The Challenges Accosted by Educators in the Application of Disciplinary Procedures in Secondary Schools

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Abstract

The aim of this study was to investigate educator's perceptions of how learners' rights to safety affect disciplinary procedures in secondary schools in the Umbumbulu Circuit of KwaZulu-Natal. The paper adopted a qualitative approach, where semi-structured interviews were used to collect data from 10 purposively selected educators. The thematic analysis technique was employed to analyse the data. The main findings of the study indicated that educators had their own perceptions of how learners' rights to safety affect the way they attend to disciplinary issues when a learner has transgressed. The educators' perceptions of learners' rights to safety affect disciplinary procedures for many reasons, including poor understanding of relevant education laws and policies. The results also showed that teachers think that the legislation guiding teaching and learning, as well as disciplinary procedures, are marred with contradictions, which make discipline management not only difficult, but also exposes both the learners and the educators to unsafe environments. The study also indicated that the teachers are sensitive to learners' rights to safety, resulting in restricted attention to learners who are guilty of an offence in the school. In light of these findings, it was recommended that there should be mandatory continuous in-service workshops for the educators, on how learner discipline can be maintained.

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1. Introduction and Conceptualisation of the Problem

1.1. Introduction

The focus of this academic paper is on the educator's perceptions of how learners' rights to safety affect disciplinary procedures in secondary schools. In this chapter, the background to the study is discussed, followed by the problem statement, aims of the study, research objectives and research questions. The intended contributions to the body of knowledge and delimitations of the study are discussed. Finally, I outline the chapters of the thesis.

The South African Democratic Teachers Union (SADTU) has raised concerns about violence in schools (Mlamla, 2021). In an article on school violence, SADTU noted that incidents of violence are a threat to school functionality. According to SADTU, educators are reporting breaking up fights in schools and raising concern about their own safety with regard to these incidents. In the same vein, the Mail and Guardian (2019), has also lamented incidents of violence in mostly high schools within townships. According to Govender (2022), South Africa is in the grip of a spike in violence with no end in sight. Govender (2022), notes that some of these behaviours on the part of the learners can be attributed to a lack of trust in institutions, particularly law enforcement agencies, the presence of guns and loose gun laws, as well as the toxic, divisive and contentious times we live in all compacting together. For example, Safir (2022), reported that in Thoba-Jabula Secondary School in the Gauteng Province, a Grade 9 learner stabbed another learner in Grade 10. Anecdotally, fights and assaults are making up more of the suspensions issued within the past five years in the Gauteng Province alone.

Students act disrespectfully towards teachers, disrupt lessons, plan strikes, and engage in gangsterism by bringing deadly weapons to school with the aim of inflicting serious bodily harm on teachers or other students in the pretext of self-protection. Both students and teachers are therefore not safe in the classroom. These safety issues are not unique to South African educational institutions. Safir (2022) notes that due to safety issues with learner discipline, there is increased interest in reforms in the United States and around the world. It is therefore these and other learner safety issues, in the South African context, that prompted this study which seeks to investigate educators' perceptions of how learners' rights to safety affect disciplinary procedures.

1.2. Problem Statement

The Constitution of South Africa (RSA, 1996) enshrined in it the Bill of Rights which seeks to protect the rights of all persons. In addition to the national Constitution, other legislative instruments such as the SASA (RSA, 1996), and the Employment of Education Act (EEA, 1998), require all persons within the education system, and especially educators, to ensure that learners' rights are not violated. On the contrary, there have been increasing reports of incidents of learner abuse at the hands of educators, which amounts to the infringement of learners' rights (Obadire & Sinthumule, 2021). On the other hand, the behaviour of learners in South African schools has been at the top of the agenda on the education front – not a week passes by without the media reporting on violence within schools. The major challenge is that some learners live in crime-ridden communities and it seems that the spill-over effect is what is witnessed in schools - it has become common for learners to carry knives, guns and other sharp objects to schools, that may cause bodily harm to both their fellow learners and educators.

Current reportage about shootings, stabbings and other acts of violence happening mostly at public schools within South Africa is on the ascendancy (Mayer, Nickerson & Jimerson, 2021). Regardless of attempts by the National and Provincial governments of education to make schools violence-free zones, some learners enter school premises under the influence of substances such as drugs and alcohol (Banda, 2022). Recent studies (Miller, Smith, Caldwell, Mathews & Wegner, 2021; Banda, 2022) suggest that this has developed into a culture that undermines the maintenance of discipline in schools adversely affecting teaching and learning. I could not establish from the literature reviewed the educators' perceptions on how learners' rights to safety affect them when they must maintain discipline in schools.

Some studies on the issues of learner's rights violations (Obadire & Sinthumule, 2021, Segalo & Rambuda, 2018) have tended to focus on adherence to human rights in education. In the context of the above, this study therefore focuses on what educators think about how learners' rights to safety affect them when they follow disciplinary procedures as legislated.

1.3. Intended Contributions to The Body of Knowledge

This study takes place at a crucial period in South Africa's education system, when issues of human rights and abuse have gained traction and therefore, a timely study. According to The National Research Foundation records, very few studies have delved into a comparative understanding of how learners' rights affect disciplinary procedures at the basic education level, hence, this study will be a first of its kind in the Umbumbulu Circuit in KwaZulu-Natal, concerning this topical phenomenon. Given the trans-disciplinary nature of the work, it should make an innovative and worthwhile contribution to the field of education.

2. Literature Review

2.1. Introduction

This chapter presents the literature reviewed for this study, as well as the conceptual framework, and these are guided by the objectives and research questions informing the study. The chapter proceeds as follows: the conceptual framework is provided, followed by a historical overview of human rights. The legal framework on children's human rights is also presented to provide a holistic understanding of children's rights. Essentially, issues of learner discipline in South African schools are also deliberated on. The involvement of educators in disciplinary matters in schools is described in the context of the extent to which learners' rights to safety are also infringing on the educators. The section mainly highlights the challenges being faced by educators, in their efforts to institute discipline among the learners. In line with this, the educators' perceptions of the disciplinary procedures are also discussed. Most importantly, the levels of violence in South African schools are scrutinised, and before concluding the chapter, it is also important to highlight parental involvement in supporting learner discipline in schools.

2.2. Conceptualisation of the Study

In this section, the key concepts are defined as they are used in this study.

2.2.1. The concept of discipline and disciplinary procedure

Discipline has various meanings, depending on the personal view of an individual. Bager-Elsborg (2019) suggests that educators should interpret discipline as a verb or a noun on a simple and semantic level; and what 'discipline' is, as a verb. It is assumed that educators do this to help students act appropriately. Hammarfelt (2019) states that discipline involves a set of rules set up to preserve order in institutions. In this case, if one sees school discipline as something educators do to get students to follow the rules of the school and thereby behave in a manner appropriate to the school or society, then that is how educators can react to the preservation of discipline and respond to indiscipline. Therefore, if one sees discipline as something solely linked to power and control, punishment is how one responds to it (Mashau, et al., 2015). As the research by Mashau, et al. (2015), indicates, one way to approach disruptive behaviour in schools is to pathologise the miscreants [because it is seen as such]. Schools operating within this model aim to make use of concrete processes such as supervision, discipline and exclusions, as deterrence. On the other hand, if leaders see learner discipline as moral and value-driven training to get learners to act in ways that are acceptable to those in the school, then that is how one will react to discipline. Discipline in schools is therefore critical for effective teaching and learning in schools.

The concept of discipline in relation to learners' right to safety informs that laws such as the constitution of South Africa and related policies within schools must strike a balance between two distinct rights in order to be fair and effective (Deacon, 2014; Obadire, 2021). These rights are the right to education, which is guaranteed under the South African constitution and the right to a safe and secure learning environment (Obadire, 2021).

Discipline together with learner's rights in education also informs that procedures that allow schools to discipline disruptive and dangerous learners are vital as those that safeguard students against arbitrary and unjust disciplinary procedures (Mestry, 2012). Since 1994, civil society groups, education advocacy groups as well as the provincial and national departments of education have recognized that there were problems with the national policy and law on student discipline

relative to safety (Reyneke, 2018). This recognition surfaced after the abolition of corporal punishment in 1996 through the South African Schools Act. Since corporal punishment was made illegal, many studies, such as those of Naong (2007), Maphosa (2010), Kapueja (2014), Reyneke (2018), and Obadire (2021), have attempted to find alternatives in an effort to establish fairer and more humane disciplinary measures as well as procedures in an effort to ensure learners rights and safety. Unfortunately, the challenge of doing away with punitive measures by educators to correct learners persists with some going beyond the use of corporal punishment.

Darling-Hammond (2020) explains the concept of discipline in relation to a learner's right to safety through the development, participation and the dependence of a learner on either a parent or a teacher to reach maturity. According to Darling-Hammond (2020), within a school environment, teachers act 'in loco parentis'. Being 'in loco parentis' means that the teacher in a school must attend to the needs of a learner within the confines of a school as a parent would do. In other words, a teacher is obliged by law to guide the learner to be accountable, independent and responsible at school.

Greater responsibility is placed by law on the teacher because the school environment is where the learners spend most of their daily lives with their teachers. The school therefore is an opportunity for learners to be refined with minimal human rights and safety-related issues. But the challenge remains that the social system both at home and within learner's communities presents the twin problems of learner's human rights and safety dilemma which is often a spillover from learner's homes and their immediate communities.

As explained by Mashau, et al (2015), learner's rights and safety cannot be guaranteed apart from educators. This means that both learners and educators must be protected physically, psychologically, and emotionally from threats. For example, Mowen, Brent and Boman (2019), lay down the following measures as important to both learner and educator safety where the issue of human rights is a concern. These measures are (1) giving a voice to learner governance and enforcement; (2) attending to learners fairly and equally; (3) improving the relevance of school subject matter to take values into consideration; and (4) adhering to the required teacher-learner ratio in classrooms. These measures when duly followed will help minimize disciplinary issues and incidences where learner's safety relative to their human rights are infringed upon.

It is important that school functionality t with a focus on a culture of positive behaviour must be geared towards supporting good professional behaviour, attitude and work ethics (Darling-Hammond et al., 2020). In this regard, active leadership is required to achieve long-term belief in school systems. The school management team, educators, students, the representative council of students, class monitor or prefects and the school governing body, are all significant role actors. An effective management culture requires a coordinated and integrated strategy, with each role actor having a clear task to promote positive behaviour. Implementation is based on the 'Circle of Courage' model (Rodriguez & Welsh, 2022).

According to Njoroge and Nyabuto (2014), indicators of learner-disciplinary issues and related difficulties appear in a variety of ways and take diverse shapes in different public schools. This is supported by Lukman and Hamadi (2014), who listed the various types of misbehaviour that interfere with school activities: students missing lessons, repeatedly asking to use the restroom, making rude remarks, truancy, smoking in the restrooms, talking while the educator is teaching, being abusive, bullying, physical fights and stealing. Other forms of undesirable student behaviour identified in Masekoameng's

(2010), study include damage to school property, violations of the school's code of conduct, leaving the school premises without permission and disobedience of school administration.

According to Kapueja (2014), educators are constantly being exposed to unsafe working conditions in their endeavours to institute discipline in schools. Some of the disciplinary issues that educators have to contend with daily include learners carrying hazardous weapons such as guns and knives. In the main, educators find themselves in an ethical dilemma where they have to discipline learners, while on the other hand protecting to learners' rights to safety. Seemingly knowing their "rights", learners tend to abuse these rights and, in the end, also abuse the educators' rights to a safe working environment. In supporting Kapueja's (2014), sentiments, Lukman and Hamadi (2014), recount serious incidences of learners burning down classrooms, setting educators' cars on fire, and attacking educators, principals and co-learners with knives. It is worth noting that these incidences are increasing in South Africa. In September 2022, there was an incident whereby a pupil allegedly set alight a vehicle belonging to one of the teachers, at a school in Pietermaritzburg (Mkhize, 2022). Surely, one would conclude that such incidents are a result of weak disciplinary procedures in schools and the overarching nature of education laws which seek to protect learners' rights to attend school at all cost, with little consequences for their actions. Obadire's (2021), study in schools within the KwaZulu-Natal Province found that incidences of learner indiscipline and the corrective measures applied varied from school to school. In this instance, a school with very lenient disciplinary procedures was prone to more cases of indiscipline on the part of learners.

Similarly, in the context of this study, 'disciplinary procedure' may be explained as a set of rules that have been written by an institution to make sure that teachers and students in this situation adhere to a set of rules for behaviour or discipline. The written protocol produces clear and consistent regulations that specify how educators and students should behave and what the consequences would be for breaking the disciplinary procedure. This enables educators and students to address any problems resulting from non-compliance and poor academic performance that can end up costing a school money, posing a risk to students, or being against the law. According to the procedure for disciplinary action, more severe disciplinary measures may be used if similar or related offenses are committed repeatedly (Dhlamini, 2014; Sergi, Crevani & Aubry, 2020; Makoelle & du Plessis, 2019; Van Wyk & Pelser, 2014).

2.3. Educational Policies and Acts on School Safety

2.3.1. The South African School Act (SASA, 1996)

The South African School Act [SASA] (1996), provides a single framework for the organisation, administration and financing of schools. The act, like other local instruments, focuses on the basic principles of human rights. It states in its preamble, that it is fighting against forms of unfair discrimination within the school system (SASA, 1996). The preamble also highlights the promotion and defence of the interests of the school system's stakeholders. To enjoy the protection of rights, children are among the community of stakeholders. SASA (1996), has a variety of parts that adjudicate and referee breaches of the rights of learners at school. Children's exposure to corporal punishment, for example, is considered a SASA breach of rights. Section 10(1) and (2) rejects degrading corporal punishment and maintains that:

1. No person may administer corporal punishment to a learner at a school.

2. Any person who contravenes subsection 1 shall be guilty of an offence and shall be held responsible for a penalty which may be imposed on them for assault.

To end corporal punishment, the National Education Policy Act (27 of 1996), shares the same values as the Schools Act. Section 3(4) (n) of this legislation states that 'No person shall administer corporal punishment in any educational institution or subject a learner to psychological or physical violence'. It is significant to point out that educators are not in agreement with the abolishing of corporal punishment. They are of the opinion that it does hinder discipline on campus.

The conventional sanctions against learners forcing educators to look for alternative punishments were abolished by SASA. However, educators seem unable to step away from their comfort zones and prefer to discipline them conventionally. Alternative methods of treating transgressive learners were proposed by Mashau, Mutshaeni and Kone (2015), Moyo, Noncedo, Khewu and Bayaga (2014), and the government (Department of Education, 2011). Some of the measures proposed as alternatives to learner transgressive behaviour include verbal warnings, formal reprimands, demerits and physical work, as well as detentions (Moyo, et al. 2014; Mashau, et al. 2015).

The strategy on alternatives to learners' transgressive behaviour on the other hand seems to not have reached some educators otherwise they simply neglect this advice Morrell (2001). For example, a national study by the Centre for Justice and Crime Prevention (CJCP) from 2012 to 2016 had 49.8% of students surveyed attesting to the fact that they had been caned or spanked by a teacher or Principal, as punishment for wrongdoing (Davids, & Waghid, 2016). According to the report, the province that had made the greatest stride in curbing corporal punishment and other related violence against learners' right to safety was Gauteng, with a drop in the use of corporal punishment (which educators perceived to be interfering with discipline in school) from 61% in 2008 to 22.8% in 2012. On the other hand, KwaZulu-Natal was the province that saw a marked increase within the same period, with 73.7% in the use of corporal punishment and related learner transgressive behaviours. According to Moyo, et al. (2014), Mashau, et al. (2015), and Davids and Waghid (2016), in the absence of corporal punishment, educators typically feel disempowered and find alternative disciplinary methods ineffective. In a nutshell, educators consider that learner's rights do interfere with the way they maintain discipline in schools.

2.3.2. The National Education Policy Act (No. 27 of 1996)

The National Education Policy Act (No. 27 of 1996) stipulates that no person shall administer corporal punishment or subject a student to psychological or physical abuse at any educational institution. A study conducted by Olivier (2010), revealed that educators were not in favour of abolishing corporal punishment since it contributes to ill-discipline in schools. On the contrary, some educators do not agree that corporal punishment is the best way to discipline a child in the classroom Morrell (2001). In terms of section 16(3) of the South African Schools Act (SASA), the principal has a primary responsibility to ensure that learners are not subjected to crimen injuria, assault, harassment, maltreatment, degradation, humiliation or intimidation from educators or other learners. Educators "have a 'duty of care' and must protect learners from violence because of their in loco parentis status" (Act 84 of 1996: 70). Research carried out by Botha (2012) has

shown that educators acknowledged their role as parents on campuses in shaping the academic and discipline lives of students.

2.3.3. The Employment of Educators Act (76 of 1996)

The SA government enacted the Employment of Educators Act, [EEA] (76 of 1998), to safeguard learners from all types of abuse. Section 17 of the Amendment Act (53 of 2000), which amended the Jobs of Educators Act in 2000, allows for the dismissal of an educator if he or she is found guilty of one of the following:

- Sexual harassment against a learner, student or another employee (s).
- Having a sexual relationship with a school student where he or she works.
- Seriously attacking a student or other employee to do or cause significant bodily harm.

The section states that if it is suspected that a teacher has committed serious wrongdoing, disciplinary action must be taken by the employer. The act also dictates that a fine can be levied on the teacher. It is worthwhile to note that in principle educators are not against disciplinary measures taken against any of their colleagues who have been implicated in wrongdoing.

A summary of how a disciplinary hearing in cases of wrongdoing should be performed is also given in Schedule B of this Act. The fight against unfair discrimination against pregnant girls in schools is enshrined in the Constitution, as well as in the Educators Act. According to the Act, it is misconduct under Section 18(k), if a teacher unlawfully discriminates against any other person based on pregnancy. A punishment must be enforced if it can be determined that the teacher has unlawfully discriminated against pregnant girls. Section 3 of the EEA (1998) makes dismissal the most serious punishment. Generally, educators do not condone any form of discrimination (especially against pregnant girls) on the various campuses.

The symptoms of educator's disempowerment and thinking that alternative disciplinary methods are not working in their favour are being noticed in the tone of the SADTU KZN statement which indicates that a growing and troubling trend is that of violence and crime in our schools. Our schools have turned out to be like war zones. Both teachers, other workers and learners are subjected to traumatizing situations where they have to witness these attacks (SADTU, 2019).

2.4. Violence in South African Schools

As of the year 2021, South Africa had almost 24,900 schools (Galal, 2022). Out of this number, 22733 representing 91% are public schools' while 2166 representing 9% are independent schools (Galal, 2022). The provinces with the highest number of schools were KwaZulu-Natal and the Eastern Cape provinces with 5801 and 5109 schools respectively. The Western Cape dominated in the number of independent schools.

South Africa boasts of a higher ratio of students to schools per capita on the African continent. On the other hand, some of these schools are situated in areas with a lot of violence and a high crime rate. Since some of these students already live in crime-ridden communities, it is assumed that the spillover effect is what is witnessed in schools. According to

Banda (2022), It has become common for students to carry knives, guns and other sharp objects to schools to cause bodily harm to both their fellow learners and educators regardless of attempts by the national and provincial governments of education to make schools violence-free zones at the least provocation. In some cases, students enter school premises under the influence of substances such as drugs and alcohol (Banda, 2022).

It is also worth noting that violence in communities where some of these schools are located has developed into a culture that is undermining teaching and learning within schools (Banda, 2022; Miller, Smith, Caldwell, Mathews & Wegner, 2021). In addition to these incidences, the issue of school violence affects the ability of principals, and educators in the delivery of their managerial and instructional duties with the resultant effect being that the challenges of low-quality education which have beset the educational system for some time now has exacerbated (Miller, et al., 2021).

Currently, not a week passes without a reported incidence of either violence within a community or in schools in the media. Banda (2022), and Qwabe, Maluleke and Olutola (2022), report that these cases are painting a dire state of affairs concerning violence within schools emanating from the communities in which these students live. It is also observed that the youth of today, have no proper role models. According to Kutywayo, et al. (2022), most of the perpetrators of school violence are learners either currently enrolled in schools or heads of gangs who happen to be students as well. Socio-cultural structures such as the family, church, the community and the law have had their hands full in combating and ensuring learner safety and human rights. In severe cases, these structures have had their influence diluted.

Banda (2022) for example notes that the issue of violence has been made to seem normal within the South African social fabric. This mindset has made some students believe that using violence to settle disputes is necessary (Qwabe, et al., 2022). Violence in schools can come from a variety of places, take many different forms, and include a variety of different participants. Additionally, different actors could appear inside the school at certain periods with ulterior motives. Current reportage about shootings, stabbings, and other acts of violence that happened at both public and private schools, within South Africa is on the ascendancy (Mayer, Nickerson & Jimerson, 2021). This raises the question of what school safety entails. Mayer, et al. (2021), explain a safe school as one where non-educators, educators and students may work, teach, and study without fear of mockery, intimidation, harassment, humiliation, or violence.

The National School Safety Framework (NSSF), which was initially formed in 2011, has been used as a management tool by South African school safety committees to aim to promote a secure, healthy, and violence-free learning environment (Kutywayo, Mabetha & Naidoo, 2022). The school safety committee recognizes and controls risk and violence threats in and near schools. The framework is essential for enabling accountable officials to comprehend their duties in relation to school safety. The National School Safety Framework (NSSF), which was initially formed in 2011, has been used as a management tool by South African school safety committees to aim to promote a secure, healthy, and violence-free learning environment (Kutywayo, et al., 2022). The school safety committee recognizes and controls risk and violence threats in and near schools. The framework is essential for enabling accountable officials to comprehend their duties in relation to school safety.

2.4.1. Levels and causes of violence in different categories of schools

Research shows that the geography and location of a place particularly schools affect the level of violence that may happen in that particular school. For example, studies by Matthew, et al. (2021), find that there is a difference in the level of violence in privileged and underprivileged schools. According to Mayer, et al. (2021), particularly in underdeveloped communities, school violence frequently stems from the spillover of other types of violence such as domestic and gang violence. This suggests that students from underprivileged public schools are more likely to use violence against themselves and their educators than students from privileged or 'semi-private' schools (Matthew, et al. 2021). Some of the reasons may such violent behaviours in comparing advantaged and disadvantaged schools may include the following:

- In general, disadvantaged schools enrol more students than advantaged schools, which makes classes more crowded and challenging to manage.
- There is a lot of violence in the neighbourhoods where underprivileged schools are located.
- Some students attend underprivileged schools and come from low-income households, which has an adverse impact on things like parental support and enthusiasm for their children's education.
- The lack of proper security measures in disadvantaged schools contributes to violence occurring on school grounds.
- Due to a shortage of funding from the Department of Education, poor schools lack the support services of school psychologists or social workers.

Besides geographical location, it is observed that there are differences in the degree of violence in privileged and underprivileged schools, nevertheless, the root causes of violence are the same in both groups. A study by Wolhuter and van der Walt (2020), shows that a lack of discipline at home could be one of the primary contributors to violence in both categories. This suggests that the family plays a significant role in how students behave at school.

While there are numerous elements that contribute to the culture of violence in schools, there is no one unique cause of school-based violence but rather a multiplicity of causes. According to Wolhuter and van der Walt (2020), a number of interconnected causes have an impact on young people in many ways, one of which is the commission of violent crimes against other young people and society at large. This seems to suggest that one must critically examine the larger context of the school, such as the community, in order to comprehend the reasons for violence.

In addition, other primary causes of violence in schools could be academic anxiety, a lack of penalties for bad behaviour, and violence modelled by society, according to Terzoudi's (2020), study on the hidden side of violence against teachers, academic underachievement and aggressive behaviour, particularly aggression, are strongly correlated. In comparison to students who perform well in school and are considered "top achievers," underachievers are more likely to be linked to violent behaviour.

Violence in adolescents is also linked to factors like having little aspiration for school (Terzoudi, 2020).

According to Kutywayo, et. Al. (2022), the following factors may have a detrimental effect on the teaching and learning environment in South African schools:

- Learner participation in gang-related activities within communities and onward to schools

- The absence of change in schools, with most schools having either been labelled Model C or otherwise
- Negative attitudes toward crime among students of colour, black students, and white students.
- The smuggling and use of knives, guns, and other dangerous objects in schools by learners
- The ascendency of substance abuse both within communities and schools
- The lack of professional and effective counselling services in schools to deal with incidents of learners' misbehaviour and abuse
- Prejudice, bias, and discrimination among students of different racial groups within communities and schools
- Parental indifference and gang leaders' and criminals' hero worship

2.5. Summary

Chapter 2 presented the review of literature from various sources relevant to this study. This chapter specifically discussed the conceptual lens with which to view and understand how educators' perceptions of learners' rights to safety affect disciplinary procedures within the current education context. A historical overview of human rights both nationally and internationally was discussed as well as how legislative instruments both before and after the apartheid system have shaped the current debate on disciplinary procedures in schools. Furthermore, the perception of how learners' rights to safety affect disciplinary procedures in secondary schools in the Umbumbulu circuit was explored.

3. The Qualitative Data Analysis

Table 3.1. Emergent themes from data collection

a. To critically analyse how learners' right to safety affects disciplinary procedures in secondary schools.	- Educators' perceptions of the Education officials' position on learners' right to safety. - Historical conflicts/precedents from disciplinary procedures. - Educators' approaches to conflict management in disciplinary procedures.

3.2. Discussion of the Findings

The discussion of the nine themes from the semi-structured interviews is presented below. Themes are first presented, with findings from each theme offered, interpreted, and related to the study and extant literature. Extractions of the verbatim quotations from the data are indicated with letter codes to protect the identity of the participants. The letter 'E' represents 'Educators' in this study.

3.2.1. Adequacy and fairness of the current policies and legislations

The helpfulness of current policies and legislation was noted by educators. According to them, most of the provisions in the legislation do not go far enough in addressing the urgency with which disciplinary matters concerning learners' rights

to safety in schools would have to be addressed. Educators were however divided on how their respective secondary schools approached the issue of learners' rights and disciplinary procedures. They were also divided on the implementation of disciplinary procedures, revealing that the application of disciplinary procedures in the province is influenced by many factors beyond the educators' control. Regarding the policies and legislation, the participants had this to say:

> You will find that sometimes teachers are scared of disciplining or calling learners to order because they feel that they are not sure if the measures they take will make them feel protected by the system at school. You know, in disciplining a student, anything can happen, or the learner can create a problem just by feigning serious injury or pretending to faint, especially when you apply a bit of corporal punishment. When that happens, nobody will blame the learner, but everybody will ask what the learner did to deserve such a punishment … The system just does not protect teachers (E1).

> In as much as some of the legislation and policies are not fair, according to my opinion, we also have to contend with an admission policy that is difficult to manage. Even when schools are already overcrowded, the department insists we take in more learners and the officials tell us that it is the right of the learners to be in school. We have no voice in such matters… Even Principals have no issues with the enrolment, but it is us the educators who suffer. With large classes and stubborn learners, the tendency for disciplinary issues to come up is high. Also, the tendency for educators to take action that will affect learner's rights to safety is also very high. We see such cases all the time in this school (E2).

> In my school, the kids are not listening and some are ill-disciplined. The sad part is that most of them are well aware of their rights and they will tell you to the face. So they just abuse their rights and provoke teachers all the time to see how teachers are going to react. In one incident, a learner just went straight to the Circuit Office to report a case without going through the schools' SMT. They even have no respect for their own school management. They jump to the Circuit Office with the least of issues because they know that they will be heard. The circuit management have the understanding that we as teachers must not do anything that will affect the learners' rights to safety in the disciplinary procedures we undertake. So we as teachers just took a decision to leave disciplinary issues and teach as we can. It was really a difficult situation. It was only a parents' meeting that brought a bit of relief but the situation is still bad (E3).

> It is difficult to even carry out any kind of corporal punishment for stubborn learners. Meanwhile, this same corporal punishment is used by the parents of these learners at home. But at school, the learner is untouchable because policies and legislations say so. They just do what they like. They simply have no respect for us (E6).

The findings presented above reveal that most schools are struggling with disciplinary procedures for several reasons: the schools trying to draw a fine line between what legislation and policies expect of them and also protecting the learner's rights to safety at the same time. Indeed, some of these reasons are beyond the control of the schools themselves. As

noted by Banda (2022), discipline in schools is essential to ensure effective teaching and learning, and proper school functionality. According to Lumadi (2020), educators must ensure safe learning environments in schools to promote effective teaching and learning. Kutywayo, et al. (2022), further explain that schools must double as both centres of teaching and learning and also places where the moral character of a child is nurtured. This implies that the current policies in place must be beneficial to both the learner and the educator. Similarly, Segalo and Rambuda (2018), indicate that educators have mixed feelings on the adequacy and fairness of the current policies, as more power is given to the learners. A similar view was expressed by Mashau, et al. (2015), that disciplinary procedures in schools are sometimes impacted by the rights of learners.

The perceptions of the educators on how learners' rights to safety affect disciplinary procedures in schools were also explored. The appropriateness of the current legislation and policies in guiding educators on how to conduct disciplinary procedures in schools is influenced by the learners' rights to safety.

3.2.2. Educators' approaches to conflict management in disciplinary procedures

I asked the participants how conflicts from disciplinary procedures were resolved in schools. In this regard, they expressed the need for more support from the DoE. Some participants revealed that they still use corporal punishment despite its ban, and others shared their experiences:

> The example I can make is on corporal punishment. In my school, we still use corporal punishment, we know that according to law, we are not supposed to use it. It seems to be working although it is not ideal. But most of the time learners are the ones who do accept punishment and two, they want to correct their behaviours. If they refuse to take the punishment, it is normally because they just want to be unruly or they feel it was wrong even for that disciplinary issue to be raised. They sometimes feel there is something that was not dealt with before. That is why dialogue between the learner and the parent is very important (E1).

> There was this learner who was not supposed to bring the cell phone to school, lost her cell phone and called a gang from outside to try and find the phone for her, she already had a group of guys that she suspected might have taken the phone. This outside gang from the community waited for the students who were alleged to have taken the phone by the main road. When they encountered each other, fighting ensued, followed which resulted in some students being stabbed. The matter was then reported to the school management for action to be taken. At the hearing, it was found that unauthorised devices and other dangerous weapons were concealed by some of these students and brought to the school. In as much as the school authorities were prepared to go the full

> extent in bringing finality to the matter, the troubling part was that the gang, with their representatives within the community, were busy looking for those who reported them to cause harm to them. This is therefore one of the instances where the school and the community are at crossroads when discipline is to be meted out. The teachers and students, for fear of reprisals in most cases, will not even attempt to handle such issues when they are reported, for fear of their safety (E8).

One participant affirmed that matters outside the school premises were not dealt with, as the school could only account for learners within the school premises:

> *There was a case whereby in the school we had no water, we could not keep learners here at school. So the learners were sent home early in the morning, So, what happened is that two learners had a fight outside the school and then the school had to apply the disciplinary procedures to both learners, but now we had a problem that it happened outside of school. So, we had a challenge to apply the disciplinary procedures because it's something that's happened outside of school. So, I think that's where the conflict happened. When we cannot apply disciplinary procedures because learners were exposed in unsafe condition, which is outside of school (E6).*

The findings from the participants indicate the various situations in their schools, where conflicts arose between learners' rights to safety and disciplinary procedures. In such cases, several approaches were adopted by the educators to resolve such cases. Some of the participants indicated their inability to resolve or attend to such cases because of the positions of education officials on learners' disciplinary procedures. While some educators accepted, they had to wait for directives from the Department, on disciplinary measures to take when learners misbehave in schools, while others just ignored cases as reported to them. Dhlamini (2017), for example, explained the need for school leaders to embrace alternative approaches to conflict resolution within the school system. Ncube (2012), also calls for the provision of adequate support to educators and schools on disciplinary procedures, while Bipath (2017), advocates for additional support from stakeholders such as the Department of Education and parents, towards a better disciplinary approach in schools. Lumadi (2019), indeed emphasises the significance of the DBE and parental support in disciplinary procedures in South African schools. Lukman and Hamad (2014), are of the view that unruly and violent behaviours are becoming rampant in South Africa, as educators are scared of being intimidated by the education officials, parents and even learners who threaten them, for attempting to instil discipline in schools. Mestry (2017), on the other hand, highlights the need for the Department of Basic Education to be proactive in supporting educators to ensure that disciplinary procedures make safe schools, as well as safe learning environments.

3.3. Summary

This chapter presented and discussed the data collected for the study. I therefore summarised the findings of the study on educators' perceptions of how learners' rights to safety affect disciplinary procedures in secondary schools in the Umbumbulu Circuit of KwaZulu-Natal. In the main, the findings of the study revealed that the perceptions of educators affect disciplinary procedures in schools and vary from one educator and school to another, due to some contextual factors.

Given the widespread abolition of corporal punishment in South African schools, educators face different challenges in disciplinary procedures, and this requires adequate support from all stakeholders, learners and parents included. The study established that many educators are scared of implementing disciplinary procedures in schools because they lack adequate awareness of policies and legislation on learners' rights, while others indicated that they could not implement

discipline in schools due to inadequate or lack of support from parents, school management and education officials. The findings also highlighted the critical need for educators to be work-shopped on how disciplinary procedures should be handled in schools. The educators reiterated the need for the protection of their rights, as they all felt that more priority was given to the learners, at their expense. It was also observed that the integration of parents and community leaders, and school management team members into disciplinary procedures of schools is a challenge. Lastly, the chapter also established that stakeholders in the education system need to support schools' disciplinary procedures, while policies and legislation should be adequately and correctly interpreted by learners, parents and educators. This would enhance disciplinary procedures through educators in schools. Having said that, the next chapter presents the summary, findings and recommendations for the study.

4. Summary of the Findings

This section summarises the findings of the study, in line with the research questions provided earlier.

4.1. Research question: How do learner's rights to safety affect disciplinary procedures in secondary schools?

As far as this question is concerned, the findings from the educators indicated that, apart from education officials taking learners' side in reported disciplinary issues where teachers were concerned, the officials were indifferent to the issues of discipline and disciplinary procedures. When learners commit grievous offences, which require them to be banned from school until a determination of their case, education officials often rule that they be allowed in, until their case is finalised. In such instances, learners feel they have the upper hand and therefore sometimes taunt the educators. Due process in most instances means that the affected party would have to live in the same classroom or school with the perpetrator until a final determination of a case. The participants of the study were therefore of the view that an expeditious handling of such cases by education officials, especially those that affect educators emotionally and psychologically, as well as their will to effectively teach, would be helpful.

The educators kept recounting how they have fallen foul of the law themselves, in an attempt to correct learners' behaviour. As recounted previously, yesterday's mode of discipline cannot be applied effectively today. Therefore, when educators are provoked to the limit such that their self-esteem and self-worth are affected, they may go to the extreme in terms of their application of disciplinary procedures. Historically, corporal punishment has been the norm, but then educators acknowledged that we live in an era where learners can tell you to the face that I am not supposed to be canned because the law says so. Teachers, who in such instances have no recourse to redeem themselves in terms of a learner infringement that affects their self-worth, may opt to either walk or walk the learner out of the classroom. The question then is, what happens if the learner leaves the school premises and encounters a more serious situation?

5. Recommendations

In light of the findings summarised in the above section, one can therefore conclude that there is a very blurred understanding of what discipline is, as well as the appropriate disciplinary procedures that must be followed in secondary schools by the relevant stakeholders. It also came to light that the legislation guiding disciplinary procedures such as the South African Constitution and the South African Schools Act are not able to meet the current disciplinary challenges. Unfortunately, since all school policies are drawn from these main statutory documents, they become weaker during enforcement in schools. The findings of the study also indicated that admission policies that emanate from the hierarchical structures of education (i.e., National, province, district and circuit) have created a free-for-all system where learners tend to abuse the system, based on the unfettered rights accorded them. Some Principals also take advantage of increasing enrolment towards self-gain and salary increases without due recourse to the challenges that educators will face in the end. Essentially, it was noted that indulgent parenting and a lack of interest or participation in school-related issues means that the educator is left on his or her own to manage a disciplinary issue that might have emanated from where the learners come from- the home. Resultantly, a lack of an effective alternative to the known disciplinary procedures means that educators are hampered in terms of the extent to which they can effectively control disciplinary matters.

In the context of the above, the following recommendations are proposed:

- A proper collaboration between the home and the school within the SGBs could create an effective mechanism to deal with disciplinary issues and augment existing procedures.
- The Constitution of the Representation Council of Learners (RCLs), as well as making them effective and consultative by respective secondary schools, would go a long way in acting as a catalyst on disciplinary issues.
- Restoring the dignity of educators, through a recognition of their parental role "in loco parentis", means that they can be effective in ensuring and upholding discipline in school. Lastly, SMTs in schools, departmental officials and parents must make sure that workshops, seminars and ongoing training for educators are convened. Such training would enhance the disciplinary procedures in schools towards guarding learner's rights to safety, as well as the dignity of the educators, and ensure basic school functionality.

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