking rural schools, rural areas, where the governing body hasn't got the necessary capacity which means that they couldn't co-opt competent people with a little financial know-how, and that would also be then a sort of, a problem. Because we can't give you money and you don't have the people to operate that money properly.

From the interview, it became clear that many schools did not apply for section 21 status. According to the official interviewed, out of a total of more than 1000 schools, only approximately 180 applications were received. This poor response, according to some of the committee members, could be attributed to schools being either afraid to take on added financial responsibility or they were being sceptical. They were probably waiting to see how other schools were coping with this extra burden before committing themselves. Another explanation offered was that schools simply may not have the person–power to cope with the extra administrative work that accompanies these allocated functions.

This last point brings up another potential problem. If schools do not have adequate administrative personnel to execute allocated functions, then the WCED could perhaps redeploy some of their administrative staff to schools. In fact some of the submissions to the SASB made it clear that if schools were expected to cope with additional functions, then they would have to be supplied with additional staff. The Education Laws Amendment Act makes it possible for schools to appoint additional educators and non-educators.

6.3.9   Employment Of Additional Staff

The WCPSA does not address this but current practice in Western Cape schools indicate that they are following the Education Laws Amendment Act. Schools may exercise this responsibility to the extent that it conflicts with the redeployment strategy of the WCED. Redeployment refers to the placement of staff in subsidised posts at other locations where needed. As IM explained:

> *I'm thinking now of some personnel that are working that have been earmarked to go to these schools, and now that these schools have the power to appoint its own (staff), it may not be prepared to take personnel from this department.*

Implementation problems could surface because two institutions have become empowered through two different sets of legislation. These different policies set up institutions against each other.

6.3.10 Conflicts Within Governing Bodies

Both the SASA and WCPSA make provision for powers that can be withdrawn from governing bodies and the right of appeal if governing bodies are aggrieved by this. However, these two policy documents do not anticipate the likelihood of conflict within governing bodies and procedures to be followed thereafter. As IM puts it:

> *...we have become a sort of a powers (struggle)...amongst – between governing body members, between...and, and principals and teachers mainly, and so on...and all this leads to err...disputes – leads to internal fighting and in the process, the administration of the school suffers in some way, I would say.*

Different dynamics operate within different SGBs and the possibility of conflict and rupture within these structures cannot be ignored. If a conflict management procedure is not laid down in advance by policy documentation, then even the routine functioning of SGBs can be disturbed in times of internal hostilities and tension.

6.3.11 Time Delays

Democratic school governance in South Africa was supposed to be a major step in the devolution of powers to the school community. As such it required a great deal of planning, capacity-building and orientation of all relevant role-players. The issue of timing came out quite strongly when interviewing members of a governing body grouping. According to MJ:

> *You see, as I see it, with the formation of governing bodies, the head of department...was supposed to see that governing bodies know what their role is...now that was not done. Neither were the principals briefed about what governing bodies' roles are, okay. So – we started off with a big confusion as you know, what governing bodies are actually supposed to do...*

SASA was passed towards the end of 1996. WCPSA was passed almost a year later. The time lapse between these two acts raises the question of what kind of orientation programme (if any) was used to accustom and acquaint school communities with this new concept. The matter of the initial introduction of the concept of school governance has important implications for the subsequent functioning of school governing bodies.

6.3.12 School Finance: Whose Responsibility?

As was seen in the previous chapter, the question of school funding was a sensitive issue. The fact that the government compelled schools to raise additional finances over and above the state allocation made the government, in some quarters, guilty of shedding its responsibility for education. Both SASA and WCPSA provide for governing bodies to determine school fees. These fees are supposed to augment the state's contribution. MJ, a representative of an SGB association, had this to say in connection with school finance:

> *In very many ways we certainly in terms of the government's agenda, we (are) glorified fundraising structures for the schools. The state has sort of shifted its responsibility on to us to take care of funds and fundraising as well, so – we're not happy with that. We think that's a serious problem, the government (has) abdicated its responsibility, with some sort of façade of democratising school governance.*

It is ironic that the previous school committees, especially in the ex-HOD, ex-HOR and ex-DET schools, were regarded as mere fundraising bodies with no real power. Here we have the same charge being levelled against legal school governing bodies. The members of the school-based management team alluded to earlier did say quite clearly that all schools eventually would have to become section 21 compliant. Being granted section 21 status means in effect that schools will have to be totally accountable in the management of their finances. There could therefore be a measure of truth in the above excerpt.

One of the factors influencing implementation of policy is the question of the availability or lack of finances. This was discussed to some extent in *Chapter Two*. If schools are going to be under the impression that the financial burden has been dumped onto them, they could very well decide that the state is being insincere, but nevertheless try to take up the challenge. Undoubtedly, most ex-Model C schools would rise to the challenge and even relish the financial oversight of all their affairs, hoping in this way that state interference in their internal workings can be kept at bay. But what about the majority of schools in the country

that serve middle income, lower middle class and very poor communities? These schools in the latter categories could find themselves struggling to meet their financial obligations with the result that some of these schools would be offering education based on very poor infrastructure. Some schools might even be faced with mounting debts, thus forcing the provincial department to close such schools. If such a scenario occurs, it is the learners who will be most affected. It is in such schools, which the SASA and WCPSA originally aimed to uplift, that implementation suffers the most.

6.3.13 Capacity Building Of Governing Bodies

The following extract highlights a possible deficiency in the capacity building programme to orientate school governing bodies. Apparently principals had been used to facilitate this capacity building programme. GD, one of the members of an association of governing bodies, voiced his objection to this practice as follows:

> *You know, they are using someone that's involved in management – okay – and trying to show him, how to workshop or sort of facilitate or teach, the people that are supposed to be busy with policy making, how to be busy with policy making. Instead of just – get someone you know, that is schooled in policy making, to go to the governing bodies…or workshop with them, the ideas surrounding policy making…what I'm trying to show you is that…the way it's done, it's never really going to work, but – it perpetuates the situation where governing bodies don't really get empowered to do what they are supposed to do. They are just there as you know, a group of people that can be manipulated, you see.*

The underlined implication of the above quotation is that principals could use their positions as facilitators of capacity building to their own advantage. The role of the principals and governing bodies, although distinct, does have potential for tension and strained relations. The principal could use his/her leadership role in capacity building to ensure that he/she is not dictated to by the governing body, but that the opposite scenario should more likely prevail.

6.3.14 Allocation Of Funds To Schools

According to the norms and standards of school funding (DoE, 1998) schools have to be categorized and on the basis of this categorisation they will receive funds from the state. To effect this categorisation schools had to supply data to the provincial department. The data comprised information on the socio-economic situation in which the school found itself as well as the school's physical assets. One of the socio-economic variables used was car ownership. One association of governing bodies found this process problematic as one of its members, GD, elaborates:

> *...the particular survey that I'm speaking about is the implementation of allocation to schools...If you take (a particular) area, and you send a survey saying, we want to know how many cars are in each family, we want to know...what standard the father reached...how if we take one little subject from there: how many cars in the family...you might be able to say that every home has a car; but the car could be something falling apart...it would never be a Mercedes (or) an Audi – the implementation of the allocation was done according to that. But there was nothing we could do. The Minister's actual words to us is, gentlemen, there is nothing I can do about it, and I admit to you, it is wrong – the way and the questionnaire and everything. So what we're saying is, from association level, is that when things like this come, we want to be part of it.*

This again highlights the problem of implementation. Both SASA and WCPSA speak about school finance, but they do not say exactly how schools will be funded. This is left to the bureacracy to determine criteria for the allocation of funds. What is also clear from the above passage is that community organisations have not been involved in the process of determining allocations. There appears to be a lack of consultation with the relevant role-players.

6.3.15 Payment Of Accounts

Both SASA and WCPSA make provision for schools to apply for section 21 status. One of the functions under section 21 of the SASA deals with the payment of accounts for services to the school. In terms of the payment of accounts, problems of implementation surfaced again. GD recounts the experiences of one school:

...you know, when the accounts was handed to us to do payments, we took these accounts, and in January when the school opened we went to the department, the relevant departments, and we walked into the electricity department...we go to the counter, and we told the guy we are going to change our account, the electricity account from government, to our school. Can we have the relevant documents? And the guy says, well sir, there is no documents for that. What you have to do is, this is treated exactly like a normal home, a dwelling. You pay a R1000.00 to transfer, so that the school will then have the account. My question to the particular...person was, are you telling me, that when we do this, the monies that we are to pay, including the arrears, and the arrears was in the region of about seven grand, are you telling us that only after we pay the thousand rand from schools coffers, will this then be transferred on to our own name? The reply was "yes". And on it was then my prerogative to tell the person that listen, I think that when government gets their story right, we will come back...right? So what I'm saying is, is that if government implements, then they must have an infrastructure to handle the implementation.

...so we are saying, if we are to take over as it says in one of the circulars, 1ˢᵗ January. What is going to happen about the arrears? Is government paying the arrears? Is government paying the transfer cost? Or are they forcing that upon us as well? That's our question. And we would like to deal with that on an open scale at any time.

The above question serves to emphasize the need to specify the so-called "little details" if implementation is to proceed smoothly. The particular incident in the extract suggests a lack of communication between the provincial education authorities and SGBs.

6.3.16 Governance vs Professional Management

From the interview with members above of an association of governing bodies it became clear that there were instances in which principals tried to "control" governing bodies. The interview with an office bearer of a teacher body revealed the opposite tendency. DP had this to relate:

DP: *And sometimes we find that the governing body also wants to manage the institutions, dictating to the principal around the disciplining of educators and things like that. And that is an area of concern to us.*

A: *So you say the functions of governance and professional management are becoming a bit blurred?*

*DP: Are becoming blurred, yes. And then they want to
        involve themselves in the disciplining of educators –
        which is not the – function of theirs…*

Reference was made earlier to the problems associated with principals involved in capacity-building of SGBs. Although SASA and WCPSA distinguish between the concepts of governance and professional management of a school, we still find this tension of the one encroaching upon the territory of the other. It seems to indicate that there is a need to fine-tune this distinction even further; a thorough interrogation of what **governance** and **professional management** really entail.

6.4   SUMMARY OF FINDINGS AT PROVINCIAL LEVEL

This chapter commenced by attempting to illustrate the manner in which provincial school governance policy was developed from national policy. A comparative study of both the SASA and WCPSA was undertaken in order to achieve this provincial policy-building exercise. In comparing the two policy documents, it was noted that the Western Cape Provincial educational authorities decided to handle compositions, functions and powers of governing bodies via the issuing of proclamations and regulations. Further, salient differences between both sets of legislation manifested themselves in the following areas: the determination of school language policy; determination of religious observance at schools; and exemption of parents from paying school fees.

The stresses and strains of implementation of national and provincial school governance policy was another major field of inquiry in this chapter. Issues were first identified, followed by the way in which the particular issue was dealt with, using both SASA and WCPSA. The conflict aroused by the issue was then explained. Interviews with relevant and key role-players served to demonstrate the problems surrounding implementation.

The first issue to surface was religious observance policy and its implications. Although both the SASA and the WCPSA made provision for religious observance, the full ramifications of this issue could not be covered by both sets of legislation. Public schools where all religions are supposed to enjoy equal treatment cannot be described as belonging to a particular religion. Because of this lack of specification, tensions between two members of the Provincial Parliament emerged.

The appointment of temporary teachers by the interim school governing body of a newly built school was the second issue that raised objections. The WCPSA does not address transitional measures to be adopted when new schools are established therefore the provincial MEC could have been granted free reign in making decisions on the matter. Even though the Education Laws Amendment Act listed criteria to be observed when appointing additional staff whose tenure is of a temporary nature, these criteria could have been overlooked by the MEC.

The next problem of implementation concerned the convening of a parents' meeting by the principal of a school without any mention being made of the governing body of the school. Besides the fact that the meeting was called for white parents only, the roles of professional management and governance seem to have been ignored, either intentionally or unintentionally.

The fourth issue under discussion was the threat to expel a student because the parent was unable to pay the full school fees. This move by the governing body was in direct contravention of the SASA.

Although schools can draw up their own constitutions, a standard constitution was sent to schools by the WCED. This standard constitution can be accepted by governing bodies if they do not wish to formulate their own constitution. However, this standard pro forma constitution is based on a particular interpretation of national policy (SASA), which could be different to that of some school governing bodies.

The question of what is an acceptable/unacceptable interpretation of SASA formed the basis of the sixth implementation hurdle. If one accepts the stage or linear model of policy development, then one can appreciate that the difficulties of implementation can be compounded because agents or implementers are not part of the initial stages of policy formulation and adoption. This was clearly demonstrated in an interview with one official from the WCED responsible for implementation of school governance in the province.

The seventh area that provoked disagreement was the decisions of governing bodies to apply for allocated function. While some schools perceived that they were ready to administer their own funds, this perception was not shared by the WCED. Obstacles to smooth

implementation manifested themselves when schools had to fill in questionnaires designed to assess their readiness to accept allocated functions. It was clear the schools did not have adequate human resources to cope with the administrative work accompanying Section 21 of the SASA.

The eighth implementation problem concerned the ability of governing bodies to employ their own additional staff. This could lead to schools refusing to accept permanent staff from the WCED who have been selected for redeployment. On another level, dealing adequately with dissension and in-fighting within governing bodies could plague the implementation process, according to one WCED official interviewed.

Time is an important factor in implementation. Interviews with governing body association members revealed that there were delays in orientating communities to this new concept of democratic school governance as espoused in the SASA.

The fact that schools have to raise funds to supplement the state's spending on education did not receive approval in all sections of the population. Interviewees from historically under-privileged communities construed this as a plan to relieve government of its responsibility to finance education fully. The practice of using principals to capacitate governing bodies was a cause for concern as principals could use this to their own advantage by controlling and manipulating governing bodies. The process determining criteria for the allocation of funds to schools was not rigorous enough nor inclusive of all role-players. School governing bodies experienced problems in payment of municipal accounts, especially when transferring accounts from the state to the school, and arrears payment.

The final implementation problem covered was the tension between the roles of professional management and governance where the one crosses over into the territory of the other. This potential overlapping of roles was also encountered in other incidents, specifically the situation where a principal convened a meeting of white parents. This possible conflict of roles could be symptomatic of the state's inability to clearly identify duties associated with each role.

6.5   CONCLUSION

This chapter has tried to show how provincial school governance policy has been developed from national policy. In doing this a comparison between the two sets of legislation has been attempted. This comparison has brought to the fore certain differences and also similarities. These differences and similarities in turn engender other issues as has been discussed.

The officials from the WCED did not feel that there were major differences between SASA and WCPSA regarding school governance. According to them whatever differences existed were very minor to the point of being insignificant. One of the officials in the WCED responsible for policy matters, GJS, in his written response to the researcher's questions, had this to say: "*Provincial legislation has to be in line with national legislation.*"

Although the differences between SASA and WCPSA may be slight and minor, the point is that there are differences. It is these differences that could have contributed to some of the incidents already referred to in the course of this chapter. People in positions of authority could use these differences to put their own particular interpretation or formulate their own party political reactions to situations.
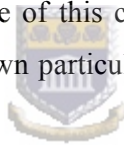
One of the biggest problems emerging out of this chapter is the problem of implementation. Even where SASA and WCPSA are in agreement, the course of implementation does not necessarily prove to be a smooth one, as was seen in certain cases. This theme will hopefully be explored in greater detail in the following chapter where the case study of one particular institution in the Western Cape is considered.

CHAPTER SEVEN

CONTESTATION: THE LOCAL (SCHOOL) LEVEL

7.1   INTRODUCTION

The aim of this chapter is to study the implementation of national and provincial school governance policy at school level, focussing on the contestations around powers and functions at this level. To effect this aim a fairly detailed in-depth scrutiny of one particular school governing body was undertaken. The initial plan was to choose one school from each of the ex-departments. However, it was not possible to gain entry to these schools: those ex-HOR schools approached were not keen to be researched and refused permission to the researcher. This reluctance on the part of ex-HOR schools is a challenge which future research may need to address.

Before moving into the details of the contestations at school level, it is necessary to give some background to the school and the school governing body. The school itself is situated in an upper middle-class area in the northern suburbs of Cape Town. It was formerly administered by the ex-House of Assembly and was a Model C school. The school campus is fairly large with modern sports facilities and well-maintained buildings and fields. The academic programme is quite comprehensive with a wide range of sports and other extra-mural activities offered.

The governing body consists of 14 members. The breakdown per sector constituency is as follows:

- Parents (7) LF (Chairman) Other Parent Members: RB, PF, AE, AD, NJ and MV
- Educators (2) BM and RD
- Principal
- Non-teaching Sector (1) IS
- Community Representative (1) HN
- Learners (2) Male and Female Head Prefects and their Deputies alternate each month

The methods of data-gathering used were: observation of governing body meetings; interviews of five governing body members and documentary analysis of governing body documents. Insofar as the analysis of documents was concerned, the Principal made it clear to the researcher at the beginning that access to all governing body documents would be limited because of the sensitive nature of the contents of some of those documents. The researcher was therefore not granted access to documents such as minutes of meetings, financial statements, budgets, correspondence, and other written material which the governing body felt was especially sensitive or confidential.

7.2 OBSERVATION OF GOVERNING BODY MEETING OF SCHOOL ON 24 FEBRUARY 2000

7.2.1 Introduction

The researcher had to exercise circumspection when observing governing body meetings. Careful discrimination of relevant and irrelevant, important and trivial data had to be made. The researcher had to remind himself to record notes only where conflictual issues were involved. In presenting data from governing body meetings, the issue will first be outlined, followed by the contestation it evoked.

7.2.2 Increasing School Fees

The issue that sparked contestation in this meeting was an increase in school fees. The principal started his report by saying that the school could get by without increasing fees. He said that parents see the school as an affordable school rather than as an elite school for the very wealthy. According to the principal, the school has come down on the social scale. Parent PF cautioned the principal for making such a statement. The parent elaborated by saying that because of a skewed world, it is unfortunate that everything is seen in terms of its monetary value; only if something is expensive is it supposed to be of a high quality.

The principal went on to say that the recommended increase in school fees be 16% which translated into an extra R50 a month or R500 spread over the whole year. Parent PF questioned the increase, saying that the school did not have to follow the example of other schools. The principal explained that enrolments had increased, coupled with the fact that three extra teachers had to be employed. The educator on the Finance Committee explained that there was a need to reduce the teacher-pupil ratio. Parent PF felt quite strongly that they would not be able to convince the broader parent body of the increase. The educator on the

Finance Committee spoke about the preparation of a 5-year plan regarding school fees. The chairperson suggested that the objection by Parent PF could be postponed to when the 5-year plan is revealed. Parent PF agreed as long as the increase was not approved in this meeting. Parent RB argued for the increase on the following grounds: inflation, increase in the teacher-pupil ratio, achieving equity, comparison to other schools, etcetera. The educator on the Finance Committee suggested that they get away from the percentages and look at the amount in real terms. Issues of quality education as against cheaper fees were debated. The question: Does a cheaper school mean a lower quality of education? was posed. Parent PF was adamant saying he did not agree with the argument that bigger enrolment and an increase in pupil:teacher ratio automatically means an increase in school fees. Parent RB said that they have an obligation to the community. He questioned the morality of excluding pupils just because we wanted to balance our financial records. The principal came in, stating that the stress levels of teachers were rising and therefore it would be appropriate to arrive at a more reasonable teacher-pupil ratio. The chairperson closed the matter by saying that once the 5-year plan is on the table, the issue can be taken further.

The above exchanges were conducted in a very calm and open atmosphere. Each person was allowed to give his/her views and those that spoke gave their frank opinion on how they felt. The chairperson allowed sufficient exchange of views before suggesting that the issue be taken further once the 5-year plan is put forward.

7.3 OBSERVATION OF GOVERNING BODY MEETING OF SCHOOL ON 16 MARCH 2000

7.3.1 Introduction

The issues that aroused debate during this meeting were: school fees; the hiring of a consultant to assist the school with future planning; and the identification of a speaker on the issue of safe sex to counter the threat of AIDS.

7.3.2 School Fees

The issue of increasing school fees surfaced again. The proposal from the Finance Committee was that fees should be increased by 15%. The main motivation for this increase, according to the Principal, was to employ more teachers and thus bring down the teacher:pupil ratio. Parent PF was not necessarily against this move but felt that the proposal for the increase should be more explicit and transparent. The proposal, in other words, should reflect clearly

why the increase was necessary: the need to employ more teachers, inflation, the need to appoint a public relations officer, the fact that there was under-budgeting last year, etcetera. Parent PF urged that all these extra details in the increase proposal should be included otherwise parents are going to question the increase. Community Rep. HN and Parent RB felt that some parents would try and whittle down some of the items in an attempt to minimise the increase. Non-teaching Staff IS supported this with an example of a parent who came to school to query the cost of certain items at school. Parent PF tried to play "devils advocate" by suggesting that some parents would argue against the employment of more teachers by suggesting that the school refrain from admitting more learners.

In discussing the 5-year plan, the following exchanges were noted. The chairperson wanted to know from the principal what teacher:pupil ratio they would like to see in the year 2005. The principal replied that a few years ago, they wanted to have a teacher:pupil ratio of 25:1. This has resulted in the stress factor due to the concomitant increase in extra-curricular activities. The principal compared the situation to another school where a lower teacher:pupil ratio prevails. According to the principal, the teacher:pupil ratio should be reduced even further, possibly from 25:1 to 23:1 or even 20:1. The meeting felt that the 5-year plan must be given to all the parents to explain the reasons for the increase in school fees.
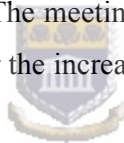
7.3.3   Hiring Of Consultant

Another issue that the governing body grappled with was the hiring of an executive training consultant (BP). According to Educator BM this person would come into the school and assist the school to develop its mission and vision for the future. The idea was to guide the school to where it wants to be in the year 2005. This consultant would be a sort of coach who would help the school to realize its goals. Besides assisting with goals and vision building, this consultant was also a good motivational speaker who would be able to assist learners, educators and parents. He was also involved in leadership training and would prove invaluable to the leadership development of the learners, especially the prefects. Community Rep. HN questioned his "pedigree". According to Parent RB, he was a national member of a church. He left the church to give motivational talks. HN was quite cautious and wary, saying that the governing body should be careful of 'fly by night' people wanting the school to part with its money. BP had met the Principal and a few parents when he was in Cape Town. One of the parent members had posed a question to him on this occasion but BP did not answer the question satisfactorily. Therefore this particular parent member of the governing body

was sceptical of BP. HN felt that this BP had to sell himself to the parents since they were the people who had to pay for BP's services.

Parent PF added a new dimension to the debate by saying that a consultant would be able to assess BP's success rate free of charge if the school supplied details of any school where BP had worked. Educator BM was still quite excited about BP. BM felt that as an educator he needed some innovation in his life, some novel ideas that would assist him in his work and in his professional development. He had seen a presentation by BP and was impressed with it. The chairperson did not commit himself in any way, except to say that there should be some forward-thinking.

7.3.4   Programme To Counter Threat Of AIDS

The principal, in his report on pastoral care, drew attention to the threat of AIDS at the school. He mentioned that the Guidance and Counselling Department was considering a programme on safe sex to be presented by a well-known television personality. The programme would highlight the importance of safe sex in a humorous way. The reaction of Community Rep. HN was that the television personality in question was not exactly the right role model to be doing such a presentation. The governing body was not against the idea of learners receiving talks on safe sex but the person contemplated by the Guidance and Counselling Department was gay, considered to be promiscuous and often used foul language in his presentation. Educator BM was willing to attend this personality's presentation at another school and thereafter report on it to the governing body. It was felt that this may assist the governing body to decide whether to go ahead with the presentation or not.

Parent PF suggested another alternative. There was an AIDS sufferer working for an insurance company who was known to give talks at schools. The governing body could consider him. Another possibility was a person from Cape Town Station. This person is also an AIDS patient and he did appear on radio.

7.4   OBSERVATION OF GOVERNING BODY MEETING OF SCHOOL ON 19 APRIL 2000

7.4.1   Introduction

The issues that provoked discussion at this meeting were: hiring a consultant to facilitate staff development; and the complex matter of discipline against religious observance.

7.4.2   Consultant For Staff Development

There was a follow-up at this meeting on the matter of hiring BP, the executive training consultant. Parent PF knows of another consultant who was willing to do an assessment of BP's work. Educator BM again appealed to the meeting, and reinforced his conviction that the school needed some kind of staff development programme. PF agreed that this need should be addressed and filled, but at a lower price tag. The fee that BP would levy, if hired, was just too much. Apparently BP had sent an e-mail to the school outlining what his presentation was all about. Community Rep. HN felt that the contents of this e-mail was too superficial, and too cliched. She questioned why they needed somebody to help them to draw up their own mission statement. BM replied that he did not have the time to do it. Parent NJ supported HN by saying that he fully supported staff development but he agreed that BP was too expensive. He indicated that he knew of somebody who could facilitate the drawing up of the mission statement and that it would not cost the school so much money. The governing body was unanimous that the school did require staff development and the discussion then moved to the 5-year plan.

The needs in respect of staff development had to be built into this 5-year plan as well as into the budget of this 5-year plan. The point was made that companies budgeted for staff training while schools did not. It was necessary for the needs in terms of staff development to be identified first. Parent AD mentioned that he knew of somebody who conducted a needs identification exercise at the primary school where he is also a school governor. This person was not expensive and the idea was that he could also be utilized by the school to do a needs analysis to aid the staff development programme that hopefully would be embarked on soon.

7.4.3   Discipline vs Religious Observance

The next issue debated by the governing body had to do with discipline. But it was an issue that also had a lot of religious overtones. The Principal, in his report of the story to the governing body, gave some initial background. This was the only documentation of sensitivity that the principal permitted the researcher to have. It is presented here in its entirety to capture the dynamics operating in the situation. Sections of the report have been edited to conceal the identity of all parties involved.

Report of the Principal to the Governing Body

Wearing of religious attire by student

1.   DA, a student, asked the Headmaster if she could wear religious attire: the matter went to the exco who felt that everyone who came to the school knew what the expectations are and that the strength of having a uniform was that all were treated equally. They pointed out that many groups/religions had special things and that it was better for all to be treated the same. However, the matter would be taken to the school council on 5 May 2000 and that was the answer DA received. She agreed.

2.   Unfortunately, DA took the law into her own hands wearing her religious attire, thus breaking the arrangement to wait for the school council to make a decision. She was asked to stop this practice to wait for the council meeting as all learners at the school should respect the democratic procedures of the school. She chose to tell Mr. P, a family legal advisor, that the Headmaster had stopped her from being at school when that was patently a lie – was she trying to create confrontation? Or was Mr. P? Mr. P phoned the Headmaster warning him not to keep her out of school and to consider his actions in the light of his being on a government created body, that is, he would protect her rights, he warned about taking the matter to the press and court. The headmaster told him he had been told a lie and that if DA had left school she was bunking and would be punished (she had not left school), he declined his wish for an interview as the matter was being dealt with and it was a matter between the school and the family, not an outsider. The headmaster was given a note in which it seemed clear that Mr. P has a political/race purpose in the issue.

3.   DA chose to continue to defy the school and refused to stop wearing religious dress saying that it was required by her new-found religion. She was told to ask her mother to have an interview with the headmaster and to give the headmaster the name of the spiritual leader so that the school could get an authoritative answer on the issue (not just the wish of a young girl).

4.   It is most unfortunate that a school girl has got herself caught up with a religion in which she feels she has to defy her school, and with a lawyer who sees going to court as the immediate way to solve problems. DA is young and impressionable and has shown instability on previous occasions. Her situation should be looked at from an educational point of view, that is, not how can she rock the boat but what is in her best interests educationally. It would seem to me that the following needs to be done:

   i)   Get the official religious authority ruling on religious dress code and whether this code is compulsory, even if it is in conflict with uniform rulings.
   ii)   Remind DA that she and her mother signed the Code of Conduct promising to obey school rules and see whether she respects the school enough to make an arrangement.
   iii) Ask DA to abide by school rules until the matter has come before the school council to show that she respects the democratic process and the school community. At that meeting the issue would seem to be a discussion on Rights – the right of the individual to wear religious dress vs the right of the school community (which the individual accepted) to have a school uniform. It would seem to me that the fairness of the decision would lie in the extent to which individual rights were limited unreasonably, that is, was it reasonable to

expect learners to wear uniform? Had it been accepted by the learner concerned? Was the person asking for the right sincere? Would she be able to carry out her religion without the dress concerned? What would the implications be for the rest of the school, that is, would they not also want rights and so negate the uniform?

5.   On Friday 14 April I saw the mother as arranged – she made me think that she was not sincere (I asked her if she wanted confrontation or had the school's and her daughter's interests at heart) by bringing along Mr. P who had been told not to come – I refused to see him but had a long discussion with Mrs A who said she did not support her daughter's defiance one moment and then did the next. It was clear that she, too, has religious and race double agendas. She had lots of criticism of school uniform – that is, we are not just dealing with a young girl adopting a new religion.

<div align="center">Consideration of Issues with regard to DA</div>

1.   Characteristics of Authority in Handling this Case:
-       to maintain school order, discipline
-       to ensure justice, fairness
-       to respect individuals, tolerate religious diversity

2.   Possible Decisions:
-       to allow the wearing of religious attire
-       to rule against the wearing of religious attire

3.   The School's Point of View:

   1.   With regard to Uniform:
   -       School Uniform – official school policy is accepted by all and has school authority and that gives the school a Right which automatically limits the rights of others (reasonably).
   -       DA and her mother accepted School Code of Conduct and signed accordingly which prohibits "way-out" apparel.
   -       DA originally asked if she could use a religious dress code and then defied official school democratic procedures through school council by going ahead without permission.
   -       DA defied arrangement first made between herself and the headmaster.

   2   With regard to Religion
   -       DA was rebellious and naughty (dishonest) in the past and needs guidance.
   -       Mr. P, her "advisor", has shown strong political activism in his dealings with the headmaster, that is, immediately wants to take the matter to court or the press.
   -       How do we know a person is genuine (sincere)? Must we just accept her word and her rules? Why not others and other items? However, we must be prepared to recognise different religions, like ethnicity, and allow them to practise their faith if justified.

Principal: 15 April 2000

7.5 OBSERVATION OF GOVERNING BODY MEETING OF SCHOOL ON 18 MAY 2000

7.5.1 Discipline vs Religious Observance

The matter of the learner wearing religious apparel was followed up during the entire meeting. According to the head prefect the student body was supportive of the Principal in his actions against the learner in question. The meeting was stopped for about 15 minutes during which time the "fair hearing" was held. This "fair hearing" involved only selected members of the governing body, that is, the disciplinary committee of the governing body. The researcher was not present during this "fair hearing". When the meeting resumed, the outcome of the "fair hearing" was announced. The learner in question will be suspended for 5 days. The learner would be able to write examinations. The preparation of a press statement was also mooted.

A lively debate followed. Parent RB felt that if this issue was prolonged, the school would most likely have to pay huge legal bills. Parent MV on the other hand argued that if they allow the learner to have her own way, this could be setting a precedent. Boys would then come to school with their religious attire. Parent AD suggested a compromise: that the learner wears her religious apparel in such a way that it is concealed from other learners. RB was convinced that lawyers acting for the learner and her parents would fight this issue on religious grounds. RB stated that there was enough material in the constitution to allow the opposition to do that. MV felt that the issue was a disciplinary matter, not a religious one. Community Rep. HN agreed that it was a disciplinary matter first and foremost, it was about flouting school rules. The discussion reached a point where it was clear that while the school was looking at it from a discipline point of view, the learner's legal representatives were arguing from a religious standpoint.

The question was raised as to whether the school's code of conduct allowed for exceptions. Educator BM said that it did not but that they would have to build it in next year. A possible solution to the dilemma could be for the learner to apply to wear a religious dress code. RB said that the principal could then approve the application. HN disagreed with this route, saying that it would send the wrong signal, namely, that the governing body is afraid of the learner and the publicity that the whole incident has sparked. RB reacted by saying that they would be saving a lot of money on legal bills.

From the ensuing discussion it emerged that Section 36 of the Constitution did allow for rights to be limited. Corporate bodies could ask people to apply for permission if their reactions infringed on the rights of others.

There seemed to be consensus gaining around the idea that the Principal request the learner to make a written application to wear religious apparel. The Principal would then reply to the application saying that permission has been granted, subject to certain conditions. If the learner does not abide by the conditions, then she will be guilty of disregarding school rules.

The following procedure was agreed on to address the matter:

- The learner would be suspended for 5 days.
- The principal should encourage the learner to make a written application to use a religious dress code.
- The principal would tell the school's learners that the application has been approved subject to conditions which the learner has to abide by.
- The press release would be prepared by Parent PF and signed by all members of the governing body.

7.6 OBSERVATION OF GOVERNING BODY MEETING OF SCHOOL ON 27 JULY 2000

7.6.1 Introduction

Issues under discussion at this meeting included: increase in school fees and the effective utilization of an educator's skills.

7.6.2 Increase In School Fees

As was seen in an earlier meeting, the question of increasing fees was a very sensitive one. Part of the meeting of the 27 July dwelt on the meeting of the broader parent body to discuss and possibly ratify a fee increase. Parent NJ said that he was perturbed at the tone of this mass meeting of parents. The Principal said that it was clear that some of the parents at this mass meeting wanted to score points for reasons best known to them. One of the parents questioned NJ about incentives that were given to some educators. This parent questioned why incentives should be given to educators for work that they had to do anyway.

The voting was close. The motion to increase fees was carried by just eight votes. The year before, the motion to increase fees was more or less unanimous. Parent AE felt that it might be worse the following year. The governing body agreed that they had to find a more 'friendly' way to present the budget to parents and move for fee increase in the future. This event illustrates contestations not so much within the governing body as between a group of parents and the governing body.

7.6.3   Utilization Of Educator's Skills

There was a measure of contestation between the chairperson and Principal over the utilization of Educator RD's skills. RD is head of Mathematics but he has also taught himself computers. At the moment he is in charge of the computer network at school. The Principal felt that if RD was going to continue to be in charge of the computer network then he had to be relieved of some of his academic duties. The chairperson disagreed with this, saying that RD was first and foremost an academic. If he was going to be relieved of some of his academic duties, then it means that his academic expertise was going to be eroded. The chairperson felt that there had to be a more cost-effective way of dealing with the matter. If RD was now going to be in charge of computers, then it meant that he was going to be more of an administrator rather than an academic. The above exchange was interesting in the sense that it opens up possibilities for the future expansion of powers and functions of governing bodies. At the moment there exists in legislation a distinction between the competencies of **governance** and **professional management**. One would think that the above issue falls within the province of professional management. Yet the governing body was addressing this issue. It might happen that as time goes on, this distinction between governance and professional management pales as governing bodies move more into the realm of professional management.

7.7   ISSUES EMANATING FROM OBSERVATION OF SERIES OF GOVERNING BODY MEETINGS OF SCHOOL: SUMMARY

7.7.1   School Fees

One of the most important factors to consider in school governance is the matter of finance and specifically the question of school fees. This theme had been prominent and recurring in the submissions that were made by schools to the SASB. The importance of school fees can be seen from the following comparison of two interviews with governing body members. In 1998 (the year before governing bodies were to become operational officially), the researcher

interviewed Non-teaching Staff IS and the Principal of the school. This is what they had to say about the state of the school's finances:

> **IS:** ...*School finance...well, we're doing all the right things with school finance...we've got a massive financial department, we're raising the right funds, we're collecting debts, we've got a proper debt collector, um...we have audited accounts with outside auditors, so everything is run square and properly, and um, we have budgets, we work within budgets, and they're very strictly monitored, ...*

> **Principal:** *(reading from list of interview questions)... which functions do you feel were performed the best, and of the four functions, as set out in the South African Schools Act, I would say number 4, School Finance, was conducted superbly. The governing body has controlled fees, collected fees, invested money and budgeted and er...watched expenditure, so that we have only a 2% bad debt. So the number – finance is definitely the tops.*

If one compares the two extracts above with the meeting of the 27 July 2000, the nervousness and anxiety of parents around school fees becomes clear. It may become increasingly more difficult for governing bodies to convince parents to contribute more to the education of their children. Other ways may have to be contemplated to boost the school's coffers.

7.7.2   Suspension And Expulsion Of Learners

Bureaucratic "red tape" around suspension and expulsion of learners can often hamper the functioning of governing bodies. The Principal explained:

> *We have found it a little...clumsy, the procedure – because if somebody does something seriously wrong, you want to deal with it immediately. And er...so I have short-circuited the procedure, sometimes, when I have got the parents to co-operate and had the child withdrawn voluntarily by the parent. And so that's been a punishment that the parent and I have worked out. So we didn't have to have worked through the whole due process. But that can only happen of course, if there is complete co-operation and understanding on both sides...we had two recommendations for expulsion. The first one, there was a technicality that was not done...due process. In other words, the person wasn't given a letter, he was spoken to, by*

word of mouth. And, therefore, the department didn't hold up
that expulsion. The second one, it did hold up…

In connection with the suspension and expulsion of learners, thorny issues will have to be confronted by SGBs. The case of the learner wearing religious dress brings up a whole set of issues, for example, the complex question of the rights of the individual as againts the rights of the group. It is issues like these that bring the SGB and the provincial education department into the full glare of the public. Besides the press (both print and electronic), there is the ever-present possibility of the legal fraternity becoming involved. Clause 5(2)(b) was dealt with at length in *Chapter Five*. This clause serves to make the whole matter of expulsion and suspension more complex as both parent and learner are given significant rights. The provincial education department as well as the SGB involved must be seen to be fair in their handling of individual cases. Sometimes this is not an easy task for either party or the parent and learner involved, as the case of wearing religious dress illustrated.

7.7.3 Relationship Between Governing Body And WCED

The ambivalent nature of the relationship between the governing body and the provincial education department is captured excellently by the following observation of Parent RB:
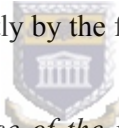
> *…the department is the face of the people, it's not just some nebulous, superfluous bit of er…administration somewhere. It's people. There have been tensions, and I think there always will be. I think the department sees the whole, the school sees the particular, and I think the war's going to be fought at that level. Generally though, I think the department has been very supportive of the school. And I think the school may forget that at points, because the school has changed so fast, with the department's help, that now that they need some contrary things, and feel a little negativity from the department, they may forget that the department has served it well.*

The above quote shows that the relationship between the two parties is not always an easy one. The previous chapter made reference to interviews with WCED officials where it became clear that schools will have to progressively take on more responsibilities. This means in effect that schools will have to be held accountable for much more. In the past, problems occurred and the finger of blame was pointed to the provincial department. The trend could now be reversed.

7.7.4   Professional Management vs Governance

Mention was made in *Chapter Six* of the potential for tension between professional management and governance. The tenuous nature of this demarcation is again apparent in the following comment by Parent RB:

> *…I felt that sometimes that correspondence that perhaps should have reached the governing body, was dealt with by the staff. And that's okay, um, the governing body has always been told about these things, and has not then tried to push its weight, but I sometimes wonder if in fact it should have been dealt with by the governing body rather than the staff.*

The overlap between professional management and governance is again apparent. The question is: Can one really keep them apart? And what about the so-called "grey areas"? As schools begin to take on more responsibilities, they will have to become more accountable to their communities. This in turn could mean SGBs demanding more accountability from staff within the school, especially the teaching staff. While there might not be a situation where parents become directly involved in teacher evaluation, for example, sitting in on a lesson, they could indirectly influence perceptions of educators through general observation and disciplinary matters.

7.7.5   Religious Observance Policy

The issue of the learner being suspended for wearing religious dress prompts two remarks by the researcher. Firstly, the SASA's interpretation of religious observance is narrow: it is confined to events, as the wording of the documents suggests. But religious observance can include dress as this incident illustrates as well as religious (non) labelling of schools as was seen in *Chapter Six*. The second observation is that because of the SASA's shortcoming regarding religious observance, schools have to resort to legal channels to resolve religious issues. This was demonstrated in the Principal's report.

7.8   CONCLUSION

This chapter has highlighted areas within the functioning of one particular governing body that has led to debates. The school that was chosen was an ex-Model C school. Under the previous political dispensation, ex-Model C schools enjoyed considerable autonomy, having wide ranging powers and functions. Many of these ex-Model C schools were automatically granted allocated functions under Section 21 of the SASA. The temptation is that, because of their stronger financial position and easier access to expertise in different fields, one may think that these schools do not have major problems to cope with. But as has been seen, changes to legislation over the last few years has impacted on these schools.

The next chapter will undertake a deeper analysis of the contestations across all three levels, that is, national, provincial and local level.

CHAPTER EIGHT

8.1 INTRODUCTION

The purpose of this chapter is to highlight and analyse more deeply the main findings of this study at national, provincial and school levels. Positing and analysing the data will take the form of identifying issues and the resultant conflicts following from these issues. This discussion will also include the way in which issues changed, were shaped and reshaped as they traversed the SASB, SASA, WCPSA, and finally the school levels of policy development. In discussing each issue, the conflicts engendered by these issues will be presented and critically contemplated. This contemplation will draw on relevant literature as well as data gathered from fieldwork. The chapter will conclude with a consideration of implementation issues and challenges. Problems of implementation encountered in this study will be compared to the literature in order to generate fresh insights.

At this juncture, it may be necessary to restate the main aim as a way of presenting the overall framework and justification for the ensuing analysis. The dominant aim of this project is to come to a closer understanding of the contestations in the development and implementation of school governance policy in both the SASA and WCPSA. This includes contestations at three levels, namely, national, provincial and school. According to Bowe and Ball (1992), the development and implementation of policy is filled with conflicts, "push and pull", and struggles in order to achieve dominance and recognition. This discussion will give substance to this.

Before proceeding with the reflection and analysis of findings, the researcher had to reduce the mass of information into comprehensible units. Diagrams were used for this purpose. In terms of powers and functions of governing bodies, most schools, organizations and institutions commented on the following areas: school funding; employment of additional staff; language policy; admission policy; religious observance policy; and powers of governing bodies vis-à-vis powers of MEC and HOD.

A total of eleven sectors were identified at national level. These were: ex-HOA; ex-HOD; ex-HOR; ex-DET, Political Parties, State Departments, Teacher Bodies, Business, Independent Schools; Lobby Groups; and Tertiary Institutions. For each sector a separate diagram outlining the views of organizations (within that sector) was drawn. These views were a reflection of what organizations felt about some or all of the six areas mentioned above.

After completing the sectoral diagrams, the researcher proceeded to identify issues emerging from the six areas, including school funding, employment of additional staff, language-, admission- and religious observance policy, and relative powers of SGBs/MEC/HOD. All six areas did not lend themselves to issue formulation, either because organizations did not express views at all on certain areas or the views were too varied to express and compress them into a coherent question. Once the issues were identified, the opposing positions were framed into boxes and sectors were then linked by arrows to one or the other box, depending on whether they supported or opposed a particular position. Of course, it was not always possible to neatly assign sectors and organizations to one position or the other. Where this uncertainty occurred, the point of view of that particular sector/organization was written at the bottom of the page. This did not occur in many cases. The expression "vs" was placed between opposing positions to show the contestation evoked by that particular issue. Where sectors did not commit themselves to an issue either way, this was also noted at the bottom of the page.

Language policy was dominated by the desire to curb SGB abuse which might result in unfair exclusions of learners from certain schools. The question implied by this possibly damaging practice was: "*Should governing body policy be subject to national and provincial policy?*" The admission policy of schools was undergirded by the presence of Clause 5(2)(b) which motivated the researcher to ask: "*Should parents/learners comply with the mission, goals and objectives of the school?*" Lastly, the area dealing with powers of SGBs/MEC/HOD suggested a potential uneven balance of power between parties and the subsequent issue of the extent of control of SGBs.

Figure 8.1   gives an overview of comments submitted by schools within the ex-HOA. In addition to the six areas already mentioned, views on the negotiation process are also included.

Figure 8.2   outlines the views expressed by schools within the ex-HOD.

Figure 8.3   deals with a synopsis of how schools within the ex-HOR responded to the SASB.

Figure 8.4   covers the reactions of schools within the ex-DET to the SASB.

Figure 8.5   summarizes the responses of two main political parties to the SASB.

Figure 8.6   outlines the views espoused by two state departments.

Figure 8.7   gives a representation of sentiments of one major business organization.

Figure 8.8   gives an overview of comments made by teacher bodies.

Figure 8.9   lists the responses of Independent Schools to the SASB.

Figure 8.10   presents an outline of comments sent in by various lobby groups.

Figure 8.11   summarizes the remarks made by some tertiary institutions.

Insofar as the framing of issues was concerned, the researcher considered very carefully the main sources of disagreement in each of the six areas mentioned above. So, for example, in terms of school funding, the seeming lack of compulsion to pay fees was a serious flaw in the SASB, according to most organizations. This prompted the formulation of the issue: "*Should school fees be optional or compulsory?*" As far as employment of additional staff went, there were two related issues, that is, the **employment** and **remuneration** of additional staff by SGBs.

Figures 8.12 to 8.17 were configured to show contestation. This was further enhanced by the use of the term "vs" (versus). The manner in which opposing positions had been identified suggests a kind of a dialectical process. While this kind of process depends on the postulation of opposites, sometimes it was not possible to find opposing positions but rather neutral or conditional statements. The examples here were from the issues dealing with the employment and remuneration of additional staff. In the former case, the ANC (political parties sector) stated that employment should be subject to ratification by the provincial educational department. In the latter case, one Independent School said that the state should assist in paying additional staff. With this in mind, it is possible to say that sometimes the contestation does not involve extreme positions but rather more muted stances which reflect the middle ground, often a result of compromises through processes.

A holistic analysis per issue revealed that:

- the majority of sectors opted for school fees being compulsory;
- the majority of sectors felt that governing bodies should employ additional staff;
- the majority of sectors felt that governing bodies should pay for additional staff;
- four sectors (as against two) adopted the view that, concerning language, governing body policy should not necessarily be subject to national and provincial policy;
- the majority of sectors supported the idea that parents/learners should adhere to the mission, goals and objectives of the school; and
- the majority of sectors wanted the MEC and the HOD to have reduced control over governing bodies.

The analysis suggests that the majority of sectors were in favour of schools having a more autonomous, semi-private character. In five out of six issues, the state found itself either alone or allied with one or two sectors, but ranged against a whole number of sectors.
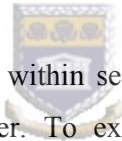
The feelings amongst most organizations within sectors was that SGBs should be imbued with **real** responsibilities and **real** power. To execute duties adequately often requires adequate funds. Therefore the insistence on school fees being compulsory for those who can afford them. It may be argued that the general inclination towards more autonomous, independent and quality-driven schools stems from the fact that more submissions came from organisations that were historically favoured. While this may be true and while the focus is on contestations involving powers and functions of SGBs, **more functions being granted to SGBs does not necessarily mean more conferring of power onto these bodies**.

Area 1   :   School Funding
Figure 8.12   :   *Should school fees be optional or compulsory?*

OPTIONAL vs COMPULSORY

State

Teacher Body (SADTU)

ex-HOA

ex-HOD

ex-HOR

ex-DET

Political Parties (ANC and NP)

Teacher Bodies (TTA and SATF)

Independent Schools

Lobby Groups
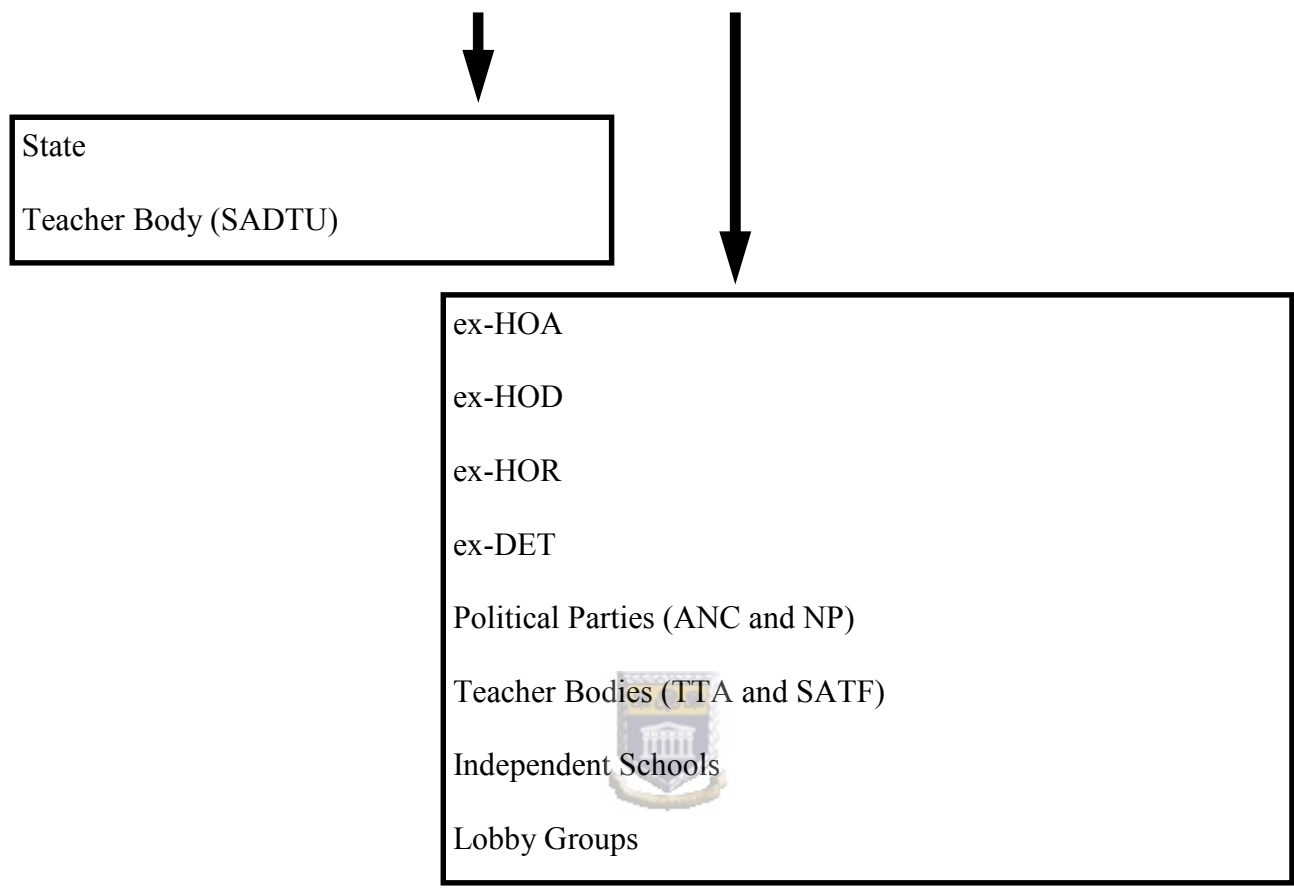
NOTE:

- NO VIEWS EXPRESSED BY STATE DEPARTMENTS
- NO VIEWS FROM BUSINESS SECTOR
- NO VIEWS FROM TERTIARY INSTITUTIONS

Area 2 : **Employment Of Additional Staff**
Figure 8.13 : ***Should governing bodies employ additional staff?***

NO, THEY SHOULDN'T vs YES, THEY SHOULD

```
State

ex-HOR

Teacher Body (SADTU)
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Tertiary Institution

Independent Schools

ex-HOA

ex-HOD

ex-HOR

ex-DET

Political Parties (ANC and NP)

State Department (DF)

Business

Teacher Bodies (TTA and NAPTOSA)

Lobby Groups
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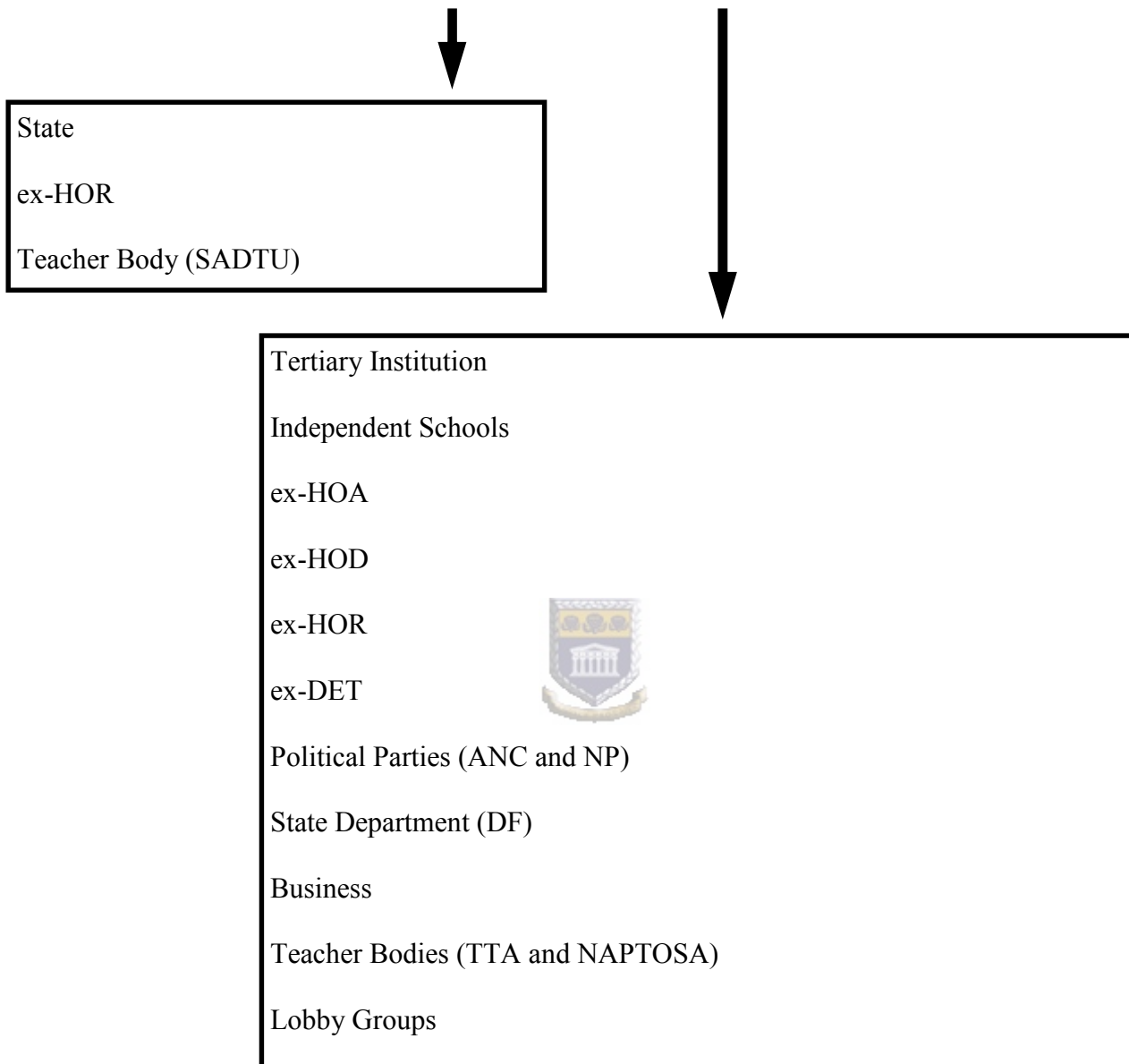
NOTE:

- THE ANC STATED THAT EMPLOYMENT SHOULD BE SUBJECT TO RATIFICATION BY THE PROVINCIAL EDUCATION DEPARTMENT.

Area 2   **:**   **Employment Of Additional Staff**
Figure 8.14   **:**   ***Should governing bodies pay for additional staff?***

NO, THEY SHOULDN'T vs YES, THEY SHOULD

ex-HOD

ex-HOR

Teacher Body (SADTU)

Tertiary Institution

Teacher Bodies (TTA and NAPTOSA)

State

ex-HOA

ex-HOR

ex-DET

Political Parties (ANC and NP)

State Department (DF)

Business

Lobby Groups
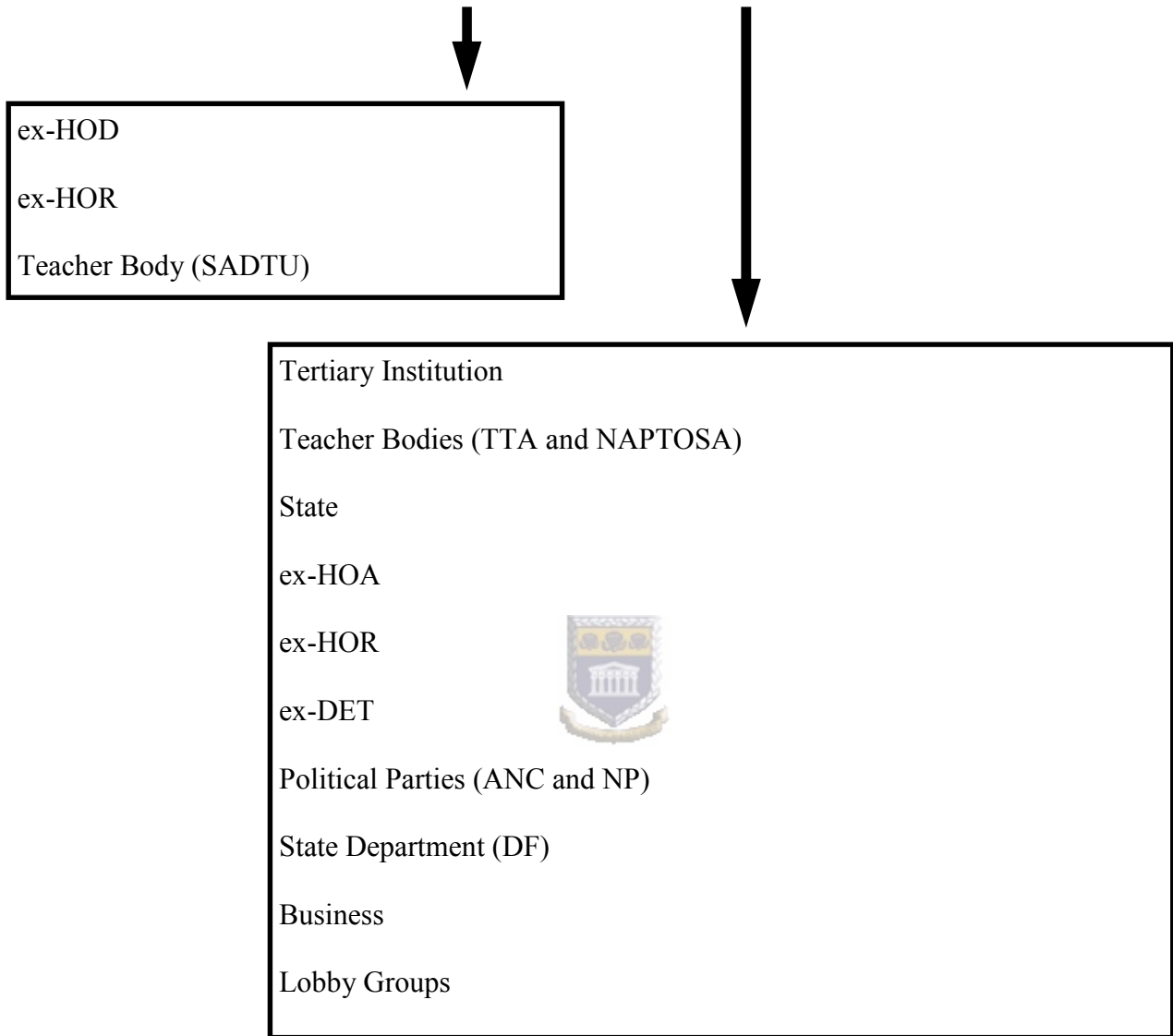
NOTE:

- ONE INDEPENDENT SCHOOL SAID THAT THE STATE SHOULD ASSIST IN PAYING ADDITIONAL STAFF.

Area 3 : **Language Policy**

Figure 8.15 : *Should governing body language policy be subject to national and provincial language policy?*

YES, IT SHOULD vs NOT NECESSARILY

State

ex-HOA

ex-HOA

ex-HOD

ex-HOR

Independent Schools (CRC)
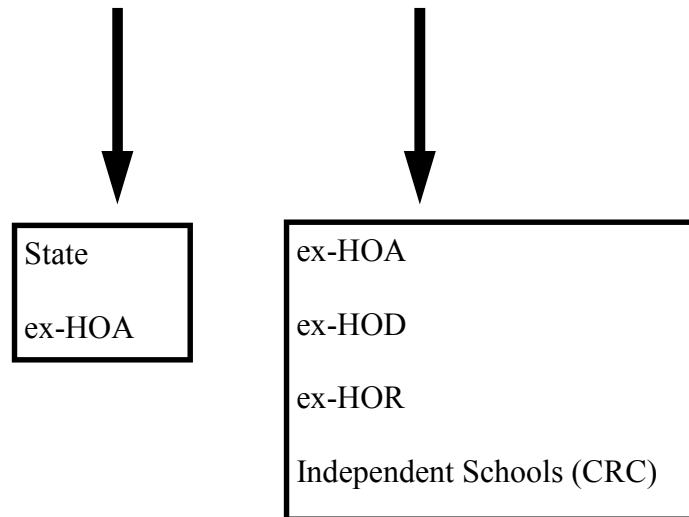
NOTE:

- NO VIEWS FROM LOBBY GROUPS
- NO DIRECT COMMENT FROM TEACHER BODIES
- EX-DET DID NOT ADOPT A POSITION EITHER WAY
- NO VIEWS EXPRESSED BY POLITICAL PARTIES (ANC AND NP)
- NO VIEWS FROM STATE DEPARTMENTS
- NO VIEWS FROM BUSINESS SECTOR
- NO VIEWS FROM TERTIARY INSTITUTIONS

Area 4   **:**   **Admission Policy**

Figure 8.16   **:**   ***Should parents/learners comply with the mission, goals and objectives of the school?***

YES, THEY SHOULD vs NOT NECESSARILY
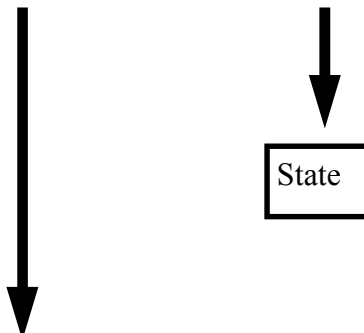
State

Independent School

Tertiary Institutions

ex-HOA

ex-HOD

State Department (DECS)

Teacher Unions Body (NAPTOSA)

Lobby Groups

NOTE:

- EX-HOR AND EX-DET DID NOT MAKE A SUBMISSION ON THIS ISSUE.
- POLITICAL PARTIES (ANC AND NP) DID NOT COMMENT SPECIFICALLY ON THIS ISSUE.
- NO DIRECT VIEWS FROM BUSINESS SECTOR.

Area 5 : **Powers Of SGBs/MEC/HOD**
Figure 8.17 : *Should the MEC and HOD exercise greater control over governing bodies?*

YES, THEY SHOULD vs NO, THEY SHOULDN'T

State

Political Parties (ANC)

Lobby Groups

Teacher Bodies (TTA, SATF and NAPTOSA)

ex-HOA

ex-HOD

Political Parties (NP)

State Department (DF)

Business

Independent School

Tertiary Institution

NOTE:

- NO DIRECT VIEWS ON THIS ISSUE EXPRESSED BY EX-HOR AND EX-DET.

FIGURE 8.1: *Comments By Schools Within Ex-HOA*

Powers of SGBs/MEC/HOD
Schools felt that:
- the MEC and HOD had too many powers over governing bodies.
- powers of governing bodies were being reduced.

Negotiation Process
Schools felt that:
- written submissions and public gatherings did not equal 'bona fide' negotiations as intended in the interim constitution.

Religious Observance Policy
Schools felt that:
- clarity on the term "equitable basis" should be given.

Language Policy
Schools felt that:
- national and provincial language policy could be used to overturn governing body policy.
- double and parallel medium schools could be forced on communities.
- more clarity on the term "reasonably practicable".principle of mother tongue instruction should be upheld.

EX-HOA

School Funding
Schools felt that:
- governing bodies must determine fees.
- no automatic exemption should be granted.
- state should subsidise nonpaying parent.
- parents who can but refuse to pay should be prosecuted.

Employment of Additional Staff
Schools felt that:
- this was a matter between governing body and prospective employee.
- no initial paying of salary of these staff to the provincial education department should be required.

Admission Policy
Schools felt that:
- Clause 5(2)(b) was problematic.
- parents/learners should comply with mission, goals and objectives of the school if admission is sought.

FIGURE 8.2: *Comments By Schools Within Ex-HOD*

Powers of SGBs/MEC/HOD
Schools felt that:
- the MEC is granted too many powers i.r.o. governing bodies.
- the governing body should have greater influence in the number of educator posts allocated to the schools.

Religious Observance Policy
Schools felt that:
- governing bodies should have the power to close schools on religious holidays.

Language Policy
Schools felt that:
- teaching students in the language of their choice will create problems.
- the language of instruction should be the language spoken by the majority in a community.

EX-HOD

School Funding
Schools felt that:
- the governing body must determine exemption from payment of fees.
- if the MEC exempts parent, then the MEC must subsidize that parent.

Employment of Additional Staff
Schools felt that:
- governing body should have a greater role in the employment of additional staff.
- paying costs of additional staff to the provincial education department will be too expensive; state must assist in paying for additional staff.

Admission Policy
Schools felt that:
- Clause 5(2)(b) was problematic.
- parents/learners should abide by the mission, goals and objectives as developed by the governing body.

FIGURE 8.3: *Comments By Schools Within Ex-HOR*

Powers of SGBs/MEC/HOD
Schools felt that:
- the governing body should develop a code of conduct for all staff and parents.

Religious Observance Policy
Schools felt that:
- governing bodies should have the power to close schools on religious holidays.

Language Policy
Schools felt that:
- governing bodies should have more say in determining language policy.
- governing body policy is subject to student choice and national interests which is restrictive.

EX-HOR

School Funding
Schools felt that:
- parents who cannot afford to pay must be subsidized by the state.
- if fees are not made obligatory, the culture of non-payment will prevail.

Employment of Additional Staff
Schools felt that:
- this should be done by the governing body.
- governing body must negotiate salary and other conditions of service directly with applicant without state interference.
- one school felt that employing and paying additional staff should be the government's responsibility.

Admission Policy: No submissions on this issue.

FIGURE 8.4: *Comments By Schools Within Ex-DET*

Powers of SGBs/MEC/HOD
Schools felt that:
- poor conditions of schools and poverty stricken circumstances was a major problem.
- schools cannot afford to pay for services or maintenance of buildings and grounds.
- schools especially in rural areas are in desperate need.
- lack of resources will make it impossible for governing bodies to exercise their powers.

Religious Observance Policy: no submissions on this issue.

Language Policy
Schools felt that:
- the question of when the exercise of pupils's rights to be taught in the language of their choice becomes unreasonable was not addressed by the SASB.

EX-DET

School Funding
Schools felt that:
- school fees must be decided by the governing body.
- government should subsidize those learners whose parents cannot afford to pay.
- parents should be encouraged to pay fees.
- due to extreme poverty how can governing bodies decide who is exempted or not exempted?

Employment of Additional Staff
Schools felt that:
- schools should be able to negotiate contracts with individuals.
- no submission on this issue from primary or high schools.

Admission Policy: did not feature strongly in submissions.

FIGURE 8.5:   *Comments By Political Parties*

Powers of SGBs/MEC/HOD
NP felt that:
- powers of governing bodies subject to provincial and national departments.

ANC felt that:
- governing bodies should have more powers.

Religious Observance Policy: no views expressed on this by either party.

Language Policy: no views expressed on this by either party.

Political Parties (ANC, NP)

School Funding
NP felt that:
- process too complex.
- there was vagueness around guidelines for payment and exemption.
- this would make it difficult for schools to budget.

ANC felt that:
- compulsory school fees be linked to a fee threshold.
- threshold to be determined by national norms

Employment of Additional Staff
NP felt that:
- state intervention here should be at an absolute minimum.
- governing bodies should be able to negotiate private contracts.
- procedure for paying costs to provincial education department too expensive for schools.

ANC felt that:
- employment subject to ratification by the provincial education department.

Admission Policy
NP felt that:
- power of governing bodies to determine admission policy severely limited.

ANC felt that:
- abuse of powers regarding admissions should be curbed and no use of tests for admission should be used.

FIGURE 8.6: *Comments By State Departments*

STATE DEPARTMENTS

Department of Education, Culture and Sport (DECS)
Department of Finance (DF)

School Funding: no views expressed on this by either department.

Employment of Additional Staff
DF felt that:
- governing body should appoint and employ additional staff.

Admission Policy
DECS felt that:
- Clause 5(2)(b) problematic and could provoke conflicts at school.

Powers of SGBs/MEC/HOD
DF felt that:
- powers of governing bodies were too limited.

Religious Observance Policy: no views expressed on this by either department.

Language Policy: no views expressed on this by either department.

FIGURE 8.7: *Comments By Business Sector*

School Funding: no views expressed on this.

Employment of Additional Staff
The Foundation felt that:
- governing bodies should have greater powers than merely to recommend staff appointments – Sections 13(g) and (h).

Admission Policy
The Foundation felt that:
- the MEC had over-riding power over parents.
- political factors may influence admission decisions.
- provision for impartial arbiter was necessary.

Powers of SGBs/MEC/HOD
The Foundation felt that:
- governing bodies should have greater powers over curricula.
- provincial education department should not dictate the curriculum.

Religious Observance Policy: no views expressed on this.

Language Policy: no views expressed on this.

BUSINESS

The Free Market Foundation of Southern Africa

FIGURE 8.8: *Comments By Teacher Bodies*

School Funding
TTA, SATF, NAPTOSA felt that:
- state should not interfere with funds collected by the school.

TTA and SATF felt that:
- parents who could pay were not obliged to do so.
- 'soft-zoning' would mean disadvantage to paying parents.
- school fees would become politicised.
- paying parents would move out of the system.
- children of poor parents should be subsidized by the state while others should be compelled to pay.

SADTU felt that:
- fees should be voluntary.
- state must pay for all the essentials.
- finance for schools must take into account redress fund and school index of needs.
- parents should not be sued for failing to pay fees.

Powers of SGBs/MEC/HOD
TTA, NAPTOSA felt that:
- removal of powers of governing bodies was worrying.
- incentives for governing bodies that take on additional powers should be introduced.

SATF felt that:
- the list of functions in SASB was a limitation for governing bodies.

TTA felt that:
- MEC should grant more powers to governing bodies.

SADTU gave no comment.

Religious Observance Policy: no views expressed on this.

Employment of Additional Staff
TTA, NAPTOSA felt that:
- governing bodies should appoint additional staff under their own contracts.

SADTU opposed this.

Admission Policy
NAPTOSA felt that:
- Clause 5(2)(b) was problematic.

SADTU felt that:
- governing bodies should not determine admission policy.

Language Policy
SADTU felt that:
- governing bodies should not determine language policy.

Other teacher organizations did not comment on this issue.

TEACHER BODIES

1. **Transvaal Teachers' Association (TTA)**
2. **South African Teachers' Federation (SATF)**
3. **National Professional Teachers' Organisation of South Africa (NAPTOSA)**
4. **South African Democratic Teachers' Union (SADTU)**

FIGURE 8.9: *Comments By Independent Schools*

School Funding
- paying parents will stop subsidizing non-paying ones.
- SASB does not mention bursaries/subsidies for needy children.
- state must assist schools to pay municipal accounts.
- guidelines for determining who can/cannot pay should be given.

Employment of Additional Staff
- salaries first being paid to department was unnecessary.
- state should assist in paying additional staff.
- governing bodies should be given clear powers to appoint additional staff.

Powers of SGBs/MEC/HOD
- governing bodies must determine goals and missions, yet parents can disregard all these and still have services offered to their children.
- this was impractical and contradictory.
- powers and functions of governing bodies restricted by national and provincial acts.

Admission Policy
- Clauses 5(2)(a), (b) and (c) were possible problem areas.
- admission policy should not be subject to national and provincial policies.

Religious Observance: no views expressed on this.

Language Policy
- language policy subject to national and provincial policies was a cause for concern.

INDEPENDENT SCHOOLS

FIGURE 8.10: *Comments By Lobby Groups*

Powers of SGBs/MEC/HOD
- reduction of powers and functions of governing bodies and dilution of partnership principle between provincial department and schools was a matter of concern.
- MEC and HOD are dominating partners.
- maximum autonomy to schools and minimum state interference in school affairs should be guaranteed.

LOBBY GROUPS

School Funding
- fees not being made compulsory was problematic.
- "soft-zoning" will politisize school fees.
- school fees must be compulsory for parents earning above a certain level.
- prosecution for offenders must be built in.
- poor should be subsidized by the state.
- state must compensate school for parents not paying fees.
- minister must consult governing bodies regarding exemption.

Employment of Additional Staff
- governing bodies should have power to appoint additional educators.
- paying costs to department was too expensive.
- poor schools won't be able to afford extra staff.
- governing bodies should appoint additional staff.
- governing bodies should negotiate salary and conditions of service directly with prospective employee.
- more affluent schools will employ extra teachers.
- inequalities will remain.

Admission Policy
- MEC had too much powers here over governing bodies.
- objection to Clause 5(2)(b).

Language Policy: no views expressed on this.

Religious Observance Policy: no views expressed on this.
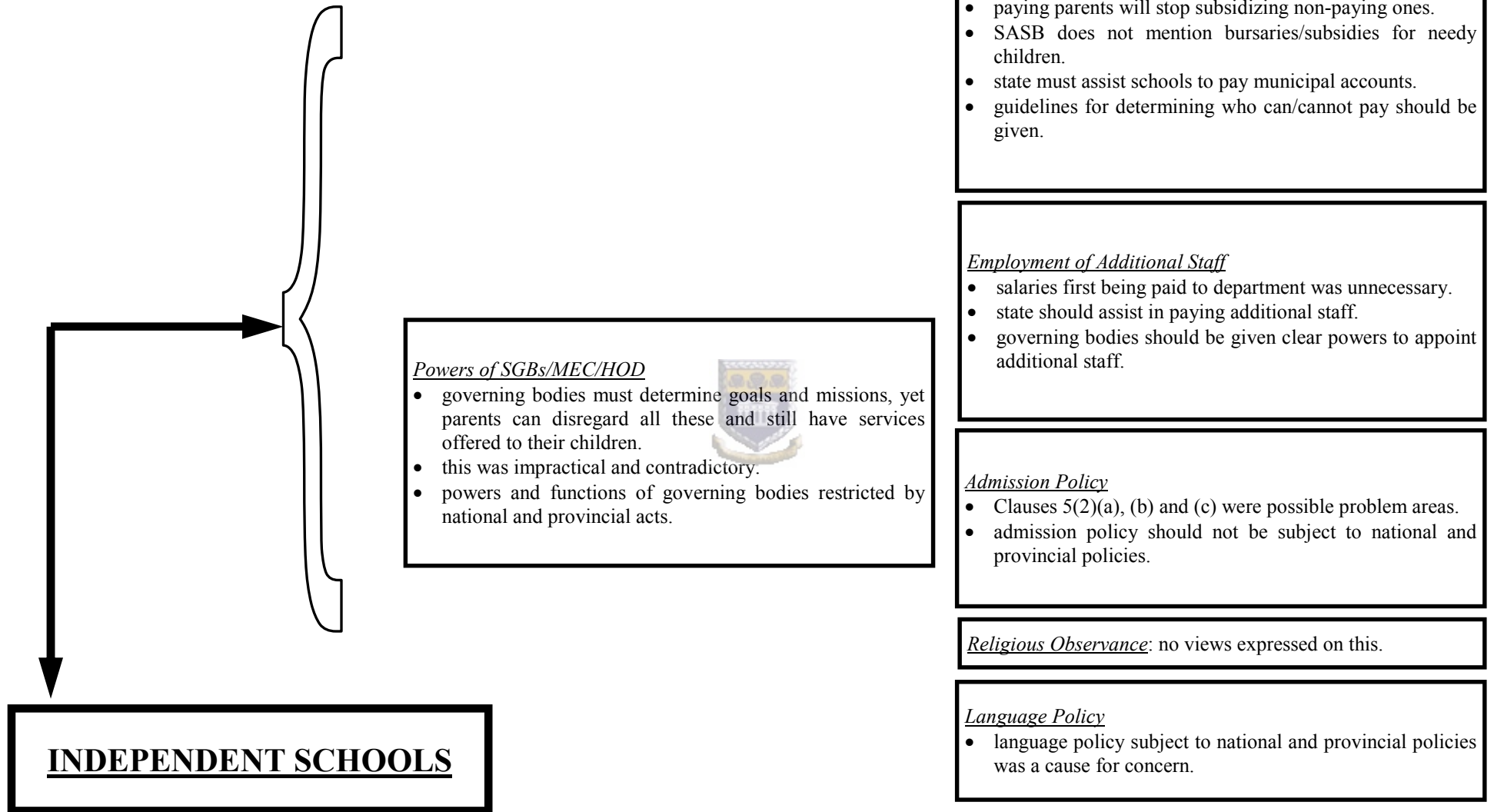
FIGURE 8.11: *Comments By Tertiary Institutions*

School Funding: will government subsidize non-paying parents?

Employment of Additional Staff
- governing bodies should have power to employ additional staff.

Admission Policy: Clause 5(2)(b) problematic because conflicts and disciplinary problems could result.

Powers of SGBs/MEC/HOD
- MEC and HOD have too many powers.

Religious Observance Policy: no views expressed on this.

Language Policy: no views expressed on this.

TERTIARY INSTITUTIONS

8.2   KEY AREAS OF CONTESTATION

In order to facilitate the reflection and analysis, it is necessary to examine the areas of contestation again and the **main** objections put forward by organizations within sectors. In other words: What were the issues and exactly what was the conflict all about?

8.2.1   School Funding

In this area, organizations at national level felt that the impression created by the SASB was that school fees was not obligatory. If parents felt that they did not have to pay fees, then many schools may end up with no financial contributions from parents at all. The culture of non-payment would be endemic. The other contentious point was the question of exemption. Organisations were at pains to point out that if paying parents learnt of other parents being exempted, then questions would be raised. Parents would question why they (non-paying parents) were being recused from payment, and whether this was a permanent arrangement. Organisations were almost certain that paying parents would tire of "carrying" non-paying parents. Linked to the question of exemption was the notion that the state should pay for those parents who cannot afford fees. On the other end of the scale was the view that education is a social responsibility of the government of the day and therefore the government must finance the essentials in education with parental contributions being voluntary.

The conflict became more pronounced and crystallized when one examined and compared the school funding provisions as laid out in the SASB, the SASA and the WCPSA. The comparisons in the progression from the SASB to the SASA and WCPSA are outlined in Table 8.1.

TABLE 8.1: *Comparison Of School Funding Provisions From SASB To WCPSA*

SASB	SASA	WCPSA
Subject to this Act, a governing body of a public school may determine school fees payable by a parent of a learner at the school, subject to fair and reasonable guidelines which may be determined and published in the Provincial Gazette by the Member of the Executive Council, relating to the exemption of a parent of a learner at a school who does not have the means to pay. A governing body may only determine that school fees shall be payable under section 24 if: • the governing body has convened a meeting of parents of learners at the school and a majority of such parents, present and voting at the meeting, agree that school fees shall be payable at the school. • a majority of parents present and voting at a meeting contemplated in subsection (1)(b) may resolve that no school fees shall be payable at the school.	A governing body of a public school must take all reasonable measures within its means to supplement the resources supplied by the State in order to improve the quality of education provided by the school to all learners at the school. A parent is liable to pay the school fees determined in terms of section 39 unless or to the extent that he or she has been exempted from payment in terms of this Act. The governing body of a public school may by process of law enforce the payment of school fees by parents who are liable to pay in terms of section 40.	Subject to the provisions of section 39 and 40 of the South African Schools Act, 1996 (Act 84 of 1996), the parent of a learner admitted to a public school shall pay such school fees (if any) as the governing body may determine. The governing body may exempt any learner or category of learners in whole or in part from the payment of the fees contemplated in subsection (2).

A comparative analysis of all three sets of legislation reveals that while the SASB allows for the possibility that some schools may not charge school fees, the SASA takes a more forceful stand in the payment of school fees. It does this in two ways: firstly, it gives a reason for school fees being necessary (that is, "to improve the quality of education"); and secondly, the SGB can resort to legal channels to ensure that parents who can afford fees, do not default. The WCPSA again adopts a "softer" stance like the SASB: the term "if any" in parenthesis takes into account the possibility that school fees may not be levied at some schools.

The underlying implication from a comparison of these three policy documents is that schools can choose not to levy fees but it will mean that the quality of education offered at such school will most likely be of a mediocre kind. More reliance on State resources may not ensure improved provisioning and better quality of education. By not making school fees obligatory for all schools, and by leaving the matter for parents to decide, the state protects itself on two fronts: it does not incur the wrath of poor communities, and it does not have to

be held responsible for the poor quality of education prevailing at most, especially black, schools. In addition, as Fiske and Ladd (2004:58) point out: "...*fees have reinforced the advantages enjoyed by the formerly white schools without (at) the same time increasing the resources available to schools serving historically disadvantaged students.*" By making school fees optional for parents, the way was paved for white parents to contribute more to former Model C schools, thereby perpetuating and increasing the gap between black and white education. This had the effect of promoting inequality not only between black and white but between black and black. As Karlsson, McPherson and Pampallis (2001:150) have observed, by joining with whites to preserve the independence and quality of the former Model C schools, black political leaders were able "*to silently permit their own class interests to be taken care of without confronting (or clashing with) their own, largely poor, constituencies.*"

Even though there are moves afoot by the state to increase spending on impoverished schools and to prohibit the collection of fees at these schools, the question still remains: Is this enough to make a meaningful difference to the quality of education in severely depressed communities? According to the *Cape Times* (October 2004):

> *Under the new system, the poorest schools would be given R703 for each pupil and better-off schools between R117 and R527 a year. Under the proposed plan in 2006, only those in the two lowest quintiles – those that received more than R527 a year for each pupil – would be declared no-fee schools.*

This move could be regarded by some scholars as being extremely deceptive: while it celebrates the non-payment of fees, it conceals the fact that improving quality in real terms would be neglible.

8.2.2   Employment Of Additional Staff

The state, through the SASB, wanted schools to first pay the salary and other benefits to the provincial education department, who would then in turn remunerate these additional personnel. As pointed out by schools and other institutions, this would be too cumbersome and expensive. Governing bodies should be directly involved in negotiating and paying salary and other benefits to extra staff. It is a matter between governing body and applicant. The governing body should have powers of a direct employer. On the other hand, some establishments saw employment of additional staff as a state responsibility.

Table 8.2 shows the progression from the SASB, SASA and WCPSA on this issue.

TABLE 8.2: *Employment Of Additional Staff: Progression From The SASB To The WCPSA*

SASB	SASA	WCPSA
Subject to this Act, a governing body of a public school may: • recommend the appointment of educators to the Head of Department, subject to the Educators Employment Act, 1994, and the Labour Relations Act, 1995. • recommend the appointment of non-educator staff to the Head of Department, subject to the Public Service Act, 1994, and the Labour Relations Act, 1995.	Subject to this Act, the governing body of a public school must: • recommend to the Head of Department the appointment of educators at the school, subject to the Educators Employment Act, 1998 (Act No.76 of 1998), and the Labour Relations Act, 1995 (Act No.66 of 1995). • recommend to the Head of Department the appointment of non-educator staff at the school, subject to the Public Service Act, 1994 (Proclamation No.103 of 1994), and the Labour Relations Act, 1995 (Act No.66 of 1995).	The Member of the Executive Council may make regulations as to: • the composition and functions of governing bodies.

There seems to be no significant movement from the SASB and SASA. As mentioned before, the ex-HOA schools were quite firm about schools being allowed to recruit and remunerate additional staff on their own terms without having to make recommendations. The process of first paying salaries of additional staff to the provincial education department represented a severe curtailment of governing body power. But many other sectors, not least of all the ex-HOD, ex-HOR and ex-DET were saying the same thing. Schools generally favoured the freedom to appoint additional staff. The state gave in to this demand because the Education Laws Amendment Act (Act No.100 of 1997) clearly allows SGBs to employ additional staff without any form of State regulation. According to Act No.100 of 1997:

> *Subject to this Act, the Labour Relations Act, 1995 (Act No.66 of 1995), and any other applicable law, a public school may establish posts for educators and employ educators additional to the establishment determined by the Member of the Executive Council in terms of section 3(1) of the Educators' Employment Act, 1994.*

A similar clause covering non-educator staff with reference to the relevant legislation appears in Act No.100 of 1997. However, while the above discussion relates to the employment of additional staff, the pendulum seems to be swinging back to greater state control for permanent state posts. As Lewis and Motala (2004:128) explain:

> *The 1999 amendment to the Employment of Educators Act of 1998 placed a time limit of two months for SGBs to respond to a request for a recommendation for an appointment. After that time, the provincial education department head could make a decision without SGB input. In addition, the Head of Department may temporarily transfer an educator without recommendation (RSA 1999). The Education Laws Amendment Act of 2002 specifies that in the case of first-time appointments and for educators re-entering the system after a break of more than one year, an appointment can be made after consultation with the governing body but that no SGB recommendation is required.*

It is perhaps in this function, namely, staff appointments, that we see a pendulum shift representing a tension between greater state control and SGB autonomy. The difficulties of achieving this balance (if at all) becomes more pronounced when one acknowledges the following remarks by Nzimande (2001:41) regarding policy contestation inside Parliament:
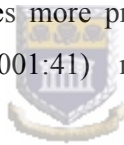
> *...by not placing a 'cap' on school fees, we knew that we would be allowing privileged schools to hire more teachers and thereby perpetuate a two-tier system. This was a difficult compromise.*

The dilution of SGB power can be further illustrated by the Education Laws Amendment Bill (2004). According to the Bill, the SGB must submit a list of at least five names of recommended candidates, in order of preference to the Head of Department (HOD). The HOD in turn is free to appoint any candidate on the list despite the order of preference. Moreover the HOD can convert a temporary appointment into a permanent one without the recommendation of the SGB.

The erosion of SGB discretion and authority in the appointment of staff in subsidized posts becomes juxtaposed with the relative freedom to appoint additional staff in an uneasy equilibrium. The underlying message conveyed by recent policy texts is that SGBs can have more say in certain functions like employing additional staff, as long as they (the SGBs)

provide the required funds. It is possible though that as time and circumstances change, even the leeway granted in respect of additional staff may become constrained.

8.2.3 Language Policy

The main problem for institutions here was a lack of clarity. When do students' demands to be taught in the language of their choice become unreasonable? When does provincial and national policy take precedence over governing body policy, which may be based on more pragmatic considerations?

The movement from the SASB, SASA and WCPSA in terms of language policy is reflected in Table 8.3.

TABLE 8.3: ***Movement In Language Policy From The SASB To The WCPSA***

SASB	SASA	WCPSA
A learner in a public school shall have the right to instruction in the language of his or her choice where this is reasonably practicable. The governing body of a public school may determine the language policy of the school subject to: • the national policy determined by the Minister under the National Education Policy Act, 1996; and • the provincial policy determined by the Member of the Executive Council: • provided that no form of racial discrimination may be practised in exercising its policy.	Subject to the Constitution and this Act, the Minister may, by notice in the Government Gazette, after consultation with the Council of Education Ministers, determine norms and standards for language policy in public schools. The governing body of a public school may determine the language policy of the school subject to the Constitution, this Act and any applicable provincial law. No form of racial discrimination may be practised in implementing policy determined under this section.	Subject to the provisions of sections 6 and 7 of the South African Schools Act, 1996 (Act 84 of 1996), the language policy and the religious observances at a public school shall be determined by its governing body.

While the SASB and SASA allow for governing bodies to determine language policy, SGBs can only do this under certain conditions. The limitation clauses are absent in the Provincial School Act.

The issue of deciding on language policy was a very sensitive one. On the one hand white parents, especially the Afrikaner component, regarded language as crucial to upholding their values, traditions and culture. They possibly feared that if left to the new government the Afrikaans language in schools would be severely marginalised. On the other hand, the ANC

dominated government, together with its other partners from the liberation struggle, possibly feared that the historically favoured schools would use language as an excuse to restrict admissions of black learners to these schools. This fear and distrust is manifested in the following quote from Karlsson, McPherson and Pampallis (2001:157):

> *These fears were no doubt exacerbated by the much-publicised example of some Afrikaans schools in small towns such as Potgietersrus and Groblersdal that tried to exclude black people in defiance of provincial education departments, ostensibly on the basis of language or culture. In an attempt to prevent similar incidents in the future, the Parliamentary Portfolio Committee excluded from the Act the provision allowing governing bodies to determine a school's language policy.*

However, there is also another dimension to excluding learners on the basis of language. Language, especially the English language, has important implications for access to rights and opportunities given the status that it enjoys in the international arena. Poorer, mainly black children, often feel incompetent in the English language and automatically exclude themselves from the opportunity to have access to real chances later in life. This phenomenon is neatly summed up by Soudien (2004:110):
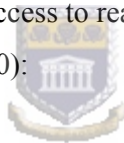
> *Medium of instruction, particularly English, defines, for large numbers of children in South Africa, the degree to which, epistomologically, they have access to and understand what they are being taught. For many, because their English language competence is so poor, exclusion is a structural experience.*

8.2.4   Admission Policy

The main objection here was Clause 5(2)(b). If parents and learners did not abide by the mission, goals and objectives of the school, then ill-discipline and continual conflict may result. The movement in admission policy from the SASB, the SASA and WCPSA is given in Table 8.4.

TABLE 8.4: *Movement In Admission Policy From The SASB To The WCPSA*

SASB	SASA	WCPSA
Subject to this Act, the admission policy of a public school shall be determined by the governing body of the school, with the concurrence of the Member of the Executive Council. No learner shall be refused admission to a public school on the grounds that his or her parent: • has not paid the school fees determined by the governing body under section 25 for which the parent is liable; • does not subscribe to the mission goals or objectives of the school [Clause 5(2)(b)]; or • has refused to enter into a contract with the school which exclude the liability of the school to the parent arising out of circumstances relating to the education of the learner.	Subject to this Act and any applicable provincial law, the admission policy of a public school is determined by the governing body of such school. No learner shall be refused admission to a public school on the grounds that his or her parent: • is unable to pay or has not paid the school fees determined by the governing body under section 39; • does not subscribe to the mission statement of the school; or • has refused to enter into a contract in terms of which the parent waives any claim for damages arising out of the education of the learner.	Subject to the provisions of the Child Care Act, 1983 (Act 74 of 1983), and section 5 of the South African Schools Act, 1996 (Act 84 of 1996), the admission policy of a public school shall be determined by the governing body of such public school.

In drawing a comparison across all three policy documents, the first observation is the similarity between the SASB and the SASA. The general spirit of these two texts is of an open admission policy, an attempt to offset the years of discriminatory admission practised under apartheid. Despite the flurry of objections put forward by schools from all ex-departments, clause 5(2)(b) remained as part of overall prescriptions regulating admission policy. At the heart of the contestation over admissions policy was the fear by the democratic movement that affluent (mainly white) communities would use their power to exclude poorer (mainly black) learners (Karlsson, McPherson and Pampallis, 2001). However even with the circumscribing of SGBs' power over admission policy, it is still difficult, if not impossible, for a poor black child to gain entry to a former Model C school. A poor black child would probably have to travel great distances to attend an ex-Model C school. Even if fees were waived, language competence may influence the child's progress (or lack of it) at these well-endowed schools. Hegemonic practices, it seems, have simply continued albeit in another form. And with the silent acquiesence of the poor. In this regard, Soudien (2004:110) asserts that:

> *Given the stipulations of the South African Schools Act,
> particularly its discursive constructions of the ideal parent, and
> the ways in which the wealthy have erected barriers to entry for
> the disadvantaged, poor schools have, by and large, accepted
> the modus operandi of the new system. Driven, therefore, as the
> new settlement has been by the new and enlarged middle class,
> the poor have, one could suggest, also bought into the way in
> which the system operates.*

The second observation is that the WCPSA does not stipulate the limitation clauses which its predecessors do. The effect of this absence of conditions is that it increases the discriminatory potential which admissions policy can engender. This can have a spill-over effect in implementation at school level, as was seen in *Chapter Six* where a learner was threatened with expulsion because the parent was unable to pay the required school fees.

The complexity of the admissions issue can be realized when one considers that discriminatory practices can be defended by appealing to preservation of culture. One can never be sure whether a group is employing exclusionary strategies because it is genuinely concerned about preserving a certain way of life or whether it is being deliberately prejudiced because of some racial or other bias. Gilmour (2001:11) states that:

> *Schools are not obliged to admit every person who applies to
> enter… The intention here is that schools could be permitted to
> maintain their particular religious, cultural or language
> character… This clearly…opened the door for discriminatory
> practices disguised as cultural freedom.*

8.2.5   Religious Observance Policy

The main concern here was, as in language policy, lack of clarity. How is the term "equitable criteria" to be interpreted and applied? The shift in policy concerning religious observance across the three policy texts is given in Table 8.5.

TABLE 8.5: *Shifts In Religious Observance Policy From The SASB To The WCPSA*

SASB	SASA	WCPSA
Religious observances may be conducted at a public school under rules established by the governing body provided that such observances shall be conducted on an equitable basis and attendance at them by learners and members of staff shall be free and voluntary.	Subject to the Constitution and any applicable provincial law, religious observances may be conducted at a public school under rules issued by the governing body if such observances are conducted on an equitable basis and attendance at them by learners and members of staff is free and voluntary.	Subject to the provisions of sections 6 and 7 of the South African Schools Act, 1996 (Act 84 of 1996), the language policy and the religious observances at a public school shall be determined by its governing body.

Both the SASB and the SASA allow for SGBs to formulate and control religious observances at school subject to certain provisions: they must be conducted on an equitable basis and attendance at these events must be free and voluntary. Besides vagueness of the term "equitable basis", it could be argued by some that the SASB and the SASA have a very narrow interpretation of religious observance: their focus seems to be only on religious festivals/talks/displays/ceremonies. What about religious dress, religious holidays, and non-labelling of public schools in religious terms? Some of the problems encountered in *Chapter Six* and *Seven* could have their origins in this short-sightedness of these two policy documents. The fact that the WCPSA does not stipulate the limitations clauses regarding "equitable basis" and attendance being "free and voluntary" could also be a contributing factor to the problems experienced by legislators, officials of the WCED and other organisations, school personnel, governors and students, mention of which has already been made in the preceding two chapters.

8.2.6   Relative Powers Of MEC/HOD/SGBs

The bone of contention here was the amount of regulation the state (via the MEC and HOD) would have over governing bodies. Maximum autonomy would mean more powers and minimum state interference while stricter control would mean possibly reduction of powers coupled with more accountability to the provincial education department.

Changes in regulations regarding the relative powers of the MEC, HOD and SGBs are plotted in Table 8.6.

TABLE 8.6: *Comparison Of Relative Powers Of MEC/HOD/SGBs From The SASB To The WCPSA*

SASB	SASA	WCPSA
The Member of the Executive Council shall, by notice in the Provincial Gazette, determine: • the powers and functions referred to in section 13 which may be exercised or performed by the governing bodies of some or all public schools in the province; and • the powers and functions for which a governing body may apply.	Subject to this Act, a governing body may apply to the Head of Department in writing to be allocated any of the (additional) functions. The Head of Department may, on reasonable grounds withdraw a function of a governing body.	The Member of the Executive Council may make regulations as to: • the composition and functions of governing bodies.

There seems to be a strong controlling element in favour of the MEC and HOD regarding oversight of functions of SGBs. This is actually part of a wider dilemma: the tension between centralization and decentralization. How much power does the state relinquish to the local level? Sayed (2002) postulates that the central state in South Africa struggles to control decentralized sites while simultaneously trying to promote citizen participation. Through its various policy initiatives starting from the White Papers, the Hunter Committee through to the SASA, the government nurtured the idea of a partnership between the state and local communities. Even though the SASA specifies a list of 14 functions and 4 allocated functions for SGBs, there is little doubt that governing bodies especially those of the former Model C schools accept the partnership principle convinced that they (the SGBs) are the junior partners. The state via the MEC and HOD still retain the upper hand and it is through this mechanism that the state manages to pass on real responsibilities but not real control. This theme will be explored in more detail in the following concluding chapter.

8.3   THE NATURE OF THE CONTESTATION AT NATIONAL AND PROVINCIAL LEVELS

The following sections undertake an analysis of the contestations themselves in order to understand their composition, different dimensions and complexities. The contestations at national and provincial levels are discussed separately from the contestations at school level; the former are more macro and generic in character while the latter are more micro- and context-bound.

8.3.1 Multiple And Concealed Motives

In all the submissions the reasons outlined were all explicitly stated by organisations. However a deeper analysis of motivations reveals that the contestation was aroused as much by explicit as by implicit impulses. It is a well-documented fact that whites enjoyed a much higher level of education provisioning in the past (Kallaway, 2002). In the light of this, it stands to reason that they would want to protect and perpetuate this state of affairs in the future. Therefore they argued for, amongst other things:

- compulsory school fees, knowing that white parents can, and will, pay towards maintaining their children's high standard of education;
- governing bodies employing and paying additional staff, knowing that these structures in ex-Model C schools have the financial resources to discharge this responsibility; and
- more powers with less accountability to the MEC and HOD, knowing that this would further the cause of the historically privileged.

It was interesting to note that this motivation, namely, protection of past privileges, **never featured overtly** in any submission. If it did, it would have revealed the self-interest of the historically privileged sectors and probably incurred more resistance.

In the past, white supremacy and privilege were so much part of the fabric of South African society so as to become an acceptable norm, a given. One could even term it a kind of discourse. Foucault (1977:49) regards discourses as "*practices that systematically form the objects of which they speak… Discourses are not about objects; they do not identify objects, they constitute them and in the practice of doing so conceal their own invention.*" Ball (1994:21-22) builds upon this analysis by saying that:

> *Discourses are about what can be said, and thought, but also about who can speak, when, where and with what authority. Discourses embody the meaning and use of propositions and words. Thus, certain possibilities for thought are constructed. Words are ordered and combined in particular ways and other combinations are displaced or excluded.*

The apartheid government used its propaganda machinery (the electronic and print media, close monitoring of school syllabi and the like) to dictate to people what and how they should think. Thus, for example, anyone who protested against racial segragation was termed a "terrorist". Anyone who used the word "comrade" was branded a communist. White privilege and dominance became so ingrained in South African society that it was hegemonic; it is not surprising therefore that expressions like "white privilege" and "white supremacy" do not need to be used to motivate any changes to policy.

But this was not the only example of implicit motives fuelling the contestation. As a product of the state the SASB was silent on the matter of the state subsidizing indigent parents. The government knew that the majority of parents in the country would struggle to pay school fees. By saying that fees were not obligatory, the government could not be held responsible for the poor conditions that would continue to prevail at most black schools. Even with increased levels of government spending on black education (per capita expenditure), black schools would need a massive injection of funds to come anywhere near the level of ex-Model C schools. So by leaving the matter of fees "open" the government side-steps its responsibility for what happens in black schools. By saying that parents should, as far as possible, contribute financially to implement the state's contribution means in effect that schools are moving towards semi-private status. But the SASB does not mention terms such as 'semi-private' or 'semi-autonomous'. This might result in protest from the historically underprivileged. In fact any notion of privatisation is conspicuously absent as it would mean large-scale protest from unions which represent the interests of historically oppressed people.

8.3.2 Multi-dimensional Feature

So we find that the contestation is multi-layered, that is, positions are taken using overt and covert reasoning. Contestation generally implies a conflict of views and interests brought out in the open. But it is precisely within this public display of disagreements that certain points are **deliberately** not articulated or de-emphasized because it may be to the advantage of the party. In addition to being multi-layered, the contestation is also multi-dimensional or many-sided. As a policy document, the SASB is a product of the state. The diagrammatic analysis revealed that not only were sectors and organisations opposed to the state but on some issues organisations within sectors were opposed to each other. On the issue of whether parents/learners should comply with the mission, goals and objectives of the school, the state

stood alone at one end of the continuum. On the issue of school fees being compulsory or optional, organisations within the teaching fraternity were opposed to each other. The question of whether governing bodies should employ additional staff attracted schools from the ex-HOR on both sides of the spectrum. While this also held true for the issue of governing bodies paying for additional staff, the ex-HOD was not split with schools on opposing sides. Schools from the ex-HOA were divided on language policy. It was ironical that the sector state departments did not see eye to eye on certain issues with the document itself. This was true for the following issues: the powers of the MEC and HOD vis-à-vis governing bodies; parents/learners obeying and adhering to the mission, goals and objectives of the school; and whether governing bodies should employ additional staff. The only issue that they held common ground on was the matter of governing bodies paying for additional staff. Being part of the state apparatus, state departments know only too well the limited resources that they have for education provisioning.

The business sector was represented by one organisation. This organisation could be regarded as the symbol of free enterprise or enterprise culture. Again, it was ironical that an organisation representing business did not comment on a crucial issue like school funding and school fees. However, it did comment on employment of additional staff and the powers of the MEC and HOD over governing bodies. In both cases the organisation was in favour of governing bodies employing and paying additional staff, and governing bodies enjoying a measure of autonomy. While not saying explicitly that schools should be run like businesses, the submissions of the organisation indicated that some sort of enterprise culture should exist within the functioning of governing bodies. The whole theme of enterprise culture within governing bodies will be discussed in more detail later on.

8.3.3   Degrees Of Resistance

Another feature of the contestation was the **degree** of emphasis with which issues were handled. One example that illustrates this well is the issue of school fees being optional or compulsory. If one takes the ex-HOA and ex-DET as representing two opposite poles, one of historically favoured the other of historically denied, then one would have expected these two sectors to have marked contrasts in their approaches to school fees. Yet the ex-DET, like the ex-HOA, agreed with the principle of school fees being compulsory. However the extent to which the ex-HOA moved for compulsory fees (they wanted governing bodies to take legal steps against defaulters, governing bodies to demand proof of unemployment, and so forth),

the ex-DET did not countenance such measures against parents. While some sectors and organisations were fiercely pro- or anti-, others were moderately so. We find degrees of protest within the contestation process itself. This was revealed through the kind of language used by organisations in their submission letters.

8.3.4   Financial Underpinnings

Mention has already been made in *Chapter Three* on the role and functioning of school governing bodies in Uganda and England. Just as in the case of South Africa, school governing bodies in these countries are extensions of the administrative arm of central government. The powers exercised by governing bodies in all three countries are very similar, that is, determining school policy, establishing codes of conduct for staff and learners, admission of learners, development of infrastructure, repairs, financial planning and control. However there is a crucial difference: that of **finance**. While Uganda and England do not stress the raising of additional funds, South Africa does. In fact, in England the PTAs deliberately do not raise funds on a large scale, believing that to do so would in effect relieve the central and local government of their obligation to finance education. The SASA specifically states that schools must make a concerted effort to supplement the money allocated by the government. Put in another way: While the parents in Uganda and England do not have to pay fees, the parents and communities in South Africa have to somehow provide extra finances to ensure the smooth running of their schools. In talking about the South African government's macro-economic policy (GEAR), Scholtz (1998:9) states:

> *What does GEAR mean to parents? In practice it means that the money in their pockets will determine the quality of education their children will receive and the access to education they will have. The money in your pocket determines what you can buy… With less money we obviously can only get education and health of an inferior quality.*

Schools in all ex-departments were of the view that school finance needed more commitment from the central and provincial governments. The question of parents deciding not to levy fees just did not make sense to governing bodies. Equally unpalatable was the question of exemption from payment. If all parents at the school decided not to pay fees, then it would have obvious detrimental consequences for the school. Exempting parents from paying fees would only be reasonable and acceptable if government subsidized the children of those parents who genuinely did not have the means to pay, that is, they are the 'poorest of the

poor'. But this is precisely what the SASB and SASA are silent on. The government knew in advance that the majority of schools in the country would be patronized by parents who are poor. The state is appealing to poor parents to accept their sad fate by saying that parents are not compelled to pay while at the same time knowing that the quality of education offered at the schools will be basic and inferior. It is true that government will be spending proportionately more money on schools in black communities than white but the question remains: Is this enough to make a substantial difference? Does this not amount to deceit on the part of the government?

One of the areas in which former privileged schools seem to have successfully influenced the policy process is that of school financing. This was a major area of contention from the time of the submissions to the SASB. Almost every submission from an ex-Model C school addressed the issue of school finance and school fees. The proposal in the Bill that parents are not compelled to pay fees was particularly distasteful to the ex-Model C grouping. According to these schools the Bill seemed to emphasize more exemption from payment rather than the responsibility of paying. Most of the ex-House of Assembly schools argued for the state to subsidize those parents who genuinely could not afford to pay. But they were insistent that those that could afford it, had to pay. There could be no choice in this. Most of the ex-Model C schools spoke of levels of income and that those above a certain level had to pay. They took a particularly strong line by saying that wilful defaulters should even be prosecuted. No doubt, the vast experience that these ex-Model C schools enjoyed in the past of administering their own finances could have something to do with the way they reacted on the matter of school fees. One cannot be expected to run a school effectively without adequate finances. These schools were not willing to entertain a situation where some parents were paying while other parents who could afford it, somehow escaped payment.

The document on National Norms and Standards for School Funding had this to say:

> *Ironically, given the emphasis on redress and equity, the funding provisions of the Act (SASA) appear to have worked thus far to the advantage of public schools patronised by middle-class and wealthy parents. (pg.8)*

Even though the document provides that poorer communities will receive a larger slice of state funding, it still means that these schools in historically disadvantaged areas will find it difficult to cope without raising some funds on their own. This is evidenced quite clearly from the categorization of schools into groups by the WCED. In order to give practical effect to the norms and standards of funding schools, the WCED categorized schools into 11 groups (A-K), with schools in group A being the poorest and schools in group K being the most affluent. The circular dealing with this (Circular 0084/99) states that: "*In group K school fees are more than R1,900.00 per year on average, as against less than R100.00 in the poorest groups.*"

Section 36 of the SASA makes it obligatory for governing bodies to take all reasonable measures to procure funds to supplement resources provided by the state. So, in a sense, governing bodies are 'forced' to charge fees. For the SASA to make a provision like the one just paraphrased above and also at the same time say that parents are not compelled to take a decision to levy fees seems a contradiction. If schools do not levy fees, and rely totally on funds from the state, it is obvious that the quality of education offered at these schools will not be the same as schools where fees are being levied.

SASA clearly places the responsibility of raising extra funds for the smooth functioning of schools on governing bodies. This has been interpreted as government abdicating its obligation to provide free education, something which the historically oppressed masses feel that they have a right to. The spokesperson for a teacher organisation had this to say:

> *... under our idea of socialism, it should be government's responsibility to provide free education. Already in SASA, one of the functions ... of governing bodies are to raise funds beyond that basic allocation that government would be raising. And that's shirking their responsibility.*

Another roleplayer from the community put it in another way: "*... the empowerment legally, does not equal the empowerment financially ... we are actually getting disenfranchised economically.*"

8.3.5 Divided Loyalties

Governing bodies are statutory bodies; they came into existence through legislation and as such are creations of the state. It follows then that the people serving on these bodies are in the words of Deem, Brehony and Heath (1995:161) "*agents of the state at a distance.*" Schools made detailed submissions to the government on the South African Schools' Bill, suggesting that they were very keen to be part of this alliance. Reading the submissions gives one a sense that these governors and school governing bodies are very much pro-community. The reality is that governors have in effect two 'masters' to serve: the community and the state. Just how governors will balance their roles and the possibility of role conflicts occurring in governing bodies remains to be seen. The tensions inherent in this 'dual master' scenario is an interesting area which begs further research and debate.

8.3.6 Power Dynamics

The findings of the submissions dealt almost exclusively with powers and functions of governing bodies. This should not be confused with power as exercised by individuals **within** governing bodies. This kind of power depends on, amongst others, the constituency one belongs to, personal attributes, occupation. This is what Deem, Brehony and Heath (1995:153) refer to when they say:

> *...power on governing bodies is not a thing, nor is it fixed: it varies, it is fluid, it is fragile and it is closely linked to relationships, rules and resources. It is not available to be "given" as one might award a prize.*

This quotation highlights the need to distinguish between power **in** governing bodies and powers **of** governing bodies. While the former kind of power concerns itself more with personal- and group dynamics, the latter deals with what the governing body as a whole can and cannot do. Schools, especially from the ex-HOA, were concerned with power as used in the latter sense. One school made the following assertion:

> *These new proposals pay lip-service only to the powers given to governing bodies, who after all, are being required by the government to assist with the running of the schools. It is our belief that expecting parents, elected as members of governing bodies, to run the institutions under their care whilst removing all actual power, is tantamount to playing political games.*

The vast majority of schools, especially from the ex-HOA, were concerned at the reductions/limitations on the powers and functions of governing bodies. They would not agree with the statement that power is not a commodity that can be awarded or 'given' by central government.

But there is another dimension to this. If we regard power as a commodity to be given, then this power only becomes meaningful and effective if it is accompanied by the necessary resources. It is common knowledge that schools from the ex-HOA were very privileged in the past concerning allocation of resources (whether financial, material or human). With these amount of resources, one can understand their alarm at what they perceived as curtailment of powers. Schools in these favoured circumstances would want to execute as many powers as possible in order to give their students the best possible, education while at the same time keeping government presence and interference in their internal affairs to an absolute minimum. This last point is especially demonstrated by the fact that some primary schools were even objecting to the Provincial Government having the final say in the appointment of teaching staff in subsidized posts. What about schools in the other ex-departments? How did they see the relationship between resources and power? While stating that the MEC in provinces had too many powers in respect of governing bodies, secondary schools in the ex-House of Delegate felt that taking on extra powers [Clause 13(m) to (p)] would only be workable if sufficient financial backing was provided by the provincial education department. One school under the control of the ex-DET felt governing bodies were given too many powers in the Bill. This contrasts starkly with the position of schools in the ex-HOA. Given the impoverished conditions of many schools in the ex-DET, schools would obviously be reluctant to take on too many powers. Schools in all the ex-departments wanted to know if government would pay the fees of those children whose parents could not afford them. The fact that the Bill was silent on this prompted one secondary school in the ex-HOD to claim:

> *... the truth is that the MEC has the right to determine an exemption on appeal. Without the corresponding duty to foot the shortfall...In the final analysis, government is seeking to avoid its own financial commitment to funding education.*

Scholtz (1998:7) puts it in another way:

> *Let us look at certain of these powers and then ask ourselves whether the governing bodies at the vast majority of the formerly politically oppressed schools can truly exercise these powers? The answer will be a definite no!!! ...It is impossible for these schools in the Black, Coloured and Indian communities to take these powers seriously. If one cannot exercise as power, is it still a power? No, it becomes a token power.*

8.3.7   The Role Of Values

In discussing school governing bodies and values in *Chapter Three*, it was noted that governors bring to their roles the particular value orientations of the class to which they belong. It was interesting to note that only schools in the ex-HOA commented on the issue of values. Schools from this sector felt that governing bodies should have the final say in appointing and terminating **all** teaching staff. Their reasons were, amongst others, that:

- teachers were instrumental in developing the character and ethos of schools;
- teachers determine the quality of education that prevailed at schools; and
- the values of educators must be congruent with the values held by the community in which they work.

The implication of the above argument is that if the provincial education department had the final say in the appointment of teachers, governing bodies would have no control over the character and ethos of the schools they are supposed to govern. If the provincial government selected its own educators to fill posts at schools, these educators may hold values different from the community they are supposed to serve. It may be argued that schools from the ex-HOA, being privileged in the past, are using values as an excuse or a 'smokescreen' to ensure that staff at their schools remain not only from the upper and middle classes, but to a large extent, white.

In this context, values become synonymous with race and class. Let's examine the implications of the reasons and ask the question. If a black teacher is appointed to say, an ex-HOA school, would this school then develop a 'different' character and ethos? Do black teachers hold different values to that of white communities and white teachers? What are character and ethos of a school other than labels for a particular style of life or culture. If a

black teacher is appointed to a predominantly white school, will the quality of education at this school be affected? Are there no such things as universal values? Do teachers of different racial groups hold different values? How does one determine what are the values espoused by teachers and communities? A situation could arise where a school has highly qualified teachers, yet the quality of education (as measured by, for example, the fields of study chosen by students after Grade 12) is poor because teachers are unwilling to exert themselves fully. How does one assess/measure/determine "character and ethos"?

8.3.8   Different Perceptions And Understandings

The standard letter regarding the negotiation process between SGBs and government which has already been referred to in *Chapter Five* indicated clearly the seriousness with which school governing bodies in the ex-House of Assembly viewed the attempt to limit their rights, powers and functions. It also clearly showed the differences in the approach to the whole matter between the national Ministry and the governing bodies of these ex-Model C schools. The first difference relates to the content of the negotiations. Whereas the ex-Model C schools saw the content as dealing with their **existing** powers and functions, the national Ministry saw the draft SASB (which entailed **proposed** powers and functions) as the subject of negotiations. The perception of the national Ministry meant that the existing powers and functions of these ex-Model C schools were no longer part of the picture and that a new dispensation had to be negotiated. This, according to the school governing bodies, was not in line with Section 247(1) of the Interim Constitution. There was an incongruence of perceptions, of interpretations. This incongruence was also manifested in another way, and that was the way in which the term 'bona fide' negotiations was understood. While the schools saw this as meaning more of a 'one to one' negotiation, the national Ministry had a more collective understanding of it in the sense of negotiating with groups. There was a need to thoroughly 'flesh out' the term 'bona fide' negotiations so that a common understanding prevailed. So we find that contestation is sometimes aroused and fuelled by differences in understanding.

The principle of lay participation in the running of schools has already received some attention in *Chapter Three*. The problem of how to conceive governors is a complex one. Deem *et al.* (1995) have already referred to governors as "state volunteers". While community representatives were of the opinion that governing bodies were nothing more than 'glorified fundraisers', departmental officials felt that governing bodies were structures with

wide-ranging powers. One official ventured that: "*A governing body should be a servant of the school it represents, thus governing in the best interest of the school.*" In conceptualizing governors the other idea linked to this is the position of parents: Are they consumers, citizen volunteers or both?

Section 21 of SASA was another area that elicited differences in interpretation of policy. While departmental officials interviewed were quite enthusiastic about this provision, schools in the main were skeptical about whether they should apply for Section 21 status or not. A lot of this skepticism had to do with lack of capacity. At the time of the interview, approximately 180 schools out of a total of 1000+ schools applied for allocated functions. This skepticism and lack of interest is captured in the words of one WCED official:

> *... now the problem is ... sort of baggage from the past, people look at the government that somewhere, something is not right – maybe they going to catch us along the line. Why they giving us money to work with and, how do they get to that amount ... but um ... well what can you say, then?*

8.3.9 Historical Influence

The majority of submissions came from schools that were previously administered by the ex-House of Assembly, that is, ex-Model C schools. They formed quite a considerable and powerful lobby group. The length of their submissions was much more than those of schools in other ex-departments. The range of issues that they dealt with was also much more. The fact that these ex-Model C schools were so well resourced in the past meant that they had more issues to write about. They had more privileges to protect. There was more at stake at these schools since a new democratically elected government may not be so favourably inclined towards them in the future. The fact that a standard letter had been prepared which some of the ex-Model C schools used as their submission indicates the manner in which they decided to close ranks in order to maintain the status quo. The great amount of pressure that they brought to bear on the national initiative can be seen in the following extract by the *Network of Education Policy Units* of five universities:

> *The consultation process has included many stakeholders, although all have not been equally vocal and well organised. Those sectors representing the historically privileged schools have been particularly successful in influencing the direction of policy development and/in diluting the thrust towards equity from the time of the report of the Committee to Review School*

Organization, Governance and Funding up to the final drafting of the Bill.

8.3.10 Flawed Arguments

The employment of additional staff proved to be quite a contentious theme as witnessed in chapter five. As was seen, the ex-Model C schools were very vociferous on this, insisting that governing bodies should have the right to employ and remunerate additional staff. The federation, which was an umbrella body for most of these schools, in their submission to the Education Laws Amendment Bill, listed 14 reasons why governing bodies should be allowed to appoint additional staff. The 14[th] reason that they provided went as follows:

> *The argument, that governing bodies should not be allocated the function of appointing additional staff, as provided for in the Bill, because that would give rise to inequality (in the sense that the privileged will become more privileged, while the poorer communities will become more disadvantaged), if taken to its logical consequences, has rather ominous and sinister implications. Effectively, such an approach entails that no governing body should be allowed to acquire anything (whether computers, overhead projectors, or otherwise) with a view to improving the quality of education at its school, unless and until all school communities could afford to acquire the same thing(s). Indeed, such an argument constitutes a plea to the State to suppress school communities (and their children) with the force of law by restraining them from contributing to the improvement of education for their children. Surely that cannot be countenanced and can never be said to be acceptable in an open and democratic society.*

A critical analysis of the above extract will follow later. It seems that the position of the ex-Model C schools on the employment of additional staff was carried because the Education Laws Amendment Act (No.100 of 1997) makes explicit provision for school governing bodies to employ and remunerate additional educator and non-educator staff.

To demonstrate the sensitive and multi-faceted nature of this debate, it is necessary to consider the submission of an organisation involved in policy studies. The organisation admitted that the issue of employing additional staff was a complex one and that all possible dimensions of the issue should be carefully considered. They listed four possible options and under each discussed its pros and cons. The eventual solution that they suggested was that the law should allow governing bodies to employ additional teachers and that their remuneration

and conditions of service should be the same as state-employed teachers. In giving this suggested solution the organisation made the following observation:

> *If the state is, for whatever reason, unable to provide the necessary resources, it will have to allow citizens to do so – at least in the short to medium term until it can increase expenditure – even if movement towards equity is slowed down in the process. But it should be recognised that this constitutes a serious retreat from the government's aims of opening the doors of learning and culture to all on an equitable basis, at least until greater resources can be made available.*

A few points emerge out of the above extract. Firstly, what is the precise definition of "short to medium term" as these terms are relative? Secondly, it is clear that equity is sacrificed in favour of extra privileges for a few. Thirdly, the argument presupposes that conditions, viz. the economy, will improve at some time in the near future to allow more spending on the historically disadvantaged. It is silent on what happens if the economy does not improve. A fourth point (not a critique of the submission itself) relates to the position put forward by the state that it cannot afford at present to increase expenditure on education. The submission quite rightly points out that "If the government is committed to equity it must be prepared to pay for it". However, it becomes difficult to counter an argument such as "We (the government) do not have enough money". A seemingly factual reason such as this forces one to look at or consider less desirable alternatives. The fact that this argument cannot be countered seems to give it (and the state) some kind of legitimacy, a feeling that the state is not wrong but cannot help the present state of affairs. The state does not have to look to any other source to defend its position – we simply do not have money – is supposed to explain it all.

A further thought provoked by the employment of additional staff is: If and when governing bodies are in a position to manage employment of additional staff, how long will it be when SGB's are responsible for employment of **all** staff at schools? Is this proposed amendment to the South African Schools' Act (SASA) a prelude to this eventual state of affairs? And what would be the long term implications of such a practice? One of the officials of the WCED interviewed was of the opinion that we would reach a stage sometime in the future where governing bodies would be given their total allocation for the year in January and they would have to run the school within this allocation; this would include the remuneration of all staff.

The above questions become significant when looked against the following extract from "The Teacher", a monthly newspaper of SADTU:

> *Political expediency resulting from pressure by the government's allies saw the powers of governing bodies curtailed just before the Act (South African Schools Act) was passed late last year. This was in spite of the Hunter Committee having warned (then) education minister Sibusiso Bengu to give school governing bodies maximum autonomy in order to win the support of parents. Sources close to the Ministry of Education say the view came across strongly last year during public hearings held throughout the country to listen to representations on how schools should be financed and governed. The message, they say, was clear: allow parents enough freedom to determine the quality of education they will buy in the public schooling system or face a desertion by middle-class parents to independent schools (pg.4).*

The above excerpt highlights the notion of consumerism as captured in the phrase "the quality of education they will buy". As consumerism and resultant market trends become more ingrained in the schooling system, the temptation to give more and more powers to governing bodies will become greater. The state may also see this as an opportunity to relieve itself of a staffing burden made more onerous by protracted and often difficult negotiations with unions. Although SADTU feels that negotiations between SGBs and unions is an impracticality now, structures could be put in place later to overcome this hurdle. It is very likely that the state will welcome a move where greater staffing responsibilities are shifted to governing bodies.

In one of its motivations the organisation representing mostly ex-Model C schools contended that:

> *The private sector (large companies and private institutions) are ready to assist education with large amounts of money and specifically in providing funding for previously disadvantaged communities to enable them to appoint additional staff to meet the needs and commitments regarding educational demands required by the challenges facing this country and its economy. Preventing them from being involved in this way will be a disaster for the education of our children.*

Various questions arise from the above extract. For example, which companies and institutions are willing to provide funding to previously disadvantaged communities? Will this money in fact be used for appointing additional staff? Will this mean that other aspects of infrastructure (physical structure, stationery, facilities, and the like) will still be neglected? And, perhaps the more important question is: Will **all** formerly disadvantaged societies benefit from this funding so that the oft–quoted expression 'levelling the playing fields' does become meaningful? What happens when funding dries up?

The ex-Model C organisation went on to state that the:

> *private sector supports initiative and free enterprise. One*
> *cannot expect that sector to support a system which effectively*
> *stifles initiative – and the ability or power of governing bodies*
> *to appoint additional educators from community means*
> *(promoting) initiatives.*

The above argument resonates with the idea of 'enterprise culture' in governing bodies. By being able to appoint additional staff, governing bodies begin to take on the characteristics of institutions in the private sector, and the values associated with the market–place. What this argument fails to mention is that if governing bodies take on the cloak of business enterprise, then those governing bodies in previously privileged areas will have a greater headstart, given their past of affluence. They will, most probably, be able to appoint more additional staff than their historically disadvantaged counterparts.

The organisation of previously privileged schools tried to counter the arguments put forward by SADTU:

> *The argument that the power to appoint additional educators*
> *would only favour the more affluent communities is unsound*
> *(and, for a number of reasons, unconstitutional). In terms of*
> *our proposals, it will in fact favour the disadvantaged*
> *communities as there is the possibility of financial grants*
> *specifically for this purpose and more favourable remuneration*
> *packages could be negotiated with these educators.*

The above quote does not say **why** SADTU's argument is unsound, or for that matter, unconstitutional. The other point is that a **possibility** of a financial grant is not a **certainty**. The obvious question that arises here is: What happens if no financial grant is forthcoming? Previous disadvantage and inequality will merely continue.

The final reason advanced by the above organisation went as follows:

> *The argument, that governing bodies should not be allocated the function of appointing additional staff, as provided for in the Bill, because that would give rise to inequality (in the sense that the privileged will become more privileged, while the poorer communities will become more disadvantaged), if taken to its logical consequences, has rather ominous and sinister implications. Effectively, such an approach entails that no governing body should be allowed to acquire anything (whether computers, overhead projectors, or otherwise) with a view to improving the quality of education at its school, unless and until all school communities could afford to acquire the same thing(s). Indeed, such an argument constitutes a plea to the State to suppress school communities (and their children) with the force of law by restraining them from contributing to the improvement of education for their children. Surely that cannot be countenanced and can never be said to be acceptable in an open and democratic society.*

The above argument has several weaknesses. The 'logical consequences' that it speaks about and thereafter invokes the acquisition of computers and OHPs is quite different to educator and non-educator staff. The former refers to material (inanimate) resources while the latter is very human. The Bill specifically deals with staff (a human resource) and not material resources. But more than that. Material resources (whether computers, OHPs and the like) **on their own** are quite useless in the sense that they do not operate themselves. They require a human agent to make them effective functioning units. The Bill is dealing specifically with the number of these human agents, not the amount of machinery. It is this number or amount of human agents that is going to make the crucial difference. A critical commentator of the above quotation would probably argue that in the past system of undemocratic apartheid, privileges of a certain group were protected by law. Now protection for these same privileges is being made by appealing to democratic principles.

The submission made by the ex-Model C organisation gave 14 reasons why governing bodies should be empowered to appoint additional staff. Only three of these deal with the issue of past inequality, redress or the perpetuation of inequality. In fact each of these three issues are covered by one reason apiece. The submission seems to concentrate more on issues of the quality of education, interests of learners or state budgetary restraints.

8.3.11 Failure To Effect Change

The schools from the ex-House of Assembly may have been quite influential in policy issues such as school fees and employment of additional staff. However, one area that they were unable to change was that relating to admission policy. Clause 5(2)(b) of the Bill stated that a learner could not be refused admission even if his/her parents did not subscribe to the mission, goals and objectives of the school. Despite all the arguments of the ex-Model C schools in favour of removing this clause, the Government Gazette (Notice 2432 of 1998) still made the following ruling:

> *A learner is admitted to the total school programme and may not be suspended from classes, denied access to cultural, sporting or social activities of the school, denied a school report or transfer certificates, or otherwise victimised on the grounds that his or her parent –*
>
> *(a)   is unable to pay or has not paid the required school fees;*
> *(b)   does not subscribe to the mission statement and code of conduct of the school; or*
> *(c)   has refused to enter into a contract in terms of which the parent waives any claim for damages arising out of the education of the learner (pg.3).*

8.3.12 Party Ideology

The incident between H. Zille and Y. Gabru seems to raise more questions than provide answers. Firstly, it is unclear whether the parent in question refused the offer by Harold Cressy because the school did not offer Art or because the school was thought to be a Muslim institution. Secondly, what are the assumptions underpinning both accounts? Thirdly, what are the implications/lessons for religious observance policy which governing bodies are supposed to determine? Fourthly, how do these implications/lessons translate into practice? In order to shed some light on these questions, it is necessary to revisit some of the theory on policy. According to Sayed (1998:7):

In order for educational policies to be implemented they are subjected to a constant process of re-interpretation and mediation by different individuals, groups and agencies. These agencies, groups and individuals at the different levels read the policy differently and consequently derive at different meanings.

SASA makes it clear that religious observance policy should be determined by governing bodies, provided that this is done on an equitable basis and that attendance at these religious celebrations/festivities/occasions should be free and voluntary. WCPSA does echo SASA but does not stipulate the conditions. The effect of having these limitation clauses built into the provision is that schools cannot lay claim to belong to one or another religion. In other words, public schools on public property cannot be labelled as Christian, Muslim, Hindu or Buddhist. At the same time, these limitation clauses are vague. What does "equitable basis" really mean? How does this translate into practice? Does it mean that each religion represented at the school will be given equal time? What happens if a certain religion is represented by a very small number of students?

Religion, language, and culture are areas that evoke a lot of emotion and sensitivity. It is understandable that policy covering these areas are sometimes deliberately vague so that multiple interpretations can be accommodated. To quote Sayed (1998:7) again: "... *policy texts speak 'in the language of public good' and are vague over many issues opening up the spaces for readerly interpretations.*"

Nothwithstanding the lack of clarity surrounding religious observance, this incident has resulted in two different versions. We have two different accounts of the same incident suggesting that the policy actors in both cases have "read", understood and interpreted this event in different ways. Both parties have imposed their own meanings on the situation.

In the case of the MEC, it seems as if she chose to ignore the limitations clause concerning religious observance at school. If she acknowledged the principle of "equitable basis" as stipulated in SASA, she would have realized that schools cannot be loosely referred to as Muslim, Christian, Hindu or Buddhist. By the MEC saying that the school is predominantly Muslim, what is she implying? That the religious observance policy of the school is slanted towards Muslims? It seems, by her account, that there is a preoccupation with division along

religious lines. In the case of YG, the labelling of a school as Muslim is tantamount to being racist. The MEC requesting an official to investigate the matter was construed by YG as support for the parent's seemingly prejudicial stance. What started out as a religious affair took on racist overtones. YG has extended the religious perspective to include race and this may be regarded by some as being a little far-fetched. The question might well be asked: What influenced the interpretations of both these policy actors? The answer in this case would be most likely party ideology.

The differences between SASA and WCPSA have already been highlighted and discussed in *Chapter Six*. It was interesting to note how roleplayers interpreted these differences between SASA and WCPSA. The officials of the WCED entrusted with implementation saw these differences as minor. In the words of one official:

> *... as far as I know, the Provincial Schools Act is based on the South African Schools Act. There's not ... there are not many aspects where you actually can differ from the SA Schools' Act, except for determining certain minor guidelines that should be done by the MEC.*

Officials charged with implementation are supposed to be politically neutral, so to speak. Any difference between both sets of legislation may therefore pass unduly noticed by them. On the other hand, a spokesperson for the opposition in the Provincial Legislature described the differences between the two Acts as 'significant', again highlighting the role of party ideology in interpretation of policy.

8.4 SUMMING UP THE CONTESTATIONS AT NATIONAL AND PROVINCIAL LEVELS

The overarching aim of this study is to understand the contestations preceding and accompanying policy development and implementation. Based on the discussion above, it may be safe to say that the contestations at both national and provincial levels have the following characteristics. They are:

- multi-faceted and multi-dimensional with divisions within constituencies;
- manifested by varying degrees of resistance;
- based on financial concerns;
- the repositories of often divided loyalties;

- filled with various kinds of power dynamics;

- underpinned by concerns about values;

- the outcome of different perceptions, interpretations and understandings;

- shaped by historical circumstances;

- sometimes based on weak and illogical reasoning;

- not always instrumental in bringing about change; and

- influenced by political ideology.

8.5   THE PROBLEM OF IMPLEMENTATION (PROVINCIAL LEVEL)

The theoretical discussion in *Chapter Two* focused on, amongst others, the arena of policy implementation. Reasons for failure in implementation as well as factors that influence this activity were identified and elaborated on. From this discussion, it became clear that no matter how clear, flawless and well-constructed a policy may be, there are always problems in implementation. Implementation of SASA and WCPSA in the Western Cape was no exception.

The inception of this study coincided with the promulgation of SASA in Parliament (that is, 1996). Interviews with key policy actors only took place in the year 2000, four years later. From these interviews, it was clear that even after four years, the Western Cape was struggling to implement school governance policy at schools. What were the problems encountered in this process of implementation?

8.5.1   Capacity Building

Perhaps the biggest obstacle to implementation was the lack of capacity. Capacity here is taken to mean knowledge, skills and resources. Although SASA and WCPSA make provision for capacity building, the process of capacity building was beset with problems from the beginning. At the very basic level of information dissemination there were long time delays. According to an office bearer of a grouping of SGBs, no initial orientation programme was held to introduce roleplayers to this new concept of governance, what it entails, what their roles and responsibilities would be, and so forth. Information only began to filter through well after governing bodies were elected.

Another problem connected to capacity building was people chosen to effect it. The Western Cape Education Department had decided to use principals to conduct workshops with school governors in order to teach them the skills and knowledge necessary to govern schools. The question arises: Are principals the appropriate people to render capacity building exercises for? Principals, together with the school's management team are entrusted with professional management of the school. This is totally separate from school governance. The line between professional management and governance is not always clear and the one could encroach upon the territory of the other. In the interview with a spokesperson of a teacher organisation, it became clear that some governing bodies were keen on assuming functions like the disciplining of educators, something which the employer (provincial department of education) via the Principal is responsible for. In the words of this teacher representative:

> *... they've (governing bodies) got a say about the hiring of teachers at the moment – I think they will very soon move to a point where they want to have a say in the firing of educators as well.*

In the light of the above, there could be tensions between the people responsible for professional management and governance. If principals are in charge of capacity building workshops, one could very well imagine a scenario where unscrupulous 'facilitators' may distort information to such an extent that the governing body is easily manipulated by the principal. The principal then will try to ensure that he/she is not dictated to by the governing body, but that the opposite tendency will prevail.

8.5.2   Contradictory Results

Policy implementation sometimes means a mismatch between intention and end result. The whole spirit and inclination of SASA was to make education more accessible to all South Africans, especially the poor masses. The entire concept of school governance and school governing bodies was an attempt to extend democracy right down to grassroots level. Yet greater democracy has not been coupled with affordable education. It is true that governing bodies in depressed areas can decide not to levy fees but it is very likely that the kind of education children receive at these schools will be of a very mediocre kind. This paradoxical nature of policy implementation is captured rather succinctly by an official of a SGB association:

... there's a democratisation of society ... but at the same time there's an increasing role of government to contribute towards poverty creation – or extending poverty. Now at the school level ... people are required to pay more fees than before. The so-called notion of free education, it's disappearing – it's even worse than it was under apartheid, you know. So, there's that contradictory situation.

8.5.3   Minimising Policy Mediation And Distortion

In discussing the mediation of policy between the provincial authority and institutions, Sayed (1998:8) mentions that:

... the gap of policy mediation is apparent in the process of communication as the interpretations of those agencies and individuals which interact with institutions may differ from that of the central provincial authority.

This is not necessarily the case in the implementation of school governance policy in the Western Cape. If one examines the circulars sent out by the provincial education department to schools, the authority and weight of SASA is invoked to justify the imperative for implementation and compliance. For example, the circular on "Functioning of Governing Bodies" (Circular 0001/99); "Acceptance and Submission of Constitution and Code of Conduct" (Circular Minute EA 0007/99); "Norms and Standards for the Funding of Public Primary and Secondary Schools" (Circular 0084/99); "Allocated Functions of Governing Bodies of Public Schools" (P.N. 23/2000) all refer to the South African Schools' Act. The SASA is an instrument of the new democratically elected government to address past imbalances and inequality. Although some provincial policy actors may try to 'sabotage' provisions in SASA for ulterior motives (for example, perpetuating past unjust practices), they cannot do this by deviating markedly from SASA. The sheer weight and spirit of the legislation, coupled with the expectations aroused in the masses for fundamental changes in civil society and particularly education, makes it difficult for 'sinister detractors' to achieve their aims. They may be able to alter or prolong some provisions/practices to suit their hidden agendas in the short term but they cannot continue with this indefinitely. In this respect the researcher is more inclined to lean towards the thinking of Hatcher and Troyna (1994) and Power (1992) who warn against underestimating the power of the state in determining and shaping how policy texts will be read, understood and interpreted.

8.5.4 Opportunity For Policy Distortion

However, it is not the case that provincial policy always moves in step with national policy. This was amply demonstrated in the interview with the education spokesperson for the ANC in the Western Cape. The first case revolved around the question of religion. Although the SASA does make provision for religious observance, it does not mention specifically that schools should be described in religious terms. If it had done so, then the incident may not have occurred. It seems that where the national policy is silent on certain issues, provincial policy could either deliberately or unintentionally take a direction all of its own.

The other case involving the appointment of temporary teachers by the interim school governing body of a newly established school also involves a matter that could have been overlooked by the SASA. The SASA does not address specifically the situation of newly built schools and how governance should commence there. According to the ANC education representative, the whole situation was abused.

In connection with the religious aspect, the SASA mentions that policy for religious observance should be in the hands of the governing body provided that it is equitable and attendance at these religious observances is free and voluntary. The question arises: What is equitable in this case? Does it mean that a school with predominantly Christian learners will have more time allocated to Christian activities. If the learner population is, say, 75% Christian, 20% Muslim and 5% Hindu, will the time allocated for religious observance of the different groups be proportional to this percentage breakdown or does equitable mean that all the religions will have an equal number of hours for religious observance? If the latter interpretation is true, then the case for not describing a school in religious terms becomes stronger. But because the national policy is not clear, provisions could be interpreted in different ways by the province.

8.5.5 Technical Problems

Interviews with officials and other roleplayers at provincial level highlighted the following technical difficulties:

- Applications to administer funds being turned down because schools do not meet certain criteria (for example, proper record-keeping);

- the power of schools to appoint their own staff conflicting with the redeployment strategy of the provincial education department;

- the slow pace of capacity building of governing bodies;

- poor response from schools regarding applications for allocated functions;

- lack of capacity especially in rural areas;

- a minority of schools being given unconditional approval to assume allocated functions as opposed to a majority that were granted conditional acceptance;

- schools not furnishing the provincial education department with necessary documentation (for example, stocktaking certificates, bank reconciliation statements, and letter from school auditor);

- applications being sent after due dates;

- lack of human resources especially for financial administration of the school;

- unilateral decisions of bureaucrats in deciding resource allocations to schools;

- uncertainty and confusion surrounding transfer of municipal accounts from the provincial education department to schools, and the question of who pays the transfer costs as well as any arrears accrued from the past.

8.5.6   Changes Of Governors

Even though the WCPSA may not differ significantly from the SASA, problems will still be encountered because people perceive situations differently. These conditions at schools differ and circumstances change with time. This can be seen from the written comments of GJS on capacity building and its link to the continuous filling of positions on governing bodies:

> *The fact of the matter is…that functions can't be withheld indefinitely and the WCED is obliged to launch capacity building programmes on a continuous basis as governing bodies have to be elected every three years…The Education Laws Amendment Act, 1999 (Act 48 of 1999), also makes provision for the termination of a parent member's membership when he or she no longer has a child enrolled as a learner at this school, which complicates matters as parents will be streaming from governing bodies annually.*

8.5.7 Mutually Exclusive Nature Of The Policy Process

The WCED officials interviewed made it clear that they could not comment on the policy documents and process leading up to the SASA. Being more involved with matters of implementation, they were not party to the earlier stages of the policy process. This non-involvement in policy development affects the way policy is implemented.

8.6 SUMMING UP CONTESTATIONS ARISING OUT OF POLICY IMPLEMENTATION AT PROVINCIAL LEVEL

In trying to understand the nature of the contestations that are an integral part of the policy implementation exercised at provincial level, the following features of the conflict were identified:

- the approach to capacity building engendered tensions;
- implementation could have contradictory results;
- the possibility for policy distortion could be circumvented by the state;
- policy distortion could occur if the national policy is unclear or silent on certain issues;
- technical difficulties heightened tensions;
- continual change of governors could complicate smooth implementation; and
- non-involvement in policy development could affect implementers' modus operandi.

8.7 CONTESTATIONS ARISING OUT OF IMPLEMENTATION AT SCHOOL LEVEL

From a careful consideration of all the meetings observed, the researcher was able to identify five issues that the governing body of the school had to grapple with. These issues were:

- the raising of school fees to meet expenses;
- the hiring of an executive training consultant to assist with the mission statement, vision building and professional development;
- the hiring of a suitable professional to address learners on AIDS and related matters (related to school finances);
- the wearing of religious attire by a student and the resultant implications of this;

- the cost-effective utilization of an educator's skills, that is, professional management against governance.

Each issue will be discussed in turn.

8.7.1 Financial Concerns

If one examines the way in which each of the above issues were discussed in meetings, one notices the language of the market slowly asserting itself. For example, in the deliberations regarding an executive training consultant, the idea was to imitate what companies do. One of the arguments put forward was that companies budgeted for staff training while schools did not. The idea of 'shopping around' for services also surfaced clearly in the governing body meetings. Even the issue of the student flouting school rules had financial underpinnings. If the matter had to go to court, then the school may be burdened with huge legal bills. It is in this latter issue especially that we see the juristic personality of governing bodies coming to the fore. The role of markets in the functioning of governing bodies will be explored in more detail in the final chapter of this thesis.
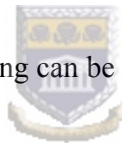
The need for alternative sources of financing can be clearly seen in the following explanation by LF:

> *…(we) had our parent meeting last night, where we asked for 17.1% increase to the school fees. The first motion which was that should we charge school fees, was unanimous – it was well received. The second one, regarding the increased school fees, we narrowly won by 97 votes to 81, with 4 abstentions and therefore we now, you know, have to then, with the concern look at our future school fees structure.*

8.7.2 Professional Development For Future Challenges

As mentioned in the previous chapter, it is often a misconception to think that the governing bodies of the ex-Model C schools are self-sufficient and without need for further capacitating. The following remarks by RB are quite revealing:

> *…I think questions of discipline around culture and around religion are going to be increasingly sharp, and the governing body will have to have some private debates amongst themselves for policy guidance here…I think finances are going to get tighter and tighter, and although the school seems well*

> *endowed…(the) governing body is going to make some very awkward decisions of leadership for the school about how money is spent. Lastly, and it's not quite fair for (the school), but there's a potential that racially there are going to be some issues that will have to be dealt with.*

The above excerpt indicates the need for ongoing professional development of governing bodies. What the above quotation actually reveals is challenges for the future. The input by RB suggests workshops and conferences on some of the following themes:

- coping with changes in a multiracial, multicultural and multifaith school;
- raising finances for the school – do we run our schools like a business; and
- professional management versus governance.

The need for guidance on especially religious and cultural differences can be seen from the reaction of LF to the incident involving religious attire:

> *…we actually wanted to discipline the girl…it was made out to be more of a racial or culture thing, which was not the intention. I think what concerns us is that we now as a governing body, have to be far more clear in everything we do.*

8.7.3   Religious Dress And Its Implications

There seems to be an interesting contradiction in the above case involving religious dress. It was pointed out earlier in this chapter that despite all the objections by schools and some organizations regarding Clause 5(2)(b) of the SASB, the Government Gazette of 1998 still stated, inter alia, that a student may not be victimised in any way because his/her parent "does not subscribe to the mission statement and code of conduct of the school.…" In his reports of the whole affair, the Principal mentioned the school Code of Conduct which the student and parent in question had accepted and appended their signatures to. The obvious question that arises is: What is the purpose of schools formulating a Code of Conduct if parents do not have to subscribe or abide by it?

8.7.4 Professional Management vs Governance

What is the recipe for an effective governing body? A lot depends on the relationship between the governing body and the principal. RB had this to say about this relationship at the school in the study:

> *I've been amazed at the principal's willingness for the governing body to exercise judgement over him and for his willingness to seek permission of the governing body where in other places and with other principals, I know would not happen…I think it's quite possible to be titular head of an organisation and forget the corporate body around you…Somehow this governing body and its titular head the principal, have found an easy relationship with each other where there's a kind of mutual submission at some point. And that's been very good to see.*

This 'anti-power' stance can contribute significantly towards the smooth functioning of a governing body. If the principal and the SGB can work well together in the spirit of mutual submission at certain points then traversing the potentially hazardous terrain between professional management and governance need not be conflict-ridden.

8.7.5 Lack Of Networking

Although this was not an issue that caused divisons within the SGB, it was nevertheless a source of worry to some governors. The Education White Paper 2 articulated the idea of a partnership between governing bodies and the provincial education department. How does one give concrete expression to such an idea? Perhaps this was the thought behind the following complaint by LF:

> *I find it exceptionally strange that the department keeps itself at a distance and us as a governing body, at a far distance…in my term of office as chairman, I've been in the department once, to discuss matters in which we – all the principals and governing body chairmen were. The other things that concern, is that there is no interplay with the governing bodies of other schools as well as interplay with the governing body and the department.*

Perhaps there is a need for governing body chairmen together with principals and officials of the provincial department to come together on a more regular basis. The need for networking between and across governing bodies is also apparent from the above passage. Strangely

enough, IS also mentioned the need to work with other governing bodies to share expertise, knowledge and skills. The proposed meeting, possibly once a term, of governing body heads, principals and departmental officials, even if run along the lines of a 'talkshop' can have a lot of symbolic value in the sense that governing bodies may not feel so isolated as if they were islands. The message being conveyed would be: 'the department does care'! Obviously, these meetings cannot remain as mere 'talkshops'; they will have to evolve into more structured and meaningful interactions where expertise, knowledge, skills and even resources are extended to governing bodies most in need of it.

A psychological barrier may have to be overcome where governing bodies in affluent areas see themselves as "superior" and their counterparts in impoverished areas as the underdogs. A sense that we can learn from each other, despite our material circumstances, should prevail. A governing body in a disadvantaged community also has much to offer to their counterparts in other areas, for example, learning the mother-tongue of black children.

8.8   SUMMING UP THE CONTESTATIONS ARISING OUT OF POLICY IMPLEMENTATION AT THE SCHOOL LEVEL

What do we learn about the contestations at the local (school) level? They are characterized by:

- a continual concern about the financial well-being of the school;
- a desire to meet new social/religious challenges through ongoing professional development;
- contradictions between state and school policy regarding code of conduct; and
- attempts to bridge the gap between professional management and governance.

8.9 CONCLUSION

In analysing the data, specifically the submissions at national level, the raw material had to be condensed into some diagrammatic schema in order to aid understanding. This reconfiguration of the data resulted in several diagrams reflecting sectors and organisations within them. These 'sectoral' diagrams were then analysed further and presented as 'issue' diagrams where opposing standpoints were clearly illustrated. The key areas of contestation were the following: school funding; employment of additional staff; language-, admissions-, religious observance policy; and relative powers of MEC/HOD/SGBs. The changes and similarities in legislation from the SASB to the SASA through to the WCPSA concerning the six key areas above were then plotted onto tables. This was done to show the shifts and similarities in policy texts over time. The six areas were discussed with reference to the relevant literature.

This discussion was followed by a reflection on the **nature** of the contestation, that is, some of its salient features. The characteristics of the contestation at national, provincial and school levels were identified and discussed.

The final chapter of this thesis summarizes and consolidates the main findings of this study. The lessons that we learn about the policy process and the contestations which are embedded therein, recommendations and directions for future policy analysis as well as possible areas for further research are all dealt with in this closing piece.

CHAPTER NINE

9.1   INTRODUCTION

The purpose of this chapter is to collate all the findings of this research and reflect on them in the light of the aims of the study. The guiding principle in this concluding chapter is: How can South Africa and other countries benefit from this research?

This concluding chapter of the thesis is divided into six sections:

- Summary of findings.
- Lessons to be learnt about the policy process, that is, the implications for policy analysis.
- The future of governing bodies and school governance in South Africa.
- Recommendations and areas for further research and investigation.
- Closing comments.
- A final note.

9.2   SUMMARY OF FINDINGS

The contestations in the development of school governance policy at national level was centred around six fields, namely, school funding; employment of additional staff; language policy; admission policy; religious observance policy; and powers of governing bodies in relation to powers of the MEC and HOD. The main question under school funding was the charging of school fees. The debate on whether fees should be optional or compulsory was fiercely contested. The conclusion arrived at here was that even though fees are not compulsory on communities, the inescapable fact is that schools have to have money to operate. In the case of historically disadvantaged schools, more money is required. It was shown that by making fees optional, the circumstances of schools serving mostly black children are not dramatically improved. The optionality of fees, no matter how benign in intention, actually works to the disadvantage of black schools, helping to increase the divide between rich and poor, between white and black, and between black and black. Since private funding for education in poor (mainly black) communities remains uncertain and sporadic,

the government would have to find the necessary finances to help subsidize poor parents unable to afford school fees.

The dilemma between greater state regulation and SGB autonomy was clearly expressed in the field of employing additional staff. While the state acceded to the demands of most organizations regarding employment of additional staff, the filling of state-subsidized posts was subject to more stringent control.

The language issue was characterized by the fear of whites (especially Afrikaans-speaking) that the Afrikaans language and, with it, culture might slowly disappear. On the other end of the scale was the concern by blacks that language would be used as a mechanism of exclusion from white privileged schools. This applies not only to the Afrikaans language but equally to English as a language given the international hegemony that English enjoys.

Despite the objections and protests put forward by organizations regarding clause 5(2)(b), this clause was retained as part of regulating admission policy. Even though conditions exist to control SGB handling of admission, wealthy communities can still insidiously block poorer (mainly black) children from accessing their schools. Poor communities have somehow lent their co-operation and accepted this status quo.

The vagueness of terminology regarding conduct of religious observance at school centred around the expression "equitable criteria". By saying that attendance at religious functions should be free and voluntary the SASB and SASA limit conception of religious observance to events that are calendar bound. Other aspects of religion like dress and the secular nature of public schools are ignored which could, and probably already have, led to problems and confrontations.

The powers vested in SGBs are very much under the domain and jurisdiction of the provincial education departments (in the persons of the MEC and HOD and their official representatives). Schools cannot lay claim to total autonomy since the MEC and HOD stipulate the areas of responsibility that SGBs must oversee. The state has to continually assess how much power to cede to SGBs, which reflects the tension between centralization and decentralization. While repeating the rhetoric of a partnership principle in its various policy initiatives, the idea of an equal partnership does not materialize. Being the senior

partner, the state somehow makes SGB duties and functions real without granting real power and ultimate control.

The development of provincial school governance policy was dealt with via a comparison between SASA and WCPSA. This comparison took into account similarities and differences between both sets of legislation. Some of the key areas of contestation encountered at the national level also featured in the differences between SASA and WCPSA. These areas were: school funding; admission-, language-, and religious observance policies with limitation clauses governing the latter three areas being absent in the WCPSA. Besides the differences between the SASA and WCPSA, there was a significant degree of contestation in the implementation of school governance at provincial level. The contestations took many forms, namely, a public exchange between provincial parliamentarians over admission of a learner and the resultant religious overtones which this incident sparked; the principal of a school with a multiracial student population convening a meeting of only white parents; the threatened expulsion of a learner whose parent did not pay the required school fees; and the questionable appointment of temporary educators at a newly-established school.

At the local (school) level, disagreements and debate in the day-to-day workings of one SGB centred around the following themes, namely:

- the raising of school fees to meet expenses;
- the hiring of an executive training consultant to assist with the mission statement, vision-building and professional development;
- the hiring of a suitable professional to address learners on AIDS and related health matters;
- the wearing of religious attire by a student and the resultant implications of this; and
- the cost-effective utilization of an educator's skills.

9.3   THE IMPLICATIONS FOR POLICY ANALYSIS

What does this study teach us about the policy process? This is an important question because policies are developed and implemented in all countries. Lessons learnt here can be applied to other international settings. The policy process is fraught with contestations, with competing discourses and underlying assumptions, emphasising certain things and marginalizing others, and variety in understanding, perceiving, interpreting and meaning-making. If the various

parties to the policy process do not share the same understanding of concepts around which they have to debate, then contestation is inevitable. This was clearly seen in the standard letter submitted by schools from the ex-House of Assembly.

The close study of the contestations at all three levels (that is, national, provincial and local), have implications for policy analysis. What are these implications?

9.3.1 Policy As An Attempt To Maintain The Status Quo

Sectors with more cultural, human and material resources, especially as a result of accrual through past privileges have a much greater chance of influencing the policy process than sectors that have suffered great injustice and denial. Even though new policies are designed to improve the latter group, the former becomes the main beneficiaries. In connection with this point, policy may be seen as much as an attempt to maintain the status quo as change it.

9.3.2 Policies Do Not Necessarily Achieve Their Desired Intentions

The intention of policy does not necessarily mean that the desired outcome will follow, that is, intention does not always equal outcome. In fact, the opposite outcome may result. This could be due to past practices which tend to have a spill-over effect into the present and future. In terms of funding provisions, a larger slice of the educational budget is supposed to be channelled to historically disadvantaged schools. This is supposed to bring about equity and redress. This is highly unlikely because even with increased government spending, the impoverished schools will need other sources of income to compare favourably with ex-Model C schools. They cannot look to the community because parents themselves are struggling to make ends meet. On the other hand, schools in affluent areas, although receiving less from government, can maintain a good financial balance because the community (parents) are well-off. So instead of achieving equity and redress, the gap between rich and poor schools widens. This situation becomes even more acute when seen in the light of this comment by a WCED official:

> *The power of SGBs to formulate admission policy nullifies the*
> *whole idea of uniformity and may even be exploited to the tune*
> *of creating elitist schools which may well impede the basic*
> *human right of education enshrined in the Constitution by*
> *limiting (even blocking) accessibility for the learner to attend*
> *the school of his or her choice. Couple this with exorbitant*

*school fees levels which in many cases are uncalled for taking
into consideration the existing school facilities and financial
reserves of certain schools and the whole scenario worsens.*

9.3.3   Policies As Agents Of Non-Change

Policies can be construed as being deceitful and pretentious. By their very nature policies speak in the language of public good. In the case of SASA terms such as "redress", "equity", "justice", "fairness", etc. are often used but the reality is that these are ideals that cannot be achieved for a long time, let alone the short term. It is this which SASA neglects to articulate. Knowing full well that poor schools will not be able to raise substantial funds through school fees, SASA tacitly promotes the myth that increased government spending on indigent schools will somehow achieve equity and redress. If these worse off schools cannot raise extra monies through fees, if governing bodies decide against charging fees, it means that their situation and the quality of education offered will only increase marginally (if at all). The government cannot plead ignorance to this. Pleading ignorance to this would be naïve in the extreme. This actually gives credence to the old adage: "The more things change, the more they remain the same."

9.3.4   Policies As Contradiction

Policies can be inherently contradictory. For example, Government Gazette (Notice 2432 of 1998) states that a learner may not be refused admission or otherwise victimized on the grounds that his/her parents do not subscribe to the mission statement and code of conduct of the school. The question arises: Why should schools go through the process of drawing up these documents if parents do not feel bound to honour them or show some allegiance to them? Mission statements are pronouncements meant to give direction and guidance. They strive for ideals which the majority of people aspire to. Similarly codes of conduct are formulated to differentiate between acceptable and unacceptable behaviour. They are instruments through which ideals may be attained. Why would a parent want to enrol his/her child at a school whose mission statement and code of conduct he/she rejects? Taken further, if such a situation were to take place, it implies that schools then merely have utility value. What about schools fostering a community spirit, a sense of working towards the collective good? If schools are seen only in terms of their utility value, the likely off-shoot of this is the promotion of narrow and selfish self-interest which the marketisation of education engenders. So the lesson here is that while striving to extend freedom and democracy, the potential to abuse this freedom and democracy should be recognized and addressed.

9.3.5 Policies Cannot Anticipate All Eventualities

Although policy developed at the national (central) level is expected to be implemented faithfully at provincial and local levels, there are differences between the national and provincial policy texts as well as problems and tensions with implementation. This was amply demonstrated when discussing the differences between SASA and WCPSA, the tensions in the Provincial Legislature which spilled over into the press, the incidents at some schools which suggested a shift from the intention and spirit of SASA, and some of the contentious issues which one school governing body had to deal with. Interpretation and re-interpretations at each tier contribute to difficulties with implementation. This is supported in the literature review. However, it is the claim of the researcher that implementation also suffers through policy lag, that is, policy provisions that do not go far enough to cover all possible eventualities. By their very nature, policies do not and cannot possibly cover every potential for conflict. For example, in the determination of religious observance policy at school, the conditions are: the policy must be conducted on an equitable basis and attendance should be free and voluntary. This does not anticipate a case such as the one involving the wearing of religious dress at the school in this study. The referral of a Jewish student to what was perceived as a predominantly Muslim school does not seem to fall within the ambit of the limitation clauses governing religious observance policy. But out of this incident emerged the need to avoid assigning religious labels to schools. The SASA assumed that the term **public schools** would automatically make schools religiously **neutral**. Policies sometimes take too much for granted! The lesson to be learnt here is that a balance should be struck between under- and over prescription in policy texts.

9.3.6 Policy As A Series Of Heterogeneous Struggles

The different phases of the policy process involve different actors. These actors are not familiar with developments taking place outside their phase, their so-called jurisdiction. Officials from the provincial department of education could not comment on developments leading up to SASA or policy documents preceding it. Similarly national level roleplayers could not comment on implementation down at school level. The contestation that takes place at the different levels represent sites of struggle over interpretation, meaning and understanding of policy. The policy process then can be seen as a process punctuated not by one homogenous antagonism, but a series of heterogenous struggles. Each site of struggle contains multiple realities. For example, at provincial level, the reality of officials from associations differed from the reality of officials from the provincial department of education.

These realities differed from the reality of the principal conducting the capacity building exercise which in turn was different from the reality of the provincial MEC, and so forth. Even at the local (school) level the realities of each school governor was different from each other. The entire policy process is filled with a constant clashing of a multiplicity of realities. As a result of this constant collision of realities, they are ever changing; some realities merge with each other, others are rejected; still others are partly accepted, and new realities are created. These new realities rupture once they encounter and confront other realities and so the cycle continues.

9.3.7   Policies Can Create Rather Than Solve Problems

Policies falter when they have to deal with subjective issues involving culture, religion and race. The lines between what is acceptable/unacceptable begins to blur. It is then that institutions in civil society (for example, the courts, religious bodies and leaders) have to become involved, sometimes at enormous expense to governing bodies. Because policies do not and cannot adequately address subjective issues like culture, race and religion, they can have the effect of generating more tensions around these issues. Instead of providing solutions, policies can sometimes help create more problems. This was seen in the incident where a student wore religious attire to school.
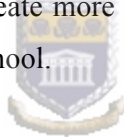
9.3.8   Policies Have A Close Connection To Power

Policies are inextricably linked to power. The fact that parents are in a numerical majority on SGBs gives this constituency power over other constituencies on governing bodies. But policies can also limit or reduce power. Governing bodies cannot simply take on all functions that they desire. They will have to apply for some and their application may be rejected. The powers of the MEC and HOD exceed those of SGBs even though the idea of a partnership between the state and communities is articulated.

9.3.9   Policies Are Closely Interwoven With Values

Policies are also closely linked to values. The arguments put forward by ex-HOA schools for appointing and terminating all teaching staff were underpinned by values. The problematic and contested nature of these arguments have already been outlined. It seems as if there was a concerted effort to influence and uphold values (whatever they are) that was seen to be the hallmarks of an elite and privileged group.

9.3.10 Policies As Agents Of Non-Change

Policies sometimes have the effect of not changing anything especially the plight of the poor despite statements to the contrary. In the case of SASA the preamble gives the following undertaking:

> *...this country requires a new national system for schools which will redress past injustices in educational provision, provide an education of progressively high quality for all learners....*(pg.1)

The SASA was supposed to make education more accessible to all the historically oppressed masses. The inclusion of parents, community representatives, students, non-educators and educators was meant to facilitate the operation of schools and address the educational needs of communities. The whole issue of fees (contribution of parents) seems to have undermined the noble intentions of SASA. In the words of Scholtz (1998:8) "*Never in the history of any struggle had the doors of learning been shut so quickly after being proclaimed open by the constitution.*" Poor parents have to somehow find money to supplement the state's contribution or be content with insufficient facilities, overcrowded classrooms, lack of teaching and learning materials and generally education of an inferior quality. The SASA in a sense condemns them to what they were used to in the past.
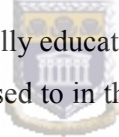
9.3.11 Policies Are Fuelled As Much By Implicit As Explicit Motivations

Policies are motivated as much by implicit as explicit reasons. Attempts to influence the direction of policy were underpinned by a desire to hold onto past privileges. The groupings that advocated this position could not state this overtly as this would have provoked a public outcry and possibly caused irreparable damage to their **cause**. Another dimension to this implicit, **hidden agenda** motivations for adopting a particular policy is the eschewing of terms which would amount to holding a red rag in front of an enraged bull. The SASA represents a cautious move towards a marketisation of education wherein enterprise culture is subtly encouraged. But terms such as these, namely, enterprise culture, free enterprise, market principles, business culture, and so forth are conspicuously absent from the SASA and other policy texts.

9.3.12 Contestation In Policy Development Is Multi-Dimensional

Contestation in policy development is multi-layered as well as multi-dimensional. It does not always mean taking up extreme opposing positions but rather making milder demands that could be construed as attempts at reconciliation and compromise.

9.3.13 Various Factors Influence Interpretation Of Policy Events

Policies that address "socio-subjective" societal issues like race, class, religion, language and culture are often vague, and deliberately so. Because they are vague, they are subject to different interpretations by the different actors at the different levels. What are the bases that influence and give rise to these different interpretations? As seen in the previous chapters, factors that have a bearing on interpretation of policy events include: political party ideology; circumstances of one's immediate work environment (for example, expectations of superiors, poverty on the ground at grassroots level); historical legacy and the expectations that this creates; and lack of capacity (resources).

9.3.14 Policy Implementation Can Suffer Because Of Poor Choices

Implementation of policy can be bedevilled by a lack of capacity (knowledge, skills and resources) but also the **people** chosen to operationalize the implementation. Inappropriate choice of human agents can lead to resistance thereby delaying delivery.

9.3.15 Policies Can Be Undermined By Other Policies

Educational policy that seeks to democratise schools does not necessarily mean a concomitant cheaper way out for parents. In fact the converse may be true. The irony is that the SASA plans to divert more funds to black schools to achieve redress. This theoretically should mean that black parents do not have to pay more out of their own pockets (if at all). But the opposite is occurring. The fact is the SASA must be seen in the context of other educational policy developments. The recent downsizing of the staff establishments of schools (via offers of severance packages, early retirements, and retrenchments) means that schools have to have more students taught by fewer teachers. In the black schools with their history of overcrowded classrooms, the situation under rationalisation worsens. So what one educational policy tries to achieve, another policy tries to negate. The noble aspirations of the SASA become undermined by the mechanics of the rationalisation process.

9.3.16 Policy Implementation Cannot Be Sabotaged Indefinitely

Policy actors who seek to sabotage the implementation process cannot distort implementation indefinitely, especially in the long term. Expectations aroused by the state's commitment to equity and redistribution of resources coupled with a democratic culture in which accountability and transparency feature strongly means that sinister, ulterior motives can sooner or later be exposed.

9.3.17 Contestation In Policy Development And Implementation Is Inevitable

The crux of this research has been about contestations in policy development and implementation. There will always be contestations in the policy process. In fact, there should be, if a healthy democratic society is to be nurtured. However, the contestations should be underpinned by a genuine attempt and desire to uplift the poor in which tangible, real benefits to the historically oppressed become visible. This should be a bottom line on which there can be no negotiation. The state must be true to and open with the poor on all fronts.

9.4   THE FUTURE OF GOVERNING BODIES IN SOUTH AFRICA

The contestations at national, provincial and school levels were all about the powers and functions of school governing bodies. What roles would they have to perform now and in the future? The idea of performing roles implies the kind of organizations these SGBs are likely to evolve into. How would they change over time? In other words: What is the future of school governing bodies in South Africa? Officials both within and outside government felt that governing bodies are going to be entrusted with more responsibilities. The officials from the WCED were of the view that all schools will eventually have to move to Section 21 status. GJS, another official of the WCED ventured that school governing bodies may be granted funds early in the academic year. These funds are then invested by governing bodies. Interest obtained from these investments could be used for expenses like municipal services, stationery, maintenance, and the like. The governing body would be required to pay the salaries of all teaching and non-teaching staff from the funds given by the provincial department. An official of the organised teaching fraternity was also of a similar opinion to the departmental officials, but was critical of the move:

> *I see a lot of functions and powers being conferred upon governing bodies in the near future… Where school governing bodies will only get the funds, and that funds will decrease as we go on in the years, until at the end of the day, government responsibility to educate is not a responsibility of the*

government any more, but the responsibility of governing bodies and the community itself.

This last remark is especially revealing in the light of international trends. The tendency of central and provincial governments to place more responsibility on schools and local institutions has occurred elsewhere, namely, Australia. In their study of educational restructuring, Lingard, Knight and Porter (1995) were able to detect patterns which emerged from the restructuring of state educational systems. Financial allocations from central and provincial coffers become progressively reduced. School principals and governing bodies are increasingly called upon to do more with less. Strangely enough, this piling on of responsibilities to schools does not mean that schools automatically gain more power. The locus of control still resides at central/provincial head office. In the words of Taylor, Rizvi, Lingard and Henry (1997:84) "*Such a situation possibly leaves central bureaucrats with power without responsibility and school 'managers' with responsibility without power.*"

The question could well be asked: Is school governance in South Africa heading towards what Taylor *et al.* (1997) refer to as "corporate managerialism"? Yeatman (1987) suggests that corporate managerialism is about "doing more with less" (efficiency), "focussing on outcomes and results" (effectiveness) and "managing change better". No doubt the term "corporate" implies big companies driven by market ideologies. Which leads one to consider whether school governance in South Africa is going to be dominated by market forces in the future.

The concept of enterprise culture has already been alluded to in *Chapter Three*. The role of the market in education considers the ways in which business principles are applied to the management and governance of educational institutions. As the running of schools become more market oriented, the role and relationship of parents to the state changes from one of citizen to that of consumer. With this development emerges strong tendencies of competitive individualism coupled with self-interest.

The marketisation of education has occurred in places like Australia, England and Wales. Educational policies are being increasingly couched in language which reflect business, and commercial concerns. As Kenway, Bigum, Fitzclarence and Collier (1993:4) note:

the market metaphor heads up a new policy and administration lexicon in education which includes such terms as "educational property", "educational enterprise", "entrepreneurial approaches to education", "educational services", "products", "packages", "sponsors", "commodities and consumers", "value-added education", "user-pays", "choice", "competition" and so on.

To what extent has this marketisation of education crept into South African educational policy vocabulary? The SASA seems to be introducing this market mentality in the functions to be performed by governing bodies. Market principles can be detected in the following functions:

- the payment of school fees;
- the possible charging of a fee for use of school facilities by the community;
- paying for services to the school;
- maintaining and improving the physical plant;
- preparation of school budget;
- maintaining financial records; and
- buying of textbooks, stationery and equipment.

At the same time though, it must be admitted that the terminologies as outlined by Kenway *et al.* (1993) are not prevalent in the SASA or other policy documents preceding it. Rather, the dominant terminology in the SASA and other policy documents could be described as being more reminiscent of liberation vocabulary with the emphasis being on redistribution, redress, equity, fairness, upliftment, and the like. It may be that in the future as governing bodies become more proficient and government cedes more responsibilities to them, the language of the marketplace will permeate educational policy texts.

It is the contention of the researcher that although the SASA does open up market possibilities, the market envisaged here is more of what Deem, Brehony and Heath (1995) refer to as "quasi-markets". The immediate future of the marketisation of school public education in South Africa could be compared to that of Australia. In this connection, Taylor *et al.* (1997:91) state that: "*School systems in Australia have also been subject to pressures of marketisation, although schooling's intrinsic social purposes, however weakened, impose limits on the development of a pure market in this arena.*"

If marketisation does gradually become more entrenched in school governance as a result of increased devolution of responsibilities from head offices, then the danger exists that the following practices could surface:

- the emphasis on efficient site management and governance becomes paramount, thus relegating democratic participation and democratic ideals to the background;
- the competition for alternative funding and students could mean less pre-occupation with educational concerns; and
- the accentuation of the gap between rich and poor becomes pronounced.

In connection with this last point, Taylor *et al.* (1997:88) state that:

> *A large body of research within the sociology of education has demonstrated how the culture of schooling works to the advantage of students from particular backgrounds. The implementation of a market definition of education devolution will only intensify this situation and exacerbate the gap between the educational opportunities of the better-off and those of the poor.*

9.5   RECOMMENDATIONS AND DIRECTIONS FOR POSSIBLE FUTURE RESEARCH

One of the central themes in the contestations at national, provincial and school levels was that of school financing. The crucial question here was: How can schools be guaranteed sufficient money so that capacity in terms of material and human resources can be improved? It is this question which has prompted the following discussion on recommendations.

9.5.1   Recommendations

Tikly (1997:9) has written on the way in which the local level can become more involved in the financing of education. In this paper he predicted how the coffers of local governments could become boosted:

> *There is scope in the longer term for local governments to increase their financial contributions to schooling. It is estimated, for example, that the current system of rating (local taxation) could be extended to cover the historically black areas within the next 5-10 years. This would provide*

*substantial additional sources of local income. It is likely that
rural authorities will be enabled to raise land and/or property
taxes in the future.*

The problem with Tikly's analysis and forecast is that none of this has materialised. The local education authorities have not become richer so that schools, especially the historically underprivileged ones, are benefitting. If anything, conditions in these schools have worsened. The number of students per classroom has not decreased significantly; schools have not seen a marked increase of educators either via appointment by the state or through the creation of governing body posts; buildings are still in a state of disrepair and neglect; facilities are still sadly lacking; and equipment, stationery and textbooks often have to be purchased through parental contributions. According to one of the principals of a school in a black community DR, the level of education of parents is barely beyond Grade 8. Parents seem to be more concerned with power rather than genuine delivery. Clearly, other mechanisms have to be sought to address these problems. Schools that suffered under apartheid simply do not have capacity, that is, human resources. The oft repeated excuses from government is that there is no money.
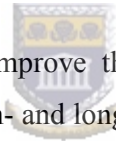
Strategies that could be introduced to improve the finance and infrastructure of poorer schools can be divided into short-, medium- and long term plans.

(a)   *Short term*

A school from the historically favoured group enters into a partnership with a school from the historically oppressed group. This union, otherwise known as "twinning" means that a meaningful and effective sharing of resources, both human and material, should occur. The immediate critique of this idea is that the poorer school will not be able to share material resources since it does not have any to share. While this is true, there are other ways in which it could prove useful to the other partner: since these schools are located almost exclusively in previously designated black areas/townships, more affluent schools could become more exposed to black languages and culture. There could also be a rich exchange of skills in the various sporting codes. The more affluent schools could obviously assist with equipment, facilities, and expertise in financial management. One of the dangers of this practice is that it could degenerate into a one-sided marriage in which the one party becomes the giver and the other the taker. To guard against this happening, the WCED could engage in some constructive intervention by introducing incentives for schools that show positive spin-offs

from this partnership arrangement. In fact the WCED could actively promote this twinning concept to fast-track the development of especially poor schools in rural areas. The WCED could increase its annual financial contribution to schools that show concrete improvement as a result of engaging in this twinning exercise. Of course, documentary and other kinds of proof would have to be furnished to the WCED to qualify for the reward of increased contributions. In this way, the poorer school benefits from its partner as well as the state.

According to a senior WCED official interviewed, twinning is at present a loose arrangement which schools can choose or ignore. Should twinning be made mandatory by the state? This might not be a very viable option at this moment since the logistics could prove a nightmare. Which schools become paired, and on what basis? What happens in the event of non-cooperation from either side? These questions would seem to negate the idea of a forced partnership. It may be rather more effective if the WCED could circulate survey forms and questionnaires to schools informing them about this twinning concept, the advantages and benefits to be gained, and encourage them to participate in this potentially mutually beneficial union. The WCED could act as the "middle man" to facilitate twinning. Schools that express interest could be entered on a list which could be distributed to all schools. Schools could be actively coaxed to buy into this scheme by making inventories of all the resources (both human and material) that they have to offer. This will urge people within schools to look deep into themselves and identify skills and talents that they possess which could enrich others. The basic idea underlying twinning is sharing, but it is sharing that must result in some kind of upliftment and improvement, some positive change in both camps.

Twinning does not necessarily mean a bond between only two schools. This could be the initial step but other schools could join in at a later stage. Twinning could expand into an association of schools bound together by, say, physical proximity. The advantage of this is that schools would then be benefitting from more than one partner. Physical distance need not be the only criterion that brings schools together. NS, an M.Ed. student, has undertaken research into this concept of twinning in which a three-way partnership was entered into. One of the schools is from the historically privileged and the other from a previously disadvantaged community, the third party being a school in England. She has made the following observations with regard to her investigation:

> *In the past bureaucratic procedures prevented schools from having contact with other schools and with institutes for higher education which could have led to beneficial, longer-lasting partnerships. Also decades of apartheid schooling in South Africa have resulted in inequalities in the education system.*
>
> *From my research which is the study of how privileged schools can help the historically disadvantaged schools to improve their quality of education, it is obvious that the school alone cannot shoulder the enormous reform challenges confronting the education system. The partnership between the two schools in my case study has resulted in annual joint planning meetings of the two schools, sharing of resources and facilities and successful fundraising to improve amenities at the historically disadvantaged school.*

Another short term endeavour that could assist poor schools financially would be to co-opt one governing body member from the business fraternity. This practice is currently quite widespread in England. The advantage of this move would be to harness the entrepreneurial skills that this person would bring to the school. Innovative ideas for fundraising, and entering into meaningful mutually beneficial financial relationships with business. would be some areas in which such a governor would be able to assist the school increase its financial reserves. For example, companies could sponsor equipment to schools and in return use school grounds to erect their advertising billboards. If schools are moving towards a market orientation, then the appropriate human resources should be mastered to cope and address these demands.

(b) *Medium term*

Central government must induce the private sector to become more involved in education provisioning. Companies could be encouraged to make donations to schools and in return qualify for some form of tax rebate. If government cannot adequately fund school education, then it should pave the way for others to do so.

(c) *Medium to long term*

School governing bodies cannot function as islands. They would have to come together in an association. Member schools would obviously have to pay membership fees which would be one source of revenue for the association. Associations of governing bodies should become "unionized" in the sense that they should emulate the development of unions whereby funds are invested and dividends are ploughed back into association activities which could include

financial assistance and development of infrastructure for member schools. Governing body associations can enter into partnerships with companies from the private sector. For example, cellular phone companies like "MTN", "Vodacom" and "Cell C" can sponsor workshops and conferences organized by the association or assist in setting up the technology at schools. One cannot deny the market potential that exists among the learners and staff at schools for the purchase of cellular phones and accessories! Associations can invest funds in the property market by purchasing buildings for the purpose of leasing office space and retail outlets. In this way associations can be assured of constant incoming revenue which could in turn be used for their poorer member schools, especially in rural areas. Associations should aim at becoming financially sustainable so that their member schools ultimately benefit. As associations attract more members and become financially independent, they can become powerful lobby groups to influence the direction of future education policy. Unlike the associations of governing bodies which made submissions to the government on the SASB, these new associations would not be racially skewed so that one group benefits more than others. Rather, the aim would be to uplift and develop the governance of poorer schools while simultaneously using on-going improvement and breathing fresh energy and vigour to more well-off schools. Provincial associations could be affiliated to one national organisation.
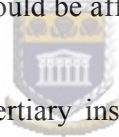
Governing bodies could be assisted by tertiary institutions not so much through financial contributions as through student input. Since it seems as though the governance of schools is going to be increasingly subjected to market forces as a result of increased responsibilities, governing bodies will need as much financial and business acumen as possible. To this end students at university, especially those in the Faculty of Commerce, Management and Business Sciences could be required, as part of their internship, to assist governing bodies with programmes that may possibly be of financial benefit to these structures. Advice on cost-saving measures, investment opportunities, record-keeping, and so forth can also be offered by these students.

9.5.2   Directions For Possible Future Research

How much powers should governing bodies have? While the poorer schools from the ex-DET, ex-HOD and ex-HOR did not welcome more powers, the schools from the ex-HOA stopped short of asking and demanding full autonomy. Linked to this idea of greater powers is the notion of accountability. Governing bodies are accountable to the provincial education department as well as the communities they serve. It was mentioned that in an earlier chapter

governing bodies serve two masters: the state and community. How governing bodies balance this dual responsibility could prove to be an interesting area for research.

As governing bodies increase their capacities and assume more competencies, the pressure to become more market-oriented will also increase. As indicated previously there are elements of market trends inherent within school governance policy of the SASA. Whether these market tendencies will imitate the pattern in other countries (like England, Australia and Wales) or collapse into some mixture of market and state could be the subject of future investigation.

The relationship between professional management and governance may need a more thorough interrogation than what is currently stipulated in the SASA. Some of the interviews elicited information which suggests that the line between these two areas could frequently be criss-crossed, thus resulting in tensions and conflicts within governing bodies. In addition, the professional manager of the school in the person of the principal who also sits on the governing body in an ex-officio capacity, could result in role conflict. Reconciling the potentially oppositional arenas of professional management and governance, making the one supplement and complement the other even to the point where the one becomes a healthy "check" on the other are challenges which future researchers may want to shed more light on.

What exactly does it mean to capacitate a governing body? Is it merely printing information on sheets and distributing it to governors? Skills that governors will have to possess, in addition to the necessary knowledge, may include: appraisal/evaluation of teaching and non-teaching job seeking applicants; chairing meetings (in the case of parents); encoding and decoding legal terminology; keeping proper financial records; marketing the school; dealing with conflict and sensitive issues; and much more. In the rural areas where the literacy and numeracy levels among adults are lower, the capacity building program may have to start at a much more basic level. Are present capacity building courses adequately designed to meet present and future challenges for governing bodies?

A distinction was made in *Chapter Eight* between the power **of** a governing body and power **in** a governing body. While this thesis has concentrated almost exclusively on the former, the latter is a field that may attract much research and debate in the future. As governing bodies become stronger financially and in terms of expanded responsibilities, so will the pressure on governors increase. Attempts to influence the direction of policy within governing bodies could result in micropolitics that require critical scrutiny. Foucault (1980:158) talks about power in the following way:

> *One impoverishes the question of power if one poses it solely in terms of legislation and constitution, in terms solely of the state and the state apparatus. Power is quite different from and more complicated, dense and pervasive than a set of laws or a state apparatus.*

Just how individual governors use their personal and positional power to influence the decision-making in governing bodies can be a useful area of study if school governance is to be taken seriously.

An exploration of the relationship between school governance and the quality and culture of teaching and learning could provide valuable lessons for school governance in the future. Does better governance necessarily equal improved teaching and learning? School governing bodies are partners with the state in the recruitment and employment of teaching staff at schools. This teaching staff is supposed to be the means for ensuring quality teaching and learning. Coupled with this teaching and learning is the issue of values, character and ethos of schools. How do school governing bodies contribute to maintaining or changing prevailing values, character and ethos at schools? Students embarking on a study of this nature would have to identify and defend specific criteria that would characterize improved teaching and learning, acceptable values, character and ethos as these are highly subjective and contentious questions.

9.6   CLOSING COMMENTS

This thesis has attempted to critically analyse the development and implementation of school governance policies. Prunty (1985:136-137) gives some guidelines on how a critical educational policy analysis should be conducted. Among the factors that he lists are:

> *...a critical analysis would be overtly political…(it) would strive to expose the sources of domination, repression, and exploitation that are entrenched in, and legitimated by, educational policy…(it) would be concerned with the pathology of consciousness, addressing itself to the ways in which humans unknowingly abet their oppressors.*

Prunty goes on to say that "*the work of the policy analyst is…moral and ethical, for the 'goodness' of the 'good life' implied by policy must be questioned. This brings us back…to the basic question, 'Whose values have been validated?'*"

In analysing the development and implementation of school governance policy in the SASA and WCPSA, it is hoped that the researcher has gone some way in obtaining the above insights.

9.7   A FINAL NOTE

The researcher is aware of an investigation into the functioning of SGBs conducted by Professor Soudien from the University of Cape Town. This study was embarked upon almost a year ago. At the time of submission of this thesis, the findings of the investigation had not been officially released to the public.

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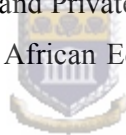
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12 Hendrik Potgieter Street
Parow Valley
7500
Cape Town

19 April 2000

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Dear Sir / Madam

RE: REQUEST FOR INTERVIEW FOR RESEARCH PURPOSES

I am a Doctoral student at the University of the Western Cape working under the supervision of Dr. Y. Sayed and Prof. S. Lazarus. The focus of my thesis is the development and implementation of the South African Schools Act (SASA) and the Western Cape Provincial Schools' Act (WCPSA) **with specific reference to powers and functions of school governing bodies (SGBs)**. It is imperative that I interview key roleplayers involved with school governance as part of the research.

The aims of the research are as follows:
1.   To highlight contestations surrounding the development of school governance policy at national level.
2.   To explore how provincial school governance policy is developed from national policy and the areas of contention between the two.
3.   To study the implementation of national and provincial school governance policy at school level, and the contestations concerning powers and functions of SGBs at this level.

The purpose of this letter is to seek permission to interview you as a relevant roleplayer in the development and implementation of school governance policy. I am mindful of your busy schedule and will therefore strive to conduct the interview with the minimum amount of disruption to your work.

Kindly allow me to restate that the interview will centre on the contestations around powers and functions of governing bodies.

Your kind and favourable response to this letter will be greatly appreciated.

Yours sincerely
A. Maharaj

TEL: (021) 9334284 (H) / 9061010 Ext. 38 (W) / 9061735 (Fax)

NB: *Please refer to interview questions on the next page!*

12 Hendrik Potgieter Street
Parow Valley
7500
Cape Town

19 April 2000

The Secretary
School Governing Body

Dear Sir / Madam

RE: REQUEST FOR INTERVIEW FOR RESEARCH PURPOSES

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3.   **To study the implementation of national and provincial school governance policy at school level, and the contestations concerning powers and functions of SGBs at this level.**

The third aim above has been highlighted because it has relevance to the governing body of your school. The purpose of this letter is to seek permission to interview you as a member of the governing body. I am mindful of your busy schedule and will therefore strive to conduct the interview with the minimum amount of disruption to your work.

Kindly allow me to restate that the interview will centre on the manner in which the powers and functions of this governing body are exercised and any possible contestations that may arise out of this.

Your kind and favourable response to this letter will be greatly appreciated.

Yours sincerely
A. Maharaj

TEL: (021) 9334284 (H) / 9061010 Ext. 38 (W) / 9061735 (Fax)

NB: *Please refer to interview questions on the next page!*

APPENDIX C: *Generic Interview Questions For National Level (All Roleplayers)*

Section A: Powers and Functions Focus

(a)   In terms of powers and functions of school governing bodies, which were the issues around which there was contestation.

(b)   What, in your opinion, was the contestation all about?

(c)   Why, in your opinion, was there this contestation?

(d)   How was the contestation addressed?

(e)   What do you anticipate will be further contestations that will occur in implementation?

(f)   What changes to the powers and functions of governing bodies do you see occurring in the future?

(g)   With hindsight, are there any deletions/omissions/additions in the SASA that you feel strongly about regarding powers and functions of governing bodies?

(h)   Which of the powers/functions exercised by governing bodies are particularly problematic for your organisation, and why?

Section B: Tracing Differences in Policy Texts

(a)   The principle of "basic" and "negotiable" powers as put forward by the Hunter Report is a thread that runs through all successive policy documentation with certain modifications. What was the thinking behind this principle and was there an opposition to it?

(b)   The Hunter Committee proposed that governing bodies should decide on the appointments of administrative staff. One notices the changes in later policy documents. Education White Paper 2 (February 1996) said that governing bodies should merely recommend appointments (in consultation with provincial departments). The South African Schools Bill states that in addition to administrative staff, educator staff should also be included. Why was there a shift in these two positions? Why was there contestation in this area? Why were these changes made?

(c)   According to SASA, the admission and language policies that governing bodies are now responsible for must be exercised subject to certain conditions. In the case of admissions, it must be determined in consultation with the provincial department. In the case of language policy, the relevant national and provincial policy must be taken into account. Why were these limitation clauses absent in the Hunter Report?

(d)   There are some people who say that governing bodies are "servants of the state" while others argue that they are fairly independent and autonomous with wide ranging powers. What are your views on this?

(e)   The document dealing with possible amendment to the SASB (17 September 1996) replaces "duties" of governing bodies with "functions", and "powers" with "allocated functions". Do you regard the terms **powers** and **functions**, in relation to governing bodies, as synonymous? If not, give an example of a **power** and a **function**. And what was behind the use of these terms?

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Section C: Questions Specific to the Western Cape Province

(a)   Explain any significant differences you may have noted between SASA and PEA in terms of powers/functions of governing bodies is concerned?

(b)   As far as admissions–, language– and religious observance policies are concerned, the limitation clauses set out in SASA are absent in the Provincial Education Act. What is your opinion regarding this difference?

APPENDIX E: *Interview Questions For Members Of The Governing Body Of The School (All Sectors)*

Specific Questions

- What are **all** the responsibilities that have to be exercised by the governing body?

- Which powers and functions, in your opinion, do or are likely to lead to contestation either **within** the governing body or **between** the governing body and any outside agency? Why are they likely to lead to contestation? How are these contestations addressed?

- Are there any "allocated functions" (SASA) which the governing body has applied for and been granted? (The allocated functions include amongst others, maintenance of the physical plant; purchase of equipment, stationery and textbooks; payment for services to the school.)

- Some people feel that governing bodies have many powers and functions, while others feel their powers and functions should be restricted. What is your view regarding the **extent** of the powers and functions of this governing body?

- What interaction, if any, has there been between the governing body and the provincial department in terms of fulfilling powers and functions?

"Other" Questions

- How do you see the future evolution of this governing body and governing bodies in general in terms of powers and functions?

- Some people feel that governing bodies are "servants" of the state while others claim that they are fairly independent with wide ranging powers. What are your views on this?

APPENDIX F: *"Guarantee Of Confidentiality" Letter To The School*

<div align="right">
12 Hendrik Potgieter Street
Parow Valley
7500
Cape Town

30 October 1998
</div>

The Secretary
School Governing Body

Dear Sir / Madam

RE: GUARANTEE OF CONFIDENTIALITY

Further to my letter of introduction, I wish to assure you of the following:

1.   The information gathered during the research will be used **only** for the study **and no other purpose**.

2.   The names of persons consulted/interviewed will be changed to fictitious ones for the purposes of the study. The same will apply to the name of the school. At no stage will the actual names of people or institutions be mentioned in the thesis.

3.   The findings of the study will be made available to you once it has been written up.

4.   The wishes of people interviewed/consulted will be respected at all times.

Yours sincerely
A. Maharaj

TEL: (021) 9334284 (H) / 9061010 Ext. 38 (W) / 9061735 (Fax)

APPENDIX G: *List of Interviewees*

JS	03/09/1998
IS	08/12/1998
PRINCIPAL	09/12/1998
IM	22/03/2000
DP	19/04/2000
GD	05/03/2000
RB	16/05/2000
BM	17/05/2000
PF	20/05/2000
HN	21/05/2000
LF	22/05/2000
DDL, JK and AJS	06/04/2000
MJ	10/03/2000
YG	11/05/2000
NS	18/06/2004
DR	08/08/2004