

Bullying, Protests, Discrimination, Harassment and Unconstitutional Code of Conduct in Our Institutions Disrupt Effective Teaching and Learning

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ABSTRACT: A code of conduct for students and learners is a form of subordinate legislation and should reflect the democratic principles of the Constitution by supporting the values of human dignity, equality and freedom. For the promotion of human rights values that are firmly embedded in the ideals enshrined in our constitution as the foundation for discipline in democratic, public institutions (Du Preez & Roux, 2010:15). The researcher posits that committees set up to deal with unbecoming behavior by students and learners in our institutions should be democratic in nature and has to make sure that the application of the policy is in line with the constitution of the country as the supreme law of the land. Unruly conduct from students and learners in our public institutions have become worst and unacceptable whereby illegal firearms and dangerous weapons are used to bully, harass, intimidate, violate the rights of others as well as to kill other students or learners including teachers and lecturers during contact time as well as after contact time. The issue of race in some instances plays its ugly ear in our institutions despite our country being a non-racial and non-sexist in nature in terms of the constitution adopted in 1996.

Gang related violence amongst our youth who are learning in our institutions are prevalent now than ever before instead of making huge progress to transform and integrate social cohesion through academic institutions we seem not to winning in this transformation agenda which was supposed to be championed by the same students and learners at different institutions of learning as done during those dark days when the few would stand up and organize themselves to challenge the imposition of highest degree by the former regime known as apartheid. Democracy in our country was supposed to bridge the gap caused by the apartheid regime in terms of discrimination, harassment, gangsterism, sexism, nepotism, protest, violence, and unfairness as well as bullying in our institutions from either party.

KEY WORDS: Bullying, discrimination, harassment, gangsterism, nepotism, violence, inequality, code of conduct, department of education, department of higher education and training, governance, governors, discipline committee, corruption watch, school governing bodies, councils, learners, students, schools & universities

I. INTRODUCTION

The whole aim of the research is to enhance performance of governors in South Africa in order to enable them to adhere to the basic principles of good leadership and good governance in which ultimately could improve the results particularly in Maths education and Science. Education is vital to the development of South Africa. The value of education should be good enough in order for students to acquire valuable skill and knowledge in the international economy. The norm of education is the corner stone of economic development and transformation (Bayat, Louw & Rena, 2014: 53). In South Africa, there is legislation that allows parents and communities to work with the South African Department of Basic Education (SADBE, 2020: 1-16). Ensuring the quality of education is a key mandate of the SADBE and provincial offices of the SADBE. Enabling pupils in primary schools to master basic numeracy, reading and writing skills is essential for laying the foundation for a successful teaching and learning system at the secondary school level and tertiary level. In recent years, the Department of Basic Education has established school governing bodies with a view to improve the quality of school level education in public schools. Studies conducted by Duma, Kapueja & Khanyile (2011:51) have found that it is essential for members of School Governing Bodies (SGBs) to be given the necessary training in areas related to leadership, accountability, the recruitment of employees, report writing, presentation of research reports and conducting quality audit exercises in public schools. Studies by Hall and De Lannoy (2019: 14) have highlighted the need for accountability and transparency among school governing board members and inspectors. SASA (Act no. 84 of 1996) states that parents and legal guardians of pupils in public schools are eligible for serving as members of SGBs although such governing bodies in Vhembe District do not actively encourage parents and legal guardians to be elected for membership of School Governing Bodies (SGBs). As a

result,

local communities are not encouraged to take part in school governing activities which lead to poor governance systems to the detrimental of quality education in mostly public schools as there are no tight measures in place to evaluate the effectiveness of teaching and learning in order to improve them. A code of conduct for students and learners is a form of subordinate legislation and should reflect the democratic principles of the Constitution by supporting the values of human dignity, equality and freedom. For the promotion of human rights values that are firmly embedded in the ideals enshrined in our constitution as the foundation for discipline in democratic, public institutions (Du Preez & Roux, 2010:15). Competent boards in the form of school governing bodies and councils would be able to develop code of conduct in line with the constitution of the country in order to ensure that effective teaching and learning does happen in an appealing environment that is conducive for such undertaking.

A pregnant grade 12 student from Kwa-Zulu Natal high school was expelled by virtue of disclosing her pregnancy to the school team management in July 2022. The student was also told that her expulsion was in terms of school pregnancy policy. The matter was meanwhile settled before it headed to court after the department provided an undertaking to allow the student to write exam and set aside the school's pregnancy policy with immediate effect (Mosepele, 2022). The researcher posits that more pupils are expelled or suspended in a number of our schools whilst they are pregnant and no one does challenge this discrimination as their parents seem not know that such amount to violation of their rights to basic education in terms of our constitution. Crowthorne Christian Academy in Johannesburg caused outrage after a video emerged showing a 13-year-old learner and her mother being pushed by the school's officials during a confrontation about dreadlocks which the school deemed to be in violation of its "no extensions" policy. The teenager was dragged out and barred from the school while other children watched. South African Human Rights Commissioner Andre Gaum said the incident appeared to be a prima facie violation of various rights of the learner, including the right to basic education, cultural rights and not be unfairly discriminated against on prohibited grounds and human dignity (Sibiya & Magadla, 2023:2). Seven years ago, it was the case of Windsor House Academy in Kempton Park that caused a stir when it allegedly told a group of black girls to leave the school for wearing braids. At the time the school was forced to suspend its hair policy and consult broadly to ensure inclusivity. This action relates to the denial of a child's right to education as enshrined in the Constitution- the supreme law of the land. All failed attempts to get back the learner to school, revealed that the school's administrators were not open to the diversity of its pupils and sought to reinforce historically discriminatory policies (Sowetan, 2023:18).

The publication by Sowetan (2023:12) posits that the Gauteng Department of education announced that it has served Crowthorne Christian Academy with a notice of closure for operating illegally. Following the incident, the education department intervened and found that the school had been operating unlawfully, having initially registered under a different name. Therefore, the department's decision to issue a notice of closure has little to do with its discriminatory hair policy but rather noncompliance with the law regarding its operations. To be clear, Crowthorne Christian Academy's new hair policy reinforces racial stereotypes and seeks to police black people's hair. On the score alone the school should be allowed to operate only if it reverses such a policy, commits to the principles of equality and eliminates practices that are discriminatory. But it is the government that carries a bigger responsibility to ensure it regulates and monitors compliance with the law-with regard to operations and nondiscriminatory policies. The Gauteng department of education was caught napping in regard to both. The intent to close the school because of its failure is a noble and a welcome move, albeit a belated one. We should never have to debate racism disguised as policy 30 years after apartheid ended.

Theuns du Toit action towards Babalo Ndawaya's books and laptops at Stellenbosch University who was later expelled by the institution demonstrate how black students are victims of the discrimination in our institutions of learning. The Tshwane University of Technology has served the president of the SRC, Keamogetswe Masike, with a suspension letter for allegedly participating in unauthorized student actions. This comes after Tshwane University of Technology students from different campuses in Tshwane staged a violence protests outside the department of higher education and training in the Pretoria CBD over NSFAS direct payment system. Masike believed that he did nothing wrong as he was representing students who were facing evictions from their residences. He further charged that it can't be business as usual when officials want to go to their offices and pretend to be acting on this matter whereas they are not, students can't attend classes when money has disappeared from their accounts and no one is held accountable (Moloi, 2023). Students from Stellenbosch University, Western Cape University, Cape Peninsula University of Technology and UCT marched to parliament in Cape Town demanding the system be scrapped. In its report, Outa made several findings which

included that the four companies used to pay students in our universities are not registered financial service providers and are relatively new firms with “very little proof of experience as fintech companies”(Govender, 2023:5). Corruption seems to be in a play here if indeed the four companies assigned to effect payment to students in the whole country do not have the necessary expertise to do the mandate given by NSFAS in terms of meeting the financial requirement as service provider in this aspect. Such makes the country to open its eye brows as to how these companies were appointed and who is supposed to benefit from this deal amongst the major stakeholders? If the statement cited by Tshwane University of Technology that money is disappearing from students’ accounts, so what is happening with the money meant for students? All these issues need competent boards to deal with these shenanigans together with the responsible ministry as well as the parliamentary committee responsible in doing oversight to higher education of our students in the country.

Objectives of the study

- To assess and evaluate the quality of partnership amongst all affected parties;
- To determine whether the applicable system has appropriate institutional policies for ensuring sound governance and administration in education;
- To identify the challenges that could hamper the envisaged partnership compared to how things were done in the past under apartheid regime;
- To assess and evaluate the degree of performance by students and teachers during the course of the year within the current system in place if the intended results are achieved to the satisfactory of school community at large and;
- To establish whether effectiveness of the boards have a direct impact on the quality of the results of the institutions

II. LITERATURE REVIEW

Legislation in place to bring the governors on board. : The South African Education System needs urgent action. The dawn of democracy in South Africa has seen the passing of legislation specifying the participation of various stakeholders in our institutions. The passage of legislation outlining the role of different stakeholders in school governance has been a feature of South Africa's democratic transition (Mosoge & Van der Westhuizen,1997:67). The establishment of the SGBs was a clear expression of the democratic ideal, which gave the local community an opportunity to make important decisions regarding the management and governance of the institutions to which they are attached (Bisschoff & Phakoa, 1999: 93). Changes in the governance and management of education have taken place worldwide, such as the inclusion of different stakeholders in the SGB structures (Mahlangu, 2008:125). This inception gave institutions mandate to govern and run their own affairs for the benefit of their learners. Institutions are now governed by elected school governing bodies (SGBs) who develop policies, adopt constitutions, monitor implementations of agreed decisions, support the professional performance and administrative duties in making sure that institutions perform their duties effectively and efficiently to attain quality results (Maluleke, Cassim & Karodia, 2016:3).

Establishment of committees in the institutions : For the school to run properly, it should have various school committees which are created to assist the management to carry out its professional duties without difficulties. Further concern is expressed by Bush and Heystek (2003:136), that research done in Gauteng reveals that most SGBs have not been proactive in formulating the necessary policies and committees to govern schools. Many policies and committees are not in place, including the SGB constitutions because they lack the confidence or skills to do so themselves. Instead, the parents rely on the principal to do the work for them because of their low literacy level. Beckmann & Visser (1999:159) argued that the success of all the programmes and committees should be assessed and be refined regularly. The researcher is of the view that to have committees which are established to support the management to carry our professional duties, governors should be educated or having rudimentary education to sit in some of these committees like finance committee whereby the treasurer is the chairperson of this committee and has to sit each and every month to have a look at the school state of affairs financially.

Study by Van Schalkwyk (1990:95) cites that the committees of the management body will differ from school to school, and could include the following committees:

- Financial matters
- Fund raising matters
- Curricular matters
- School marketing & communication

- Sports matters
- Appointment matters
- Performance matters
- Safety & discipline matters

Study by Van Shalkwyk (1990:96) further stated that each of these committees may appoint subcommittees as and when circumstances required this. Most of the committees should be led by members from SGB in order to foster active participation and responsibility in the school affairs. Studies by FEDSAS (2019:13) posit that the benefits of SGB committees are that they reduce the workload of the SGB, thus the SGB has the authority to establish necessary SGB committees as may be required. It is, however, important to note that the establishment of the committees does not relieve the SGB of its responsibilities. The researcher does support this notion of establishing finance committees with co-option of school community members to ensure that school finances are spent for the benefit of the school and are being managed properly to the utmost best of the school and society. FEDSAS further explains the importance of the role of governance in setting up these structures in public schools. The SGB's governance functions consist of various components. These will vary for different schools but will among others entail the governance of finances, assets, personnel in the school's, learning materials, services rendered to the school, and extracurricular activities, as well as disciplinary proceedings. A single SGB may conceivably struggle to govern all these facets at once, and therefore, section 30 of SASA provides that an SGB may establish committees to assist it in performing these duties. King IV recommends that "the governing body should determine if and when to delegate particular roles and responsibilities to an individual member or members of the governing body or standing or ad hoc committees. If committees are established, the composition, period of office and terms of reference for each committee should be developed and reviewed yearly (FEDSAS, 2019:13).

Quality learning & teaching committee : Research conducted by NDP-2030 (2012:314) contends the Quality Learning and Teaching Campaigns (QLTC) Code for Quality Education Pledge and the Basic Education Accord set out what each party should do to implement the quality of education, but implementation has been patchy. The Curriculum Committee should amongst other functions, ensure that the school has the necessary resources for its subject offerings and be aware of the latest curriculum policies and developments, including provincial policies (DoE,2002:17). QLTC is the principle of the Curriculum Committee which forms the core basic principles to be adhered to by the QLTC in order to be pertinent in such committee, the rules and regulations which govern the curriculum have to be understood to avoid ultravires in terms of assessments to be conducted for effective measurement and evaluation of what has been agreed.

All governors, according to experience, require a deep commitment to the job and to improving outcomes for children, as well as the curiosity to challenge and analyse and the ability to learn (Nash,2015:26). The researcher posits that the quality learning and teaching committee are likely to spot if there is no effective teaching and learning taking place in the school as they will be expected to meet monthly/ quarterly visits, inspecting the performance of individual learning areas per grade compared to the expected target set by the governance of the school as empowered by the law. Parents also have to make it their hobby to visit schools and check the progress of their children, rather than wait for the quarterly performance which will be presented by the governance. Learners are very committed to their studies if they know that their parents could come at any time to check their performance than the learners of the parents who do not even come to school to find out how their children are performing. Collaboration is defined by Anderson-Butcher & Asthon (2004:40) as "working together and sharing responsibility for results." The researcher believes that the principal has to work hand-in-hand with quality learning and teaching committee by ensuring that the educators are in class fulfilling their obligations on time without any waste of time once the whistle has been rung to show that is a time for being in the class teaching vigorously the learners as being appointed to do by the department through the recommendations of the governance structure. The professional duties lie in the hands of the headmasters of such institutions, but for realization of the target set by the governance, the principals have to accommodate the implementation of the QLTC in their schools through the initiatives of the governance together with the department should such committee being approved to be in existence in that school for the benefit of the learners in receiving quality teaching from amicable and conducive atmosphere.

According to the Northern Cape Department of Education (2017:7), all learning materials, including automatic materials, and all education materials that assist learning and teaching for Learners with Special Educational Needs are referred to as Learning and Teaching Support Material (LTSM) (LSEN). Textbooks, library books, maps, templates, software and computer hardware, as well as video tapes, video recorders, television, learning

desks, home economics equipment, musical instruments, science laboratory equipment and chairs, are all examples of learning support items. Studies by the Northern Cape Department of Education (2017:13) support that the South African School's Act of 1996 empowers SGB to establish committees as it sees fit. The researcher posits that within this provision, the SGB should have a LTSM structure in place that can attend to the teaching and learning resource needs and activities so that the examination committee led by the principal as the chief examination officer could take over for the assignment that will prove that QLTC, LTSM and CC have done enough work during the year to get the intended results as envisaged and targeted by all stakeholders through the legitimate structure which is the school governing body. The committee or structure should be the representative of the school community. According to Ramothwala (2020:5), a grade 12 pupil who was allegedly denied access to an exam room because he had missed extra classes has approached the Constitutional Court on an urgent basis. This, after the case was removed from the roll in the Limpopo High Court, due to a lack of urgency on December 3. Johannes Moko, 23, a pupil at Malusi Secondary School at Marobjane village near Senwabarwana

Was supposed to write business studies 2 on November 25th, but the school principal allegedly sent him home to fetch his parent or guardian after he'd missed extra lessons. Moko said he and two other grade 12 pupils were stopped from entering the school on the basis that they failed to attend extra lessons and were told to go home and fetch their parents to discuss the matter. He further said one pupil spoke privately with the principal and was later allowed to write and the other brought a parent. The researcher also hails the position taken by the learner to approach the courts to ensure that his rights to education are not compromised as protected in the constitution for narrow personal interests imposed by the principal at their expense of which the high court dismissed the urgency by constitutional court intertwined the matter and ruled in favour of the learner. According to Sobuwa (2020:6), Motshekga said as part of the three-year curriculum recovery plan, the department will implement the recovery annual teaching plan (ATP) in all grades from next year. "The department has been monitoring the state of provinces on a weekly basis to ensure that they have systems in place to cope under the pandemic and to provide support where it is needed. This is done so as to ensure the smooth re-opening and running of schools." Motshekga further stated that she hoped that all pupils in and up to grade 11 had received their reports and that the results are a representation of their hard work and effort. "I wish to stress that schools are not allowed by law to withhold reports for whatever reason. We continue to receive complaints from parents whose children have not been given reports."

All these committees should work within the parameter of the law particularly the Constitution and all statutes which are central in education fraternity. In terms of section 29(1)(a) of the Constitution of the Republic of South Africa, Act No.108 of 1996, everyone has the right to a basic education. The researcher believes that the constitutional right of Johannes Moko has been compromised by the principal when refused access to the exam room. This should not have happened in the first place. Extra lessons could not be regarded as a pre-requisite in the exam room, the principal had gone beyond the scope of his duty as chief examination officer by refusing learners access to the exam room by virtue of not attending extra lessons which is not a requirement into the exam room in terms of the national senior certificate guidelines. Furthermore, it is not allowed to deny the learners their reports based on some textbooks and other learning materials not being retrieved back to school for whatever reason.

According to the ruling by the Constitutional Court (2020: 2-3), the Constitutional Court emphasized education's transformative role in South Africa, as well as its importance for individuals and society as a whole. It determined that the matriculation examinations fall under the category of "basic education," the right to which is guaranteed by Section 29(1)(a) of the Constitution. As a result, the Constitutional Court ruled that the Acting Principal's actions violated the right to education guaranteed by Section 29(1) of the Constitution. It directed the Department and Umalusi to follow through on their offer to give Mr Moko the opportunity to write the Business Studies Paper 2 examination in early January 2021 and to publish the results of that examination simultaneously with the general release of the 2020 National Senior Certificate examination results. In my opinion as a researcher, the voice of the SGB, which is a legal structure representing the interests of the children and parents is missing in this regard and that voice gives direction on what is best in terms of governance as what is implemented in the school is what has been agreed upon by all role players including the principal as ex-officio in the structure representing the department, meaning that this matter should not have reached even the Constitutional Court if the SGB played its part diligently in this regard without fear, favour or prejudice as elected to do in terms of the law. According to Sifile (2021:6), the department of education has drawn up extensive Covid-19-related protocols for markers and their managers to follow prior to and during the marking process. The document titled, Protocols for the Marking of the 2020 Combined National Senior Certificate

Examinations In Compliance With the Covid-19 Requirements, cautions infected markers from hiding their Covid-19 statuses. “We do not expect markers to disobey protocols. Reserve markers are on standby to continue with the work should any kind of incident occur. All other unexpected transgressions will be dealt with in terms of the regulations issued by the department of health or cooperative governance, or other department involved in the management of Covid-19 cases,” said department spokesperson Elijah Mhlanga. The researcher is of the view that during marking period the department is always ready to deal with any incident that may occur unexpected which is a positive sign of contingency plan.

According to (Mabena, 2021:2), the Covid-19 virus has stalked NSC marking centres, with 238 markers contracting the virus across the country and 2703 withdrawing their services due to ill-health or fear of contracting the virus. Unions have queried the safety of their members at marking centres with the Educators Union of South Africa’s general secretary. Siphwe Mpungose, saying the safety of markers could not be compromised.

The department’s director-general Mathanzima Mveli said there was no crisis in getting the markers replaced as they had anticipated since March last year that Covid-19 would negatively impact on the marking of matric scripts (Mahlangu, 2021:3). The researcher posits that the sentiments shared by teacher union contradict the sentiments shared by the department, the other one being concerned about the safety of the members and the department being concerned about the marking of scripts. Researcher is of the opinion that QLTC, LTSM and CC should be coined together to ensure that quality delivery of lessons within the approved curriculum at the school wherein all necessary resources needed are procured for this aspect to be fulfilled. The size of the school could lead to the separations of this committee but where the size of the school is small the trio should be one charged with the above responsibilities in order to make sure that quality learning and teaching do take place with all necessary resources in place so that the SMT and SGB could be held accountable fairly by the stakeholders and shareholders when the results are released before they are presented at the annual general meeting for all parents and school community as a whole to analyse them for consideration and approval. The school has a responsibility towards the LTSM to retrieve the textbooks at the end of the academic year so that it can be passed on in the next academic year to learners who progressed and are promoted to such grade as a source of their learning and teaching though this could not be used to deny a learner a report if a textbook is lost or not brought back. Some other means within the parameter of the law should be applied by LTSM through school policy and code of conduct of the learners to ensure that school resources are retrieved for use by other learners in the following academic year.

Safety and disciplinary committee : The domestic authority should get involved at an early stage in their local school affairs if things do not go well as expected by the department of education in terms of the agreed expectations amongst all major stakeholders, but regulation also states it perfect that local power does not have any statutory powers to intervene with professional matters (Nash, 2015:15). Study by Yika (2019:4) cites that the tutoring and mentoring initiatives is for life channelling and to assist young people to refrain from ill-mannered behaviour and social ills surrounding them. A study by Du Preez & Roux (2010:14) cited Vally (2005:4) asserts that the emphasis of discipline has shifted from what children should not do and what children should do and the use of corporal punishment to correct unwanted behaviour to what children should do and the encouragement of self-disciplined behaviour among children. Study by Naidu et al. (2008:155) cites that the governing body of a school can and should play an important role in the establishment and maintenance of sound discipline. A code of conduct for learners is a form of subordinate legislation and should reflect the democratic principles of the Constitution by supporting the values of human dignity, equality and freedom. For the promotion of human rights values that are firmly embedded in the ideals enshrined in our constitution as the foundation for discipline in democratic, public schools (Du Preez & Roux, 2010:15).The researcher posits that disciplinary committee should be democratic in nature and has to make sure that the application of the policy is in line with the constitution of the country as the supreme law of the land.

According to Tshehle (2019:2), a 17-year-old who stabbed a North-West teacher to death at school has been sentenced to 10 years for murder. The teen’s motives for the attack as detailed in a pre-sentencing report revealed that he had felt aggrieved that the teacher did not instruct other pupils to also cut short their hair. The teenager also stated that things got worse when he was on the “wrong queue” for school lunch. The orders made him angry to the extent that he went home to cool down. Studies by Ramathan, Grange & Higgs (2017:297) argue that violence also arises through people’s attempts to change social structures. People readily find ways of justifying the use of violence in the pursuit of justice; in reality, very few people are consistently pacifist. However, it does bear taking into that all such violence results from attempts to bring what the perpetrator of

violence believes to be justice, the putting right of some wrong (Bloom, 2001 cited by Ramrathan et al, 2017:297). The researcher believes that this matter does not need a disciplinary committee but needs the law enforcement agency to deal with it as there is already death of the teacher at the school. According to Ramothwala (2019:2), a teacher has allegedly stabbed a five-year-old pupil with a pen, injuring her, after she had misspelt her name. The Grade R pupil, who attends Sebelaolo Primary School in Sekgosese village outside Madjadjikloof, has missed school for the past two weeks as she was nursing her swollen hand at home. Study by Ramrathan, Grange & Higgs (2017:297) believes that a third form of violence is using language to justify violence. In this case, teachers may justify beating learners by saying that it helps 'discipline' them. The South African schooling system is under siege: teachers are under attack, pupils are attacking each other, parents are physically fighting teachers and robbers are brazen attacking schools without a worry about the safety of the pupils (Nakeli-Dhliwayo, 2019:13). With this sentiment above the idea by Nash (2015:16), the researcher is of the view that the domestic authority should get involved at an early stage in their local school, police and councilors together with traditional leaders are part of the local authority to assist schools to have discipline instilled upon

The learners and teachers alike without inflicting any harm or violation of one's rights. The fight against violence needs to be taken seriously. Schools need to be made safer for everyone and it is up to every one of us (Mhlambi, 2020:14). Study by Tshehle & Mahopo (2019:2) cites that a 13-year-old pupil who was killed by his classmate is the second stabbing victim at a North-West primary school in three months. "I am boiling, this has made me to question the management of the school, they should have avoided this immediately after the first boy was stabbed," Abram Lesega said. National Department of Basic Education spokesperson Elijah Mhlanga said the department was working with SAPS to work towards safer school and communities. Study conducted by Sobuwa (2019:2) cites that one of the pupils, a 19-year-old in grade 11 at Forest High School in Turffontein, South of Johannesburg, allegedly pulled out a knife and stabbed Daniel Bakwela and two others. "We are very disturbed by the news of his passing, and we believe that if the ambulance did not take long, he could have been saved," Okitai said. Some angry parents blamed the school for the pupils' bad behaviour. "Every morning you see pupils smoking weed and drinking alcohol just outside the school premises. As parents, we must be held accountable for our children's behaviour because who they are at school is a reflection of our control as caregivers (Nakeli-Dhliwayo, 2019:13). The researcher believes that all affected stakeholders should work together with police in front to curb this unruly conduct.

A 20-year-old grade 12 pupil at Mophate Secondary School in Bothaville, Free State, has been suspended after he allegedly threw sewage on a female teacher in front of other pupils during a class lesson. The pupil was apparently irked after the teacher reprimanded him on Monday for not wearing a proper uniform. "The principal immediately suspended the boy pending a disciplinary hearing which has to take place within five days. The teacher has been left traumatised and embarrassed by the incident and the Free State department of education has organised counselling for her and other teachers." Moloi further said it was unfortunate that the incident happened during the month of October, which is dedicated to honour teachers. MEC Tate Makgoe said the department will further investigate the incident and offer psycho-social support to pupils and teachers who witnessed the incident. "We frown upon any form of violence in our schools, and we call on our learners to maintain a high level of discipline and respect for their teachers," emphasized Makgoe (Sobuwa, 2020:12). The researcher posits that disciplinary issues did not spare any province in the country and the department of education at national office should give this aspect special attention.

According to Nakeli-Dhliwayo (2019:13), the idea that the school yard is a place of safety is long gone-school children virtually have no-where to run to. So many schools have been vandalised during the lockdown, and even more disheartening is that the culprits belong to the communities where these barbaric acts are done. These people are well known but they are not exposed. However, we keep on blaming poverty and apartheid, 26 years after we have had a democratic government. The government is building infrastructure to our communities, but we don't look after those things, instead we just vandalise them...schools, clinics and even churches (Motloding, 2020:12). Publication by Sowetan (2020:8) cites that equally, parents and society at large must not allow a small group of rabble rousers to undermine their children's right to quality education. According to Maimane (2020:11), pupils also contribute to the precarious and violent environment in our schools and parents must also shoulder the blame for the actions of their children. We all send them with the hope that schools will be centres of safety and institutions where we can entrust our children. The buck stops at the department of education, eventually. It is the department that is charged with the responsibility of ensuring education takes place unhindered. A massive budget is set aside, and resources availed to people supposed to offer some leadership, but SA continues to be failed.

The researcher is of this view whilst violence and vandalism at schools continued to be in a rise in our country it needs the National Department to review some of its policies when it comes to safety and security at the school premises in order to prevent these cases. Securities should be hired by the department or SGBs supported by one police officer who could be deployed to protect four schools during the course of the day working along with school securities in order to restore the olden days ideology that schools are safe place for teachers and learners where development of minds takes place in a relax conducive environment in order to improve the state of affairs in the country. So, education as a societal matter, needs all role players SGBs, police, councilors, traditional leaders, pastors, teachers, community leaders and civic organizations to come together in order to curb these perturbing serious cases which need the intervention of the law enforcement agencies by providing tangible support to schools so that they may able to deal with only related educational disciplinary matters. The department said exams at the school have been temporarily suspended for 48 hours. "We can confirm this was a gang-related activity. It is sad that we have to dish death certificates instead of matric certificates," Lesufi said. Police spokesperson Capt Mavela Masondo said the police were investigating two cases of attempted murder and murder.

The 19-year-old suspect was arrested in Dobsonville, Soweto (Sobuwa, 2019:2). Teachers have their hands full dealing with ill-disciplined children, and to expect them to teach our children good behaviour is asking for too much (Magana, 2019:20). Study by Hlatshaneni (2019:5) cites that the magistrate was also concerned about the backlash from the community and parents of Forest High School in Turffontein if Muwela was granted bail and returned to school and his home. Muwela's attorney, Mudi Mavhengani, insisted the pupil would be moved to another place of residence and an alternative arrangement would be made for him to write the rest of his exams. But the magistrate wanted definitive proof that this was in order. The researcher believes that with this sentiment above it is very clear that the parents, school community, law enforcement agencies, departments dealing with social issues and education should come to the board in our schools to instil and foster discipline amongst the children, life is lost but the rights of the culprit seem to be given priority by the magistrate in this case, could this mean that perpetrators have got more rights than victims?

The school became notorious for gangsterism among pupils, leading to the death by stabbing of Daniel Bakwela during June 2019 examination. Lesufi also revealed that there were 13 pupils facing criminal charges in various courts in the province. Lesufi repeated that the school environment was supposed to be a safe place. "We have deployed undercover police around the school and also inside the school premises if it needs be. Those doing wrong should be arrested immediately," Lesufi said. Learner representative council president Nobuhle Mashinini blamed parents for children's bad behaviour (Sobuwa, 2019:10). Study by Sobuwa (2019:2) posits that community leader and parent Lebogang Saul said there was a lot of gang-related violence at Thuto Tiro Comprehensive School in Sebokeng, south of Johannesburg. There are pupils from other schools who are always coming to fight with the ones from this school. Sobuwa further stated that about 10 pupils have been murdered in schools across Gauteng this year alone. The researcher applauds the department of education in Gauteng for laying criminal charges against the gangsters who disrupt teaching and learning at the school.

MEC Bonaire Majuba outlined the plan during an operation meant to curb crime and violence at schools in province; Police have discovered gangs operate in some schools, after a pupil was stabbed at a school (Khoza, 2019:5). It is very crucial for the schools to work hand in glove with the police in order to curb such kind of crimes which are committed by learners themselves against each other. Police Spokesperson Brig Leonard Hlathi said schools in the province were encouraged to "adopt a cop" program which aimed to have one officer at their nearest police station to work with the school in combating crime at schools (Khoza, 2019:5). Some of the initiatives do bear fruits instantly like in this case, so all the provinces would curb violence and crime if do follow the strategy adopted by Mpumalanga Department of Education. "We can't compromise the safety of our pupils. We will provide 200 schools with drug testing devices and metal detectors to enable schools to conduct random searches and seizure" (Khoza, 2019:5). The researcher believes that these devices could curb violence in Mpumalanga province and ensure that education is provided in a safe environment.

Study by Khoza (2019:5) cites that the Mpumalanga department of education is planning to install metal detector machines and provide drug test kits to 200 schools in the province. Majuba said they would ensure that all schools have security fences and conduct social crime prevention programmes that focus on substance abuse, bullying and prevention of sexual offences, among others. The department must take seriously its duty to create a safe and stable environment for teaching and learning (Sowetan, 2020:8). In the opinion of the researcher, Mpumalanga department of education has got good plans in curbing violence and crimes in their province which

could instil discipline amongst learners throughout the province as long police visibility and arrests are always imminent when such crimes are committed.

The researcher is of the opinion that all affected parties are to blame, the parents, department, school community and the State; parents by virtue of being the first teacher of their offspring should always try by all means to instill discipline and good values to their children at home as a point of departure, the department at the same time should be always be ready to go above and beyond in assisting schools to have sound security and counselling services to deal with social ills in our schools, school community also should play the supporting role in shaping the community vision and aspirations for tomorrow whereby they could intervene at any given point when they see things starting getting out of hand in their localities and the State should be supportive by ensuring that police are employed in large number in order to be visible in our schools time and again, the safety and security of the school could bring huge positive stimulation from both parties who are to interact in the process of effective teaching and learning, social workers should be deployed to our schools, each school should be empowered by being given the social worker or psychologist to address social challenges faced by learners and teachers alike at the schools in order to make sure that the challenges of the 21st century are dealt with accordingly.

The State should be ready to spend for this to happen. The single most important investment any country can make to its people, education has intrinsic and instrumental value in creating societies that are better able to respond to the challenges of the 21st century (NPD-2030, 2012:296). It seems to be a norm now in South Africa that violence took another level in schools, is this a trend also in other countries which surrounded our borders and abroad or is just a societal issue in a South African sphere, purported by social challenges? A publication by Kubheka (2019) cites that TALIS (The Teaching and Learning Survey) canvassed around 260,000 teachers in 48 countries, it revealed, amongst other things, that level of violence and intimidation at South African Schools were among the highest of these nations surveyed among those on the list are United States, Norway, Japan and China. Subject to SASA 84 of 1996, Schedule 7 states that serious misconduct must be referred to the principal of the school. However, a mechanism must be created at schools to handle disciplinary problems to reduce the load of the principal. Based on this regulation, it means that schools can establish disciplinary committees to deal with minor misconduct at the school of which the principal should be part of this committee or the deputy principal as the top management of the school. Study by Van Wyk (2007:136), *“the SGB represents the parents of learners so they must be involved in disciplining them”*. However, several educators stipulated on the questionnaires provided that SGBs should be involved in disciplinary issue only if a serious offence has been committed and only after the principal has attempted to deal with the matter. Research by Citizen (2019:12) cites that discipline starts at home-and that is the root of the problem. As parents, we must teach our children good behaviour (Magana, 2019:20). A teacher, no matter how grievously provoked, should never use violence, also on the case of Sans Souci High School in Cape Town, the video shows the teacher had already lost her temper with the child, that is unprofessional (Magana, 2019:20). The researcher believes that code of conduct for learners and ethical code of conduct for teachers should be attached in the admin block for anyone to clearly see them.

For the unprofessional actions from teachers also should be corrected within the parameter of the law as in this case of Sans Souci Girls High School in Cape Town, the teacher is also guilty as the learner. Both parties are wrong, and the situation should have been dealt with differently for a positive outcome (Magana, 2019:20). *“As the teacher in the video is an SGB [school governing body] appointee, the SGB is meeting today to discuss disciplinary steps,”* the department of education in Western Cape said. An investigation is underway. It will determine whether the pupil will also face disciplinary action (ANA, 2019:4). The teacher and pupil involved in a fracas in a classroom of Sans Souci Girls High School in Cape Town have been suspended (TimesLive, 2019:11). Study by Mwamwenda (2004:375) posits that people with a history of physical or psychological abuse were often themselves mistreated when they were young or observed similar behaviour between their parents. As a result, they only know violence means to resolve behavioural problems. The researcher posits that schools which have got disciplinary committees in place do handle these cases at easy and the department should encourage all schools to establish them.

A grade 12 pupil at a North-West school allegedly had a firearm pointed at him and was assaulted by a school official for being late. Karabo Malungana, 19, from St Athanasius Christian Orthodox School in Makapanstad, was dragged out of the class in full view of the school principal and fellow pupils and a fight ensued, which was watched by other pupils. *“I want Karabo to continue with his studies, not to be killed. As a result, I decided to take further steps of reporting the matter to both Makapanstad Police and Moretele circuit office manager of the*

department of education,” Isaac Malungana said. North-West department of education spokesperson Elias Malindi said they were aware of the incident but emphasized that there were several complaints made by the school against Karabo. He said a disciplinary hearing would be held this week to get to the bottom of the matter (Nkgadima, 2020:7). The researcher believes that the department of education in North-West should have handled the matter better than this if there were several complaints reported against the learner by the school to them other than waiting for firearm pointing to take place.

According to Zweni (2020:8), a 14-year-old pupil, allegedly whipped with a sjambok by a teacher during her exams, says she’s still traumatised and in pain, and her livid mother wants the teacher punished. “She was even saying, she wanted to quit school,” said the emotional mother, who is from Thakazi village in Centane, Eastern Cape. Education MEC Fundile Gade said an investigation had been launched and need for action was urgent. “I find this act barbaric. I need the establishment team to clarify whether the whistle-blower is from the school, first. The next step is to establish if the culprit is a departmental employee or a school governing body (SGB) employee. Should we find that the perpetrator is from the school, a harsh punishment will be imposed,” he said. Gade said an immediate recommendation would be imposed in line with the Educators Act and the SASA of 1996. The researcher believes that corporal punishment is an assault that should be subjected to law enforcement agencies.

This notion encourages all schools to establish disciplinary and counselling committees in their schools as dictated by Employment of Educators Act 76 of 1998, Section 17 (2) & 18(2) Schedule 2, regulation 4(1)(a) the employer must delegate the function to deal with misconduct to (i) the head of the institution or office where the educators is employed; or (ii) the immediate supervisor of the educator where the educator concerned is the head of the institution or office. In cases where the seriousness of the misconduct warrants counselling, the employer of the educator must bring the misconduct to the educator’s attention. It is very evident that the head master of such institution is the one to carry out such function to discipline the concerned educator as delegated by the employer in this case, the employer being the SGB and the Department. Structuring and student-oriented practices are expected to help maintain student discipline, student attention and collaboration (OECD, 2009:118).

In terms of South African Schools Act 84 of 1996, *Schedule on guidelines for a code of conduct for learners, regulation 7.5* every educator is responsible for discipline at all times at the school and at the school related activities. Educators have full authority and responsibility to correct the behaviour of learners whenever such correction is necessary at the school. Serious misconduct must be referred to the principal of the school. However, a mechanism must be created at school to handle disciplinary problems to reduce the load of the principal. In terms of these acts alluded above, the researcher believes that the school manager plays a huge role in instilling discipline amongst the staff and the pupils and therefore this position should be occupied by someone who is highly competent to execute the delegated functions from both the SGB and the Department. The principal is a member of the School Advisory Committee but is not the member of the School Discipline Committee. Principals should encourage all eligible parents and community members to serve on the School Advisory Committee and the School Discipline Committee, in order to ensure that SAC includes a wide range of perspectives and reflects the diversity of the community (Bell, 2009:4).

Studies by Bell (2009:4) contend that if a student persistently disrupts the learning environment, the teacher must report the student to the principal. In terms SASA 84 of 1996, regulation 9 on dispute resolution states that educators as disciplinarians must resolve disciplinary problems which are not serious enough to be referred to the principal. A liaison mechanism, or objective and improve adjudicator between learners and educators, should be set up to resolve disputes. In cases where learners are involved in gangs, the principal should not confront them, but the governing body should set up a negotiation mechanism. “We are very aware of the many disciplinary challenges teachers face daily in schools. However, the use of violence to deal with pupils who show signs of behavioural issues or are ill-disciplined cannot be tolerated,” the Western Cape department said (Citizen, 2019:5). The researcher posits that this shows that education is a societal issue that needs a participation and involvement of everyone from the school community in order to support the teachers who have to discipline learners daily in their classroom when they misbehave. Publication by Magana (2019:20) argues that it is only possible to have well-mannered children when parents are also involved in instilling good morals and ethics in their children.

The Department of Basic Education says it is cognisant of the scourge of bullying in South African schools, and in a bid to try to minimise incidents, the department will enforce anti-bullying laws as part of the schools’ Code

of Conduct. This follows recent reports on the rise of bullying in schools, including Queens High School in Johannesburg, which has been making headlines following the tragic death of a 15-year-old learner. The family of Brian Ndlovu says he allegedly died hours after being forced to consume a poisonous substance at school. They allege he was a victim of bullying. Spokesperson for the Department of Basic Education, Elijah Mhlanga says all members of society should work together to deal with the issue of bullying. "When, as a child, you feel bullied, you need to report it so that you can get the assistance that you need for it to stop. The deaths are troubling because there are families who are grieving the loss of their children through incidents of bullying, which could have been prevented. By the time a child decided to take their own life, it would have been a long time of suffering silently or reporting, but someone not taking action." (SABC, 2023).

School governing bodies must ensure that their school has policies in place to encourage good school conduct and discipline among students (Nash, 2015:66). The school governing bodies should set up disciplinary committees which will deal with unwanted behaviour and unprofessional conducts from professionals as well as unwanted conduct from support staff at school. Correction of unwanted behaviour in public schools could enforce discipline and enhance good performance from all who are committed to the institution regardless of the status of their existence in the school. A grade 8 teacher has been suspended from school and faces disciplinary action after nyaope was allegedly found in his bag during a police raid (Marupeng, 2019:5). Gauteng Education spokesperson Steve Mabona said the department supported the decision of the school governing body to suspend the teacher and that officials were working closely with the school on the matter (Marupeng, 2019:5). The researcher is of the opinion that if learners misbehave by disrupting learning and teaching, serious measures should be applied in the presence of their parents who brought them to school for acquiring of knowledge. The same should happen to the educators if they violate their professional and ethical norms in the school, non-educators' staff are not excluded as all of them they account to the SGB as the legal structure which has approved or recommended their appointments one way or another. Good part on the issue of bullying the department has brought in anti-bullying laws in place which could send the perpetrator to jail for bullying another learner or student, good move by the department in curbing this scourge of bullying in our schools.

A school governing body (SGB) member has opened two cases of fraud against the principal of Meyerspark Primary School for allegedly submitting a misleading financial report to the Gauteng department of education and lending school money to third parties without informing the SGB. "We have a responsibility to investigate any allegations that are brought to the attention of the department, both formally and informally," said Mabona (Ntsaluba, 2019:4). School principal Emmanuel Tshivhase was killed allegedly for taking a stance against mismanagement of funds at his school (Sobuwa, 2020:2). The researcher posits that the department should always act with speedy on cases of this nature in order to prevent cold blood deaths and restore public trust to other stakeholders in their execution of their duties as the co-employer in this regard. This confirms that any unwanted behaviour can be committed either by a learner, SGB member or teacher but such needs to be attended by the immediate body that deals with such cases in order to restore normalcy in the environment of the school so that effective learning and teaching could continue under positive climate. The evidence about Tshivhase's death is inside the school and we will leave no stone unturned, Lesufi said (Sobuwa, 2020:2). In terms of SASA 84 of 1996, S36(3) cites that if a person lends money or grant an overdraft to a public school without the written approval of the Member of the Executive Council (MEC), the State and the public school will not be bound by the contract of lending money or an overdraft agreement.

The researcher posits that in this case, the SGB does not even know this lending that has been done by the principal let alone the MEC but still there is no action that the department is intending taking after its investigation though the laws are clear in this instance that such actions should be regarded as ultravires and therefore the right sanction and recovery of school money should be commissioned by the department together with the SGB and the feedback be provided to the school community as this matter is now a public issue. That in itself has got positive effect in the governance of the school as it will encourage parents' community to serve in a school that is corrupt free in realizing its vision of providing quality education to the citizens of Gauteng province.

According to Sobuwa (2019:5), a 55-year-old teacher was removed from Valhalla Primary School in Centurion following the incidents which allegedly happened in June 2018 but only came to light at a parents' meeting on Tuesday February 5, 2019. A group of parents gathered at the school on Wednesday February 6, 2019, demanding that the teacher not to be allowed on the school premises ever again. GDE spokesperson Steve Mabona said the teacher was removed from the school and would report to the district office in the meantime. "A team of district officials, as well as the psychosocial unit, were dispatched to the school this morning,"

Mabona said (Sobuwa, 2019:5). According to Govender (2021:8), the Gauteng education department has fired a teacher who allegedly told a 13-year old pupil he was “good in bed and addicted to sex. The shocking testimony of four under-age girls from Cosmo City West Primary School in Roodepoort, Johannesburg, was revealed during the hearing which the teacher did not attend, despite being informed about it through notice that was hand delivered to his last known physical address. All the incidents took place between September and November 2019. The researcher applauds the decision taken by the department of education in Gauteng province to fire a teacher after conducting the hearing and remove another teacher from another school until all due processes are finalised. The researcher’s deduction from the position of the department of education is that most of the cases upon teachers that are being reported to them are not being attended to immediately but only act when parents or SGB members start protesting or approaching law enforcement agencies, this attitudes by the department is not hands-on when it comes to rooting out unwanted conduct from the education system in order to achieve quality education in all our schools. As long as the department could be able to take necessary measures to learners who misbehave at schools the same principle should be applied to the teachers who behave unprofessional so as they bring the profession into disrepute.

School community support to the SGBs and Department : Education as a whole is successfully if it includes all stakeholders, namely: educators, parents and students. The three parties work together towards educating the child, therefore, even in conduct, the three stakeholders are involved. The educator should always be able to conduct him/herself professionally to each stakeholder (Mokgwatjana, 2015:15). According to FEDSAS (2019:27), the school’s stakeholders include but not limited to the learners, employees, the community, the service providers, the school’s bankers, the media, and adjacent property-holders. The school’s shareholders are those who particularly fund the school including parents, the provincial education department, the state and the tax paying-society. As far as possible, reasonable and practical constructive engagement must take place between the school and stakeholders on a regular basis.

The researcher posits that the school is composed by stakeholders and shareholders who are all interested in getting the school thrive in its core business. School violence is not a departmental problem but rather a societal one (Mhlambi, 2020:14). In support of the above sentiment by Mokgwatjana and Mhlambi, the researcher believes that parents come from school community or society where the school is located and the educators represent the department, criminals also hail from these communities most of the time, so the two should at all times establish strong sense of partnership in order to achieve their mission of educating the child who is a learner or student as well as to protect the property of the school and avert unruly behaviour from their children who are the learners therefore it is very important of them to communicate and show respect towards each other at all times in order to have equal responsibility and Accountability over the performance and conduct of the student. The researcher posits that the community where the SGB hails from play an important part in stabilising the public school in its area and, once the power is given to the right legal structure there will never be any power struggle between the SGB and the education department when it comes to appointing capable local youths as assistant teachers. I take pride in the advertisements by the department showing where the power to appoint and recommend rests in terms of the South African Schools Act 84 of 1996, section 20 (1) (i) & 20(5) (Maluleke, 2020:21). In spite of having the majority representation on the SGB, many parents serving on SGBs are reticent and rely on the principals and teachers for leadership and guidance in decision-making (Van Wyk, 2007: 135). Research by Karlsson (2002: 332) ascribes this to parents’ weak understanding of their role, a capacity deficit in the range of skills needed to perform governance functions and irregular attendance of meetings. Some teachers interviewed fell strongly that parents’ role on the SGB should be reduced even more and that teachers as “*enlightened professional people who know about children*” should not be placed in a position where they could be outvoted by parents (Van Wyk, 2007:135). The researcher is of different view on the sentiment shared by teachers, parents know their children more than the teachers hence it is almost important to have them in the education of their children.

According to Wolfendale (1992:14), a successful relationship needs a common sense of mission, mutual respect, knowledge exchange, responsibility, and accountability. When it comes to the education of their children, the parents' culture must take up their positions without fear or discrimination based on their personal backgrounds in order to achieve the desired results in schools. The researcher posits that the department appears to be the active player, while the parent group appears to be the passive beneficiary; Wolfendale implies that all of them must play an equal role. Children belong to parents, while teachers belong to the department, implying that all of these stakeholders must make equal efforts to achieve a mutually beneficial and profitable partnership. Publication by Sifile, Koka & Sobuwa (2021:3) posits that Free State education MEC Tate Makgoe said he was proud of the class of 2020. “We are very excited with the results, especially with the country facing pandemic.

We would not have done it alone as the department, therefore we would like to thank our teachers and parents who under these conditions were able to work together with our department.”

A collaboration is a group of individuals and partners who agree to work together on an equitable basis to accomplish specific objectives (De Wet & Yeats:1994) in (Beckmann, 2000:556). Citizen participation and involvement at an early stage in the process is vital. The voices and views of stakeholders require an approach that is consultative, cooperative and committed to consensus building (Ile, Eresia-Eke & Allen-Ile,2012:59).A flourishing relationship between the many constituencies that make up and support the school, based on mutual interest and mutual trust, is required for good public school governance (FEDSAS, 2019:5). A local pastor and several unemployed teachers spend a week invigilating at a Mpumalanga school after their teachers absconded from duty in protest over the return of a principal who had been displaced for six months. The school’s school governing body (SGB) said it had to seek the help of a local pastor and some unemployed teachers from the area to help invigilating exams. SGB chairperson Ashley Rantjie said the majority of the teachers had been defying the principal for two years and tried hard to unlawfully remove her (Mahlangu, 2020:5). The researcher is of the same views as shared above that citizens should play an active role in owning their schools to an extent if there are challenges they could able to assist on time.

“Our engagements with education departments, and our analysis of the latest provincial school infrastructure reports, show that the departments still struggle with the basics such as accurate and accessible data, clear and co-ordinated planning, as well as making sure that the implementing agents and contractors that build schools on behalf of government are held accountable. National and provincial governments are also not putting enough money toward building and fixing our schools,” said Equal Education in a statement. According to the organisation, since basic education minister Angie Motshekga signed the norms and standard into law in 2013, thousands of schools had received water, electricity and decent toilets, and hundreds of schools made of inappropriate materials, such as mud and asbestos, had been replaced. “Getting these victories has not been easy-we have had to carefully monitor the implementation of the law, mobilise affected school communities and take to the streets often to demand accountability.” (Jordaan, 2020:10). The researcher supports the notion by Jordaan that in order to get things done, affected school communities should be mobilised in order to get the attention of the department to do their constitutional mandate. According to SASA 84 of 1996, Section 19(2), the Department of Education must ensure that all programs are in place to allow for successful teaching and learning throughout the country, as well as equipping all stakeholders in their primary assigned tasks for resource efficiency and transparency in decisions and actions taken for the implementation of such individual schools as juristic entities in terms of Section 15 of SASA.

The schools should always be ready and willing to be held accountable in their functions like inspection to be done by any person, a school must make information available, insofar as such information is required for the exercise and protection of such person’s right according to SASA 84 of 1996, S59(1). The researcher believes that stakeholders could not be shunned in the running of the public school and therefore it is very important to ensure that school is always willing and open to engagement with other role players in the education of the children. Community members don’t want a new principal at Noordgesig Primary in Soweto until their grievances with the provincial education department are resolved (Sobuwa, 2017:3). Any place of learning is important. Bricks and cement do not make a school or education system. It is made up of the community, the same community which torched and vandalised its own school (Baker, 2020:20). The Gauteng education was hit by another school burglary when the computer laboratory at Sapphire Secondary School in Vaal, south of Johannesburg, was broken into and 42 computers were stolen. “At around 10pm about 42 computers were stolen from the lab that was launched by MEC Panyaza Lesufi in collaboration with MTN in September 2020,” department spokesperson Steve Mabona said. “Criminal broke into the lab by breaking a brick wall. We are dismayed by the criminal activity and call upon the community to report such incidents to police. A case has been opened with police.” (Sifile, 2020:6). The researcher is of the view that where there are expensive resources like computers and laptops the department and governors should hire competent security guards to look after those resources as they are very expensive and are taken cheap by criminals.

The common thread between the brief and the three perspectives (High Scope, World of Words, & Vygotskain) is that students should have experiences so that education leads them to become a functioning member of community (Winick-Ford, 2017:24). The most respected mouthpiece of the government in rural communities is kings, chiefs, headmen, traditional councils and ward councilors (Mampane, 2020:12). Angry residents in Orlando apprehended a pair of thugs who had broken into Ditawana Primary School on Saturday. A school governing body member, who was one of the people who caught the alleged thugs red-handed, said they did not

wish to see their children's school destroyed by criminals. David Moemisi, who lives around the school, said he and other community members noticed unfamiliar people walking around in the school. "We went inside the yard and searched for them, then found that they had entered a classroom through a window, so we blocked the door and asked them to show us how they entered the classroom," Moemisi said. "They got what they deserve," said the community member. The resident said they felt betrayed because the suspects are people from their community (Makhetha, 2020:6). The researcher believes that school community structures play a huge role in bringing stability and development at the local school.

The researcher believes that each school should have two to three securities from that local community hired by the SGBs to guard their schools in preventing these endless burglaries in our country which are mostly done during the nights as manifested at Sapphire Secondary School in Vaal and this practice could be eliminated if securities who are hired do their job diligently so by alerting other community members, SGB members and the police when the crime is being committed in order to apprehend the criminals sooner because this burglaries rob the innocent child their right to learn technology and all other subjects using fourth industrial revolution which functions through connection of computers from one area to another.

In terms of South African Schools Act No.84 of 1996, Section 19 (1) (a) if the department needs to save a lot of funds that are being used for the benefit of the people in control rather than the disadvantaged learners, the department is working to improve their well-being by ensuring that the funds that have been deposited for their schooling are used adequately for the school's mission and vision along with the department. The researcher posits that serious auditing by department experts should be undertaken annually in each and every school to validate the forensic work done by private forensic companies, since they are likely to find a range of anomalies that require immediate attention. If the finance committee has appointed internal auditors from the parent group with financial experience who can audit school finances once a month during the year to ensure that school finances are managed properly, the internal monitoring system will greatly assist in this aspect.

Publication by Sobuwa (2021:2) posits that the Gauteng department of education spent over R 430m for the provision of decontamination, deep cleaning and sanitization services at schools, district offices and teacher centres in just three months. According to the report that was compiled by the head of department and chief financial officer on decontamination, deep cleaning and sanitization, the department spent about R 431million. "The amount was paid to about 280 companies between June and end of August and the extent of the school's elemental spaces differed from facility to facility," read the report. MEC Panyaza Lesufi said he was dismayed by this: "I wish to affirm my commitment to leave no stone unturned on this including holding those who procured these services accountable." He said he was at advanced stage in consulting with relevant law enforcement agencies to take up these investigations and also the auditor-general to check and verify if there was value for money paid for the services. The researcher fully supports this notion of referring cases of this nature to law enforcement agencies for investigation and prosecution. Corruption in schools was identified as the most prevalent form of dishonesty in the country, according to Corruption Watch report (Khumalo, 2015:10). Other suggestions included that the department thoroughly vet the forensic firms it hires to perform investigations because it needs to produce the highest quality of work around the world (Watson,2015:3). The researcher is of the view that in making both of these forensic firms members of the DBE's auditors for the period of the SGB's circle in place, to an extent that if they are found to be rigging any of the forensic data, they are punished in the form of repaying the funds that were lost in the organization where they were tasked to audit, may function, this would minimize the collusion that these forensic firms use to defraud students' funds to their benefit with school principals, financial officers, and treasurers, because if the school submits its audited accounts from any of these untrustworthy forensic firms, the department is expected to pay as required by law. Corruption Watch said it was prompted to launch a school's campaign to deal with corruption, a decision both Equal Education and the department applauded (Khumalo, 2015:10).

"Initially, I started saving in an education policy. But when there was an urgent need for money, I would cash up and cancel the policy. I did these three times and realized I was losing money. When the time came for my children to go to university, we used short-term debt to fund their studies as our income levels did not qualify for the National Student Financial Aid Scheme" (Fisher-French, 2019:12). It is clear that the time for education policy is the period the children are still at primary level and secondary level and this makes the involvement of the primary educators to be hands on with the progress of their children at the school so that they may able to advise them accordingly about their choices to make at tertiary level, but if the parents are not involved with the studies of their children at the basic education their inputs are likely not to be relevant with the choices their children will make when they are to go to varsity. The researcher posits that parents should at all times check the

performance of their children with subject teachers and class teachers, by virtue of supporting their children at their school-work it is a sign of accepting partnership in educating the child and that is encouraging to the children to be committed in their studies as long they know that their parents at any time could pop up at the school. The financial skills of the parents could be used in some of the school committees like fund raising events and finance committees for the benefit of the school at large as it could have a positive impact to the outcome of the school.

Publication by Fisher-French (2019:12) argues that without further education our children would be at a significant disadvantage in terms of finding employment. The researcher believes that this notion by Fisher-French strengthens the importance of integration between basic education and higher education. After a child has matriculated from basic education in order to be marketable in the labour market such child should consider furthering his/her studies at one of the different types of tertiary institutions, for instance; TVET College, CET College, University of Technology or Comprehensive University. So, the solid foundation should serve a basis of the success the child is likely to achieve at the end of the destination and therefore is very important of the parents to support their children from grade R up to the final year of their studies at University level before they could embark on the journey to seek employment based on their acquired qualifications.

The importance of governance in our institutions : Section 16(1) of SASA embedded that the School Governing Body is the corner stone of success in any school which does operate in terms of the prescripts of the Constitution. South Africa needs SGBs which will demonstrate accountability, transparency, reporting, openness and responsibility in executing its duties and for this role to be performed to the satisfactory the Government has to utilize any means in empowering these stakeholders as dictated by law for the benefit of the whole country in which the elections of the School Governing Bodies are the third in terms of its importance in the country, so this emphasis that the Government is to be committed in empowering these structures so that the country could have effective and efficient governance with potential to turn things around in our education system which is not at good state at the moment. Section 20 of SASA stipulates the role of the SGBs and could not be reiterated time and again at this point but what is critical is to make these structures perform to at utmost best for the benefit of the country as a whole, how possible is that, during elections of SGB members to serve in the schools, the school communities are supposed to be alerted in different communities structures like imbizos, politically gatherings and through media whereby the Department has to emphasize the importance of these elections and who are at good position to stand for elections taking into account the prerequisites for qualifying to be elected and what are the major roles expected from them as the members of the governance.

If the governors have been provided with ample training which could make them to enable to perform their functions with competency as required and expected, they are able to set a number of sub-committees which could assist them to fulfill their constitutional obligations in their portfolios and is encouraged that those with good educational background should be lobbied to be elected to these legal structures. Section 19 of SASA obliges the government to enhance the capacity of governing bodies to enable the competency of the school governing body in any school to assure potential to stabilise the school which does not have good leadership as long as it does execute its duties within the prescripts of the law to help its constituencies within the larger platform of school community in developing the school to provide quality education through its transparency, support and accountability. To capacitate the governors should be regarded as one most important aspect by the department if they need to get quality results from quality teaching and learning at public schools. It is easy for governors to grasp the prescripts if they have got a bit of education than just an ordinary parent without rudimentary education and this could compromise the execution of their obligations as they could shift their responsibility to teachers and principals at that particular school. Once the governors have received ample training and right capacity to perform their constitutional obligations as envisaged by the SASA 84 of 1996 they could able to establish all committees raised above and have their members chairing them as anticipated as well as to find suitable school community members to serve on those committees on behalf of them so that they could hold whoever failed to meet the expected set standard accountable but without any vigorous capacity there is no any improvement that could be effected by governors in our public schools but they will just serve as a mere rubber stamp of the principals' interests.

Literature review pictured GDE as one of the most effective province to bring the major stakeholders in the education of their children on board and most challenged province in terms of bullying at schools, drugs-alcohol addicts by learners, theft of school assets by criminals, killing of learners by classmates or schoolmates at school or outside school premises, gangsterism, robbers, rape, razing, dilapidated school buildings, negligence on the part of the schools in some instances which lead to deaths and safety of the school learners, teachers and support

staff at the schools an issue of serious concern in the province, but the MEC has been hard at work to deal with all challenges in order to ensure that the province is one of the outstanding in the country in relation to offering best education to its citizens despite all these challenges. He seems to be winning in his endeavour and his province is the only one ahead in terms of fourth industrial revolution as most schools are digital and the admission is online in his department which is the only province which falls under the Department of Basic Education with online admission thus far in the country. The researcher believes that the law should always prevail in cases of these types in our schools through the code of conduct of the learners and code of conduct of the teachers which should be applied to the latter; but criminal cases should end up in the hands of the police officers in order to ensure that our schools are place of learning and teaching not place of criminals and sex pesters.

Study by Mokgwatjana (2015:29) cites that Paulo Freire (1904-1997) was a Brazilian whose experiences living in poverty led him to champion education and literacy as the vehicle for social change. This notion supports the idea of taking ownership of our education system in the localities where each responsible citizen is located irrespective of being a member of the SGB or having child in the local school but by virtue of being a citizen you ought to participate responsibly in order to improve the standard of education in our localities which eventual will contribute positively to the entire education system in the country and ultimately the economic growth will take place to benefit all the citizens of the country through such little contribution from the school community initiated by responsible citizens. The recent gang-related violence, power mongers, bullying and drug addicts amongst pupils at school could be handled at easy if all affected parties come together to make education fashionable in dealing with social ills around the school community in order to improve the standard of education and living in that particular locality. This will also enhance strong partnership between government and the school community in that area of which each common decision to be taken by either party will be communicated to the other party to foster accountability, reporting, transparency and cohesion in the functioning of the school which serves the demands and needs of the society in terms of the mandate of the department of education. Monitoring of performance and giving awards play a huge role in teaching and learning at school level and university level hence governance and senate should set the expectations to be achieved by the principals and vice-chancellors respectively together with the department of basic education and higher education in order to contribute positively to the education system of the whole country and simultaneously the country's economy will benefit. This attitude and practice could increase efficiency as well as to produce quality in teaching and learning at the school and university levels. The literature revealed that teachers are stressed by overload of work assigned to them as they have to perform administrative tasks like typing question papers, capturing marks, marking register, preparing schedules, counselling learners and having too many marking of classwork, tests and examination; and being held responsible for the achievements of the learners. "If you are still under-performing, then we would say some of the consequences could be that if there's an annual salary increment you will only get half of the increase, or if you persist with under-performance, you will get a zero percent increase" (Govender, 2019:5).

Section 16(3) of SASA specifies that the principal, acting under the direction of the Head of Department, is responsible for the professional management of a public school. It is evident that the parents and teachers should always work together to educate the same child and as such the two are inevitable to work together for the common interest which is to ensure that the child who is a learner or student has got quality education as envisaged by the government. In order to achieve the obligation invested upon them by section 16(1 & 3) the two should have mutual respect towards each other and always have to come with amicable ways to resolve the differences should they prevail other than being at loggerheads which could have a lot of unforeseen circumstances at the expense of the same child that coined them together. Section 18(2)(a) of SASA stipulates that a meeting of the governing body at least once every school term and section 38(2) & (3) of SASA states that before a budget is approved by the governing body, it must be presented to a general meeting of parents convened on at least 30 days` notice, for consideration and approval by a majority of parents present and voting and must inform the parents that at least 14 days before the conference, the budget will be available for review at the school. The researcher is of the opinion that if things were done in terms of the prescripts, meetings being held as stipulated and reporting to other affected stakeholders as required, a number of cases of malpractice, irregularities, disciplinary issues, security concerns, corruption, under staffing, lack of resources, negligence on the part of the schools on compliance to financial matters and ignorance to implement resolutions taken by governors, challenges to effective teaching and learning, absenteeism and mismanagement of public funds from public schools would be prevented and accountability would be enhanced through the effective means of communication amongst affected parties and following what has been agreed by the majority of parents who delegated such powers to the elected SGB to execute the mandate and do the reporting what is being done in

terms of what has been agreed by the legal structure assigned to make decisions which have to govern such school, quality education would be a reality in our public schools.

The rule of law should always prevail in our schools to ensure that justice is served to all citizens of the country irrespective of their status or position in the school or community as well as in the department or in the country. This will lift our education system to the next level but if cases are scrutinized where they are coming from and reported by whom to the department for intervention will do no justice to our education fraternity but just to reverse the gains made in this democratic dispensation by replacing school committee which used to be one-man show taking decisions for the community without their participation for that matter by the legal elected school governing body for individual school assigned in terms of the law to govern the school on behalf on the parents and school community in terms of Section 16(1 &2) of SASA.

III. RESEARCH METHODOLOGY

A qualitative research method and a quantitative methods would prevail in this study though quantitative would be applied mainly in the study than qualitative method, people like School Governing Body members, school clerks, educators, principals, circuit officials and circuit managers, could be used to give information through tested means like interviews and Delphi technique method in a form of questionnaires as these people mentioned above have got good accounts for incidents which take place in their operation of control and all the above schools to be used do have different scenarios in terms of how the SGB has played their roles in improving the performance of their respective schools. Quantitative research methodology being regarded as realism or positivism in uncovering the existing truth in explaining phenomena by collecting numerical data that are analyzed using mathematically based methods in particular statistics (Aliaga & Gunderson:2000). The results produced by different schools to be used in gathering data will explore this method in comparing the performance of those four schools in similar period since 2014 up to now in studying and analysing the pattern of how they performed in a decade. Data was then captured in Statistical Package for the Social Sciences (SPSS) then data analysis commenced (Bayat, Louw & Rena,2014:186).

IV. FINDINGS OF THE STUDY

The reasonable research process began with a pilot study in how best the questionnaires to be used in collecting data should look like in order to generate more data for the study.

Students are encouraged to complain to principals about wrong treatment:

School Governing Bodies					Educator					Circuit Office Official				
1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
0	2	6	11	8	2	14	4	25	13	2	1	9	6	2
0	7%	22%	41%	30%	3%	24%	7%	43%	23%	10%	5%	45%	30%	10%
100%					100%					100%				

There is due respect for due process and fairness in all decisions taken in public schools and independent schools:

School Governing Bodies					Educator					Circuit Office Official				
1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
1	1	5	13	7	0	8	15	25	10	1	0	8	8	3
4%	4%	19%	48%	26%	0%	14%	26%	43%	17%	5%	0%	40%	40%	15%
100%					100%					100%				

The respondents particularly educators and governors as well as circuit officials do agree that due respect for due process and fairness in all decisions taken in public and independent schools do exist, this in terms of percentage comes to 44% overall whereas highest percentage goes to governors with 48%.

All allegations of misconduct are duly investigated:

Educator		School Governing Bodies		Circuit Office Official	
Yes	No	Yes	No	Yes	No
91%	9%	85%	15%	75%	25%

Educator A1; *“Yes, the department is fast at investigating cases of misconduct by educators.”*

Governor B1; *“No, the department is very slow in investigating the matters especially if the matter concerns the*

teacher, they do not follow the protocols.”

Governor B2; *“Yes, particularly if they are exposed by the public media.”*

Circuit Official C1; *“Yes, to ensure that such conduct does not continue to happen.”*

Most of the views from respondents do agree that allegations of misconduct are duly investigated, but the researcher would like to support the sentiments given by governors that they are investigated slowly and if they are exposed by media like newspaper, television or radio; such cases are investigated very fast so that the feedback could be given through the media. The researcher once reported another case against certain educator who brought the profession into disrepute by applying ultra vires as he suspended the interviews scheduled by the department using the position of the union without following due process which was to lodge a complaint with the department and the rest was the business of the employer to suspend the interviews. Since October 2019 to date the matter reported to the head of department there is no any response from the department despite the acknowledgement made by the head of department.

V. RECOMMENDATIONS

- The security of the schools should be given a lot of considerations at this stage considering the latest incidents wherein teachers and learners are no longer safe when embarking in teaching and learning in a daily basis and this warrants the department of education at national level to establish strong partnership with law enforcement agencies in the country in order to curb this unfashionable trend in our schools. In order to get our system working, our circuit offices have to work together with police stations whereby police stations should assign relief commanders to adopt the schools in their respective clusters so that they can be able to give support to the principals and security personnel hired at respective schools so whenever there is an emergency to be attended it is known who is to be contacted for help and necessary action thereof. School safety committees should be established with the inclusion of the police officers amongst them in order to deal with violence, intimidation, bullying, gangsterism, rape, sexual assaults, random searches and seizures on school premises.

Police visibility in our schools plays a huge part in the minds of the learners and the teachers as that gives them hope and believe that they are safe in the environment whilst embarking on teaching and learning responsibilities. School infrastructure should include metal detectors, burglar proofing, alarms, cctv features and security fences in order to ensure that effective teaching and learning does take place in a safe environment, and these also have an impact in the minds of the learners and the staff that their safety is guaranteed. Police officers, inmates under parole and magistrates should be encouraged to give motivational and inspiring messages once off in a month in morning assemblies to raise awareness of crime, gangsterism, drugs, violence, intimidation and bullying at schools in order to give the learners the insights and consequences of unruly behaviour whilst still young.

Full-time social workers in township and remote rural schools should be hired to assist the teachers and SGBs to deal with social disruptions in classrooms in order to ensure that teaching and learning do happen without a maximum disruptions which might be the case in most of our schools if such kind of misconduct takes place teachers will have to leave a classroom to attend that learner, so when the school employed social worker the culprit will be referred to such section for further counselling and mentoring in a way to instill discipline and morals of the said school in terms of code of conduct of that school.

- The department of education and governing bodies should at all times create a space for social cohesion in roping the local authority like councilors, political leaders, union leaders, civic organisations, traditional leaders, pastors, social workers and community at large should come to the board to assist the school to improve the state of affairs to profit the learners, parents and community as a whole by creating jobs for youths from their local schools where they can be hired as general assistants and educational assistants in order to reduce the overload of work placed upon the teachers by the employer to ensure that they focus much on offering class education to the learners in the classroom. Traditional leaders, political leaders and councilors as well as pastors should be encouraged to include one item of educational interests in their daily social gatherings in order to cautionise youth about the importance of education, their influence could have a positive impact on raising education awareness for the development of the society. The domestic authority should get involved at an early stage in their local school affairs if things do not go well as expected by the department of education in terms of the agreed expectations amongst all major stakeholders, but regulation also states it perfect that local power does not have any statutory powers to intervene with professional matters (Maluleke, Worku & Muchie, 2022:78 cited Nash, 2015:15).

- It is highly recommended that councils and governing bodies should develop institution policy consistent with the constitution of the country to ensure that the fundamental rights of human are not violated by some actions which are not constitutional in nature but look normal in nature or acceptable. The Department of Basic Education and Higher Education and Training should ratify all the policies before they get implemented to guard against discrimination and unlawful policies developed by the boards. The policies that seem to be unlawful and unconstitutional from all our public and private institutions should be flagged by the responsible ministry empowered to play oversight role upon such board for the benefit of the protection of the human rights within the country.

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