

The Views of Media on the Practices of Teachers' Union (SADTU) in the Appointment of Educators

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ABSTRACT Among the different roles and responsibilities of SGBs, is the appointment of educators. Concerns are raised regarding this function because too many court cases emanate from these appointments. The purpose of this study is to find what needs to be done in order to ascertain that the recruitment of educators is based on merits. Theoretically, the study is premised within the policy implementation theory and argues that South Africa has good policies on paper but the problem is that of implementation. The study is interpretive in nature and uses critical discourse analysis within the qualitative method to analyze and discuss newspaper articles from the 'City Press' in an attempt to bring out the corrupt and nepotistic nature of the educator's recruitment by the SGBs at the dawn of democracy.

INTRODUCTION

Since democratization in South Africa, concerted successful governmental efforts have been made to involve stakeholders in decisions that affect them. When the democratic government took over power in 1994, it was realized that there was distortion of most infrastructures in the public schools. In an attempt to renovate the schooling structure, the South African Schools Act 84 of 1996 (SASA) was conceded giving parents the obligation of running the schools their children. The governance of a public school resides within the school governing body (SGB). The SASA 84 of 1996 provides tools through which education in public schools was democratized. These included the view that stakeholders such as parents, educators, learners and community members must partake in the happenings of the school (Potgieter et al. 1997: 6). The South African Schools Act 84 of 1996 enumerates the functions of school governing bodies, which could increase depending on their developing know-how (Potgieter et al. 1997).

According to the Eastern Cape Department of Basic Education Circular number 9 of 2005 (DOE 2005: 4-10), procedures for the advertising and filling in of vacant posts are clearly outlined unequivocally. This circular is read in conjunction with the Personnel Administration Measures (PAM) document particularly chapter B where a detailed explanation of the process to be followed in the advertising and filling of edu-

cators posts is encapsulated. The guidelines consist of the following: Advertising (paragraph 3.1), Sifting (paragraph 3.2), Shortlisting, Interviewing (paragraph 3.3), Appointing (paragraph 3.4), and Recording (paragraph.3.5). In the process of short listing and interviewing, observers from any registered teachers' union admitted to the Provincial Education Labor Relations Council (PELRC) are invited to observe on both processes. These observers normally come from the South African Democratic Teachers' Union as the majority union from the Education Labor Relations Council. These observers do not actively participate in the process of shortlisting and interviewing as they only observe the procedural fairness of the process but may only raise objections where fair procedures are not followed. The importance for SGBs (and provincial department of education) to follow correct prescribed procedures in the selection of educators, and the correct application of the Employment of Educators ACT, 76 of 1998 (SA 1998a) and the Promotion of Administrative Justice Act, 3 of 2000 (SA 2000a) must be adhered to (Rossouw 2011: 88). Therefore, the process of shortlisting, interviewing and recommending the most suitable candidates for employment to the Head of Department of the Provincial Education is the exclusive duty of the School Governing Body.

The latest Education Labor Relations Council Report of 2012-2013 on the types and frequency of disputes referred to ELRC in 2012-

2013 shows that appointments and promotion of an educator's disputes are high on the statistics of ELRC. Statistics of Provinces in cases referred to ELRC show that out of the 646 cases in 2012-2013, appointment and promotion disputes are high with 285 cases referred.

Based on the preceding report from Education Labor Relations Council, the researcher is of the view that a need exists in South Africa, particularly in the Department of Basic Education, to investigate the intricacies and complexities involved in an educator's recruitment by SGBs.

The main aim of the study is to examine the experiences of Teachers' Unions on the recruitment of educators by SGBs in schools. The major problem that the paper seeks to explore emanates from dispute cases filed in courts across the country from educator's recruitment process conducted by school governing bodies that are on the rise in the Education Labor Relations Council nationally (City Press 27th April 2014:1). This is confirmed by the cases of litigation in the district resulting from recruitment of educators.

SGBs are expected to formulate a plethora of policies that can govern the schools within the realm of the law. Some of the expected functions of SGBs, which are extremely critical, are enunciated as follows:

- ♦ To encourage the welfare of the schools as well as their growth through the establishment of excellence education for all learners at the schools.
- ♦ To recruit and recommend to the Head of Department the employment of educators at the school, subject to the Employment of Educators Act 76 of 1998 and the Labor Relations Act 66 of 1995.

One of the most critical and significant responsibilities of the SGB is to play a role in the recruitment of teaching personnel in public schools, which is the rationale for this study. The education of children is the most central purpose of any school and the teacher or educator therefore, is the most important single resource in processing and producing knowledge. Teachers possess intellectual wealth in producing quality education. School Governing Bodies are supposed to recruit educators guided by the recruitment policy of the Department of Basic Education, which stipulates that the educator must be in REQV 13 (Relative Education Qual-

ification Value 13) minimum level of education and above. The main objective of this process is to attract the most qualified, best suitable and most competent educators whose profiles meet the inherent requirements of the vacancy or post. School Governing Bodies are empowered by Section 20 of SASA 84 of 1996 to shortlist, interview shortlisted candidates and recommend the most suitable candidates for the posts to the Head of Department of the Provincial Department of Basic Education. This process of recruitment must be guided by the simple standards governing public management enshrined in Section 195 (1) (a-i) of the RSA constitution (1998). The SASA 84 of 1996 Section 20 (8) also amplifies the same values in the RSA constitution (1996) that the recruitment process must be guided by the following important principles:

- ♦ The ability of the candidate
- ♦ The principle of equity
- ♦ The need to redress past injustice
- ♦ The need for representation

The school governing bodies are compelled to adhere to these forgoing principles and conduct the process of recruitment in a very transparent manner, with integrity, with high level of impartiality and without prejudice.

Nel et al. (2010: 349) argue that recruitment is a set of accomplishments for attracting job candidates with the competences and experiences needed for a given assignment. These individuals should be ready to assist the organization accomplish its intended intentions. In addition, Nel et al. further say that the recruitment procedure starts when people are invited to apply to be hired by the organization.

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Based on the preceding report from Education Labor Relations Council, the researcher is of the view that a need exists in South Africa, particularly in the Department of Basic Education to investigate the intricacies and complexities involved in an educator's recruitment by SGBs. The relevance of this public policy implementation theory to this study cannot be over-emphasized. The researchers intend to assess whether the policy of recruitment of educators is correctly implemented by the School Governing Bodies. Furthermore, they seek to assess whether this policy is yielding its intended objectives or these are unintended consequences in the policy of recruitment.

METHODOLOGY

The study focuses on articles from the City Press concerning court cases on the recruitment process of educators by the SGBs in South African schools. To get a good understanding of this, there is a need to bring in different roles

and bodies involved in the process of recruitment in schools. The study is premised within the interpretivist paradigm where the Critical Discourse Analysis (CDA) is deemed necessary to bring out the views of teachers unions on the recruitment of teachers by SGBs. Since the study is interpretive in nature, the qualitative method was used. The tools used for data collection were based on the selection of articles from the City Press Newspaper. The articles selected were based on court cases concerning fraud and corruption for the purpose of gaining positions in schools. It was envisaged that analyzing these cases and the comments made online @city_press, one could come up with the practices of SGBs on the recruitment process of teachers. The few newspapers selected for this study ranged from the 24th of April to the 4th of June.

Issues and Insights

Theoretically, this paper is premised within policy implementation. According to Brynard (2005), South Africa is presently in the midst of the implementation era. Implementation, according to Pressman and Wildavsky (1973: xiii-xv), is to "carry out, accomplish, fulfill, produce and complete". Webster and Roget posit, "policies imply theories... policies become programs when, by authoritative action, the initial conditions are created. Implementation then is the ability to forge subsequent links in the causal chain so as to obtain the desired results." According to Von Meter and Van Horn (1974: 447-8), "Policy implementation encompasses those actions by public or private individuals (or groups) that are directed at the achievement of objectives set forth in prior policy decisions." Furthermore, Bardach in the Implementation Game postulates, "It is hard enough to design public policies and programs that look good on paper. It is harder still to formulate them in words and slogans that resonate pleasingly in the ears of political leaders and the constituencies to which they are responsive. It is excruciatingly hard to implement them in a way that pleases anyone at all, including the supposed beneficiaries or clients" (Bardach 1977: 3). Based on this, it is difficult to say whether it is poor implementation of the recruitment policy or if the policy was not properly formulated by the SGBs.

Public policy evolution and implementation since the end of apartheid in 1994 have been on the top of developmental agenda of the new dispensation. Gumede (2008) argues that at the theoretical level in the new South Africa public sector, reforms must take place and be linked with new public management reforms, which can ultimately lead to integrated governance approach. Gumede (2008) further asserts that although an integrated governance system requires further interrogation, South Africa has reputable establishments for policymaking procedures and summarizes most of the prominent features of a democratic developmental state. It might be mindful for these researchers to caution that formulation and implementation are two different things. Thus, formulation in the context of SGB is ideal since the government seems to be a role-player in the training and development of these bodies. One would expect intervention in situations where there is a fault line to make sure that the policies are implemented.

In view of the above, Paudel (2009) argues that public policy implementation literally means carrying out, accomplishing, fulfilling, producing or completing a given task. Paudel (2009) further says that policy implementation incorporates those actions by public and private individuals or groups that are directed at the attainment of goals set forth in policymaking decisions. Meier and O'Toole (2003: 266) defines policy implementation as what grows between the institution of an apparent target on the part of government to do something or stop doing something and the eventual effect on world of actions. Paudel argues that fruitful implementation entails compliance with the statutes' directives and goals, achievement of specific success indicators, and improvement in the political climate around a program. This means that success of the policy depends critically on two factors, local capacity and will. Questions of motivation and commitment (or will) reflect the implementer's assessment of the value of a policy or the appropriateness of the strategy.

Although the recommendations on the appointment and promotion of educators are one of the functions of SGBs, a significant number of educators are opposed to that (Van Wyk 2004). It has been observed through the media that SGBs do not adhere to procedures for the recommendations on the appointment of educators although the procedures are stipulated in the

policy (Ngceba 2002). There have been concerns raised in the media that SGBs recommend educators whose experience, qualifications, credibility and histories, both in profession and in the community, are seriously questionable (Van Wyk 2004). In other words, they recommend candidate educators who do not have the required academic and professional qualifications as stated in the advertisements. Van Wyk (2004: 43) further maintains that in many instances the concerns of educators are understandable, in that "few governing body members have a grasp of tasks and responsibilities required at different post levels, and therefore, select candidates on dubious grounds". Some union members of teacher organizations claim that some SGB members recommend applicants who are born and bred in their neighborhood, with some of them not being qualified for those posts, some not even shortlisted, and sometimes they select their relatives and do not consider the competence of those educators (Van Wyk 2007). It has also been said that parents outvote other members in the panel and caucus first before going to the interviews (Blackmore 2006).

Furthermore, Scheepers (2005: 1) observes that the Department should enlighten SGBs that their duty is to recommend and not to employ teachers. She gave an example of the SGB in a school that suggested a principal for appointment and after the Department had employed the principal, the same SGB disputed the principal's appointment because the deputy principal who was also interviewed for the post persuaded the school governing body members to change their decision. She further suggests that since the Department has full confidence in SGBs, they should recommend the best people for the posts. She added that appointment should not be personal. It should be in the best interests of the school, and even more importantly, the interest of the learners. This thus, suggests a transparent and fair process should be applicable to all the candidates involved. Scheepers therefore says that the SGB should respect the final decision of the Department in the recruitment of teachers. One turns to question the competence of the SGB and the monitoring and evaluation by the government. If there was sufficient training, one should expect transparency. Thus, nepotism and corruption would not be able to feature in the whole process.

Following the supposed incompetence of the SGBs, Mgoduka (2004: 4) argues that only those who are known by the members of the interviewing committee get appointed. Hence, he makes a call to the government to review this specific function of recommending the appointment of teachers to the Head of Department. Ngceba (2002) stated that the appointment of teachers in the Eastern Cape is done through nepotism and bribery. He expresses his frustration towards nepotism and bribery by saying that the parent component is being ill-treated by the principals. Some unqualified teachers are recruited because they are friends, girlfriends or relatives of some principals (Ngceba 2002). Hence, the study seeks the perceptions of the Teachers' Union members on the SGB practices in the appointment of educators.

The above concerns show that despite the fact that there are clearly stipulated procedures, which SGBs have to follow in the process of appointing educators, there are still limitations. There is a dearth of literature on how SGBs' members especially the teachers' union component perceive the SGBs practices in the appointment of educators. By looking at perceptions one is able to get their side of the story since they play the role of observers during the process.

Another crucial area that needs to be stressed at this juncture is the top-bottom approach. The top-down approach is a renowned model in the policy analysis arena, and is based on the assumption that a small, elite group (usually the government) is responsible for policy decisions and that this group governs an ill-informed public (the citizens) (Treib and Pulzl 2007). Policy decisions made by the elite (those who are in power), flow downward to the population at large (those who do not have powers), and are executed by the bureaucracy, and these decisions are taken at the top and there is no popular participation. So it stands to reason that it is only the expression of values and choices of the privileged that dictate their views to the masses (Howlett and Ramesh 2003). This presupposes that since the SGBs are responsible for recruitment of educators, they do not perform their role for the interest of their community or that of the school. Rather, they seem to use it as an opportunity to enrich themselves.

In this regard, policy flows from the policy-makers (influential leaders) to the people on the ground to implement. Those who have powers

usually take the center stage in leading the decisions that directly affect the masses or the society at large (Gumede 2008). This shows that a majority of existing policies designed, reflect the leaders' values, which generally preserve the status quo (Treib and Pulzl 2007). In such situations, the elite have higher income and in most instances, the more educated in their communities, with higher statuses than the large passive, poor masses. In this regard, they control and shape the mass opinions more than the mass (Schofield 2004). In an organization of this nature, public officers and administrators carry out policies decided on by the elite and flow them down to the masses without considering their participation or listening to their views (Treib and Pulzl 2007). In view of the above, Brynard (2005: 9) stresses that high ranking officials formulate and execute policies, and execute decision-making for lower level structures to implement. The implementers do not have input in the design and details of the policy, but have their policies cascaded down and are not expected to question these policies, but to implement them (Fraser et al. 2006). This seems to suggest that the lack of passion on the part of the SGBs to implement the policies could be accounted for the lack of their involvement in the policy formulation. Thus, it is useful for all stakeholders to be involved in the governance of their community only if they feel like a part of it.

Based on the above, Paudal (2009) states that the top-down approach assumes that the policy goals can be specified by policymakers and that implementation can be carried out successfully by setting certain mechanisms that ensure compliance to the policies. Paudal continues to say that these policymakers have the capability to exercise control over the environment and implementers. Top-down policies tend to neglect considering the attitudes of the implementers and sometimes even fail to clarify certain issues and take it for granted that it would be implemented according to the intended plan (Gumede 2007). In view of the aforesaid arguments, the top-down approach neglects the reality of policy modification or distortion at the hands of the implementers since policy implementers interpret and implement a policy according to their own understanding, even considering the availability of resources. They can divert from the original plan to suit the prevailing situation (Gumede 2008), Jans (2007) observed that al-

though good decisions are made at the top, bad implementation cripples this approach. Multiple intermediary acts like government officials, agencies for policy implementation requires cooperation, monitoring and control. Therefore, without cooperation or proper control, there can be no successful implementation (Gumede 2008). This is to suggest that there should be some forms of checks and balances to make sure that policies can be implemented in the best interest of all its stakeholders.

According to Treib and Pulzl (2007), the bottom-up approach criticizes the view that local bureaucrats are the main actors in policy delivery and see implementation as the negotiation processes within the networks of implementers. Furthermore, they claim that the aim of the bottom-up approach is to give accurate empirical description and explanations involved in delivery and policy implementation. Actors are not only enforced with implementation, but also take part in the whole process, that is, how policies are designed, defined, implemented and redefined.

Participation is the center of a bottom-up approach (Treib and Pulzl 2007). Kumar et al. (2009) voice that community participation, if done properly, almost brings advantages for the concerned community. Furthermore, Kumar et al. continue that participation can ensure effective utilization of available resources where people and other officials work towards achieving their objectives and the masses on the ground should become responsible for various activities. This approach helps create an institutional culture of openness and service, and also encourages greater public attention to the way in which the policy is implemented, thus promoting accountability (Eden 1996). It is further elaborated that participation in most cases brings a wider range of information, ideas, perspectives and experiences to the process of policy formation.

The bottom-up approach views service delivery implementers as people on the ground, whose decisions on selecting variables matter because they face the challenges of the real situations and make decisions as the situation obtains (Brynard 2005: 10).

ANALYSIS AND DISCUSSION

On the 24th of April 2014, the caption on the City Press newspaper was “*How SADTU Sells*

its Posts”. It was followed by three bulleted points, which read:

- ♦ *Top jobs sold for R30,000 or more*
- ♦ *Death threats if you refuse to leave*
- ♦ *Investigations into Limpopo and North West*
- ♦ *R30,000 the price to be appointed a principal*

Promotion for cash racket run by members of the SA Democratic Teachers' Union (SADTU) has led to scores of illegal appointments across the country and even murder. City Press can reveal that plum posts, including those of principal and Deputy Principal, are routinely sold for more than R30,000 a pop in Kwazulu Natal...

These are usual cases nationwide and on a daily basis. Similar cases are found in the issue of 27th April 2014 with the caption “School Principal Posts for Sale.” Amongst the comments that the researchers got online @city_press are:

Comment 1: *I encountered a principal who did not even know about a simple process of appointing a laborer at his school. So you can imagine the challenge he encountered in governing the school... I am not even talking about the budget.*

Comment 2: *It is the union and the government, which have destroyed this country, hoping an educated and illiterate population will keep them in power.*

It is evident that even the principals as the managers and custodians of the schools are not even aware of what is going on with recruitment. It is just a prerogative for the SGBs to do as they wish. The government has given them too much power that they are now using to abuse the same system that is supposed to work for everyone. In view of this, these researchers think that the government has its own fair share of the blame because it fails to evaluate and monitor the process. Secondly, the government is not performing its function of development and training of the SGBs. In view of the power given to the SGB, they think that it is an opportunity for them to catch up with the past. They fail to understand that they are killing their own community by so doing.

The second comment seems to re-echo the fact that all South Africans only care for themselves, not the nation. The comment brings in the idea of selfishness, which is the main promoter of corruption, nepotism, and favoritism.

This is to say that although one may read good policies on papers, there is no effort or attempt being made by the country to match policies and practices.

The issue from 30th April highlighted “[*How SADTU Sells its Posts*”]. The newspaper goes on to show how legitimate principals are being bundled out of their posts in favor of the candidates who have paid for the post. These principals are either “violently forced out of their posts [or] threatened with death” and replaced by members who paid off Union officials to take the jobs” (City Press: 2). The City Press goes on to break the shocking news that “... It is very prevalent. SADTU is running the department of education because it’s them who say who gets what post”. This is rampant in the whole province. There are several cases of violence, arrests, detentions, and bails nationwide, reported in the paper in relation to recruitment.

Similarly, on the 4th of May 2014, City Press again reports, “*More Jobs for Sale in SADTU Racket*”. In the article, it is revealed that SADTU officials “are selling not only principals’ posts, but are manipulating the education system across provinces to control the teachers’ appointments...for as little bribes as R 6,500.”

On the 16th of May 2014, City Press reported, “*Principal’s Appointment Behind Soweto School Fire*”. In the article, the teachers “refused to accept the appointment of a new principal” because the teachers were “demanding the appointment of their preferred candidate for principal.”

The burning of these schools reflects a popular say that “when two elephants fight, it is the grass that suffers”. Thus, the burning of the school deprived the children from poor backgrounds the much-needed opportunity to quality learning. On the 18th of May 2014, the newspaper reported, “*SADTU Man Demands Sex for Job*”.

CONCLUSION

In spite of its achievements in improving the lives of the people, South Africa is still plagued by various stubborn and persistent realities that thwart the realization of educational imperatives and goals enshrined in the constitution of the Republic of South Africa, the South Africans Schools Act, the Bill of Rights, and all the other progressive documentation. Specifically, both the State and the Department of Basic Educa-

tion have failed to implement the policies pertaining to improving the quality of education, thus retarding human potential and leading to the disempowerment and eventual dehumanization of the its communities.

The Education Development Officers, the School Governing Bodies, teachers’ unions, and the teachers, together with the learners and the greater community have failed to implement and uphold work ethics and perform their duties professionally, thus crippling the aim of education and failing the learners and the country of deserving skills and knowledge that would place South Africa on the world map, alongside the developed countries.

Unless the State and the Department of Basic Education, together with all these stakeholders, openly acknowledge their failure and shortcomings, it will be difficult for them to creatively and courageously confront and improve on these failures. Yet improving on these failures, particularly to teaching and learning, will add value to the quality of education, and therefore, improve the lives of the society, as a whole.

RECOMMENDATIONS

The study recommends that SGBs need to be capacitated through consistent training and development workshops. Secondly, the committees need to be renewed after three years of service to ensure that it is a communal property. Finally, SGBs need to follow the correct procedure for recruitment to assure quality. In conclusion, the department of Basic education needs to play its role of training and development as well as monitoring and evaluation.

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