



**EDUCATORS' PERCEPTIONS OF HOW LEARNERS' RIGHTS TO SAFETY
AFFECT DISCIPLINARY PROCEDURES IN SECONDARY SCHOOLS IN THE
UMBUMBULU CIRCUIT, KWAZULU NATAL**

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DECLARATION

I declare that the work in this dissertation was conducted in the Department of Social Science Education at the University of Zululand, KwaDlangezwa Campus. This is the original copy handed in by the author and has never been published by anyone else, for the award of any degree in any institution.

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Mahaye Ngogi Emmanuel

DEDICATION

I dedicate this work to my two sons - Amahle Athini Asande Mahaye and Sicwebise Senamise Sisonke Mahaye, my brother Vundla Mahaye for his spiritual support and extrinsic motivation ever and my late parents, Rev. and Mrs. Mzikawudelwa and Shadisile Mahaye, who became an ever-fixed star brightening my humble beginnings through Mrs Tobhana Mahaye who raised me as an orphan.

I also dedicate this work to my wife, Duduzile Queen Mahaye, who is my pioneering pillar of strength and courage, for creating time and extended hours beyond the normal intervals of 24/7.

Lastly, I dedicate this work to Almighty God and the in-depth teachings of my denomination Nazareth Baptist Church.

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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 study 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 a mandatory continuous in-service workshops for the educators, on how learner discipline can be maintained.

Key words: education, discipline, human rights, learners, safety

LIST OF ABBREVIATIONS AND ACRONYMS

AASE	Association of Specialized Agencies
AG	Auditor General
BOR	Bill of Rights
CJCP	Centre for Justice and Crime Prevention
CNS	Central Nervous System
CPPRERLM	Committee for the Promotion and Protection of the Rights of Ethnic, Religious and Linguistic Minorities
CRC	Convention on the Rights of Children
CSTL	Care and Support for Teaching and Learning
DBE	Department of Basic Education
DOE	Department of Education
EEA	Employment of Education Act
GDRC	Geneva Declaration of the Rights of the Child
HOD	Head of Department
IEC	Independent Electoral Commission
ICCPR	International Covenant on Civil and Political Rights
KZN	KwaZulu-Natal
LO	Life Orientation
MWD	Merriam Webster Dictionary
NEPA	National Education Policy Act
NSSF	National School Safety Framework
NSSIAS	National Strategy on Screening, Identification, Assessment and Support
NTTMD	National Task Team on Education Management Development
NRF	National Research Foundation
PMDP	Principals' Management Development Programme
PP	Public Protector
RCL	Representative Council of Learners
RSA	Republic of South Africa
SAC	South African Constitution
SADTU	South African Democratic Teachers Union

SAHRC	South African Human Rights Commission
SAICA	South African Independent Communications Authority
SASA	South African Schools Act
SAPS	South African Police Service
SGB	School Governing Body
SMT	School Management Team
SSC	Safe Schools Committee
SSSC	Schools Safety and Security Committee
TLO	Teacher Liaison Officers
UDHR	Universal Declaration of Human Rights
UNDRC	United Nations Declaration on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees
UNESCO	United Nations Education Scientific and Cultural Organization
UNNS	United Nations Secretariat
UZREC	University of Zululand Research Ethics Committee

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CHAPTER 1

INTRODUCTION AND CONCEPTUALISATION OF THE PROBLEM

1.1 INTRODUCTION

The focus of this research study 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 is discussed. Finally, I outline the chapters of the thesis.

1.2 BACKGROUND TO THE STUDY

Issues of learners' rights to safety and how they affect disciplinary procedures in schools have become a global concern (Kreifels & Warton, 2019; Segalo & Rambuda, 2018). According to the United Nations Education Scientific and Cultural Organization (UNESCO, 2017), each year, up to one billion school-going learners experience some form of physical, sexual, and psychological abuse, which is an infringement on their basic human rights. This form of abuse (UNESCO, 2017) is perpetuated in the name of exacting discipline. further explains that the violation of learners' rights to safety often leads to educational underachievement due to cognitive, emotional, and social problems associated with these violations. A safe and secure school environment is a prerequisite for effective teaching and learning (Porter, McDermott, Daniels & Ingram, 2021). Within an education system, the responsibility of ensuring the effectiveness of teaching and learning is mainly the domain of educators (Segalo & Rambuda, 2018). Given this reality, the respect of, and adherence to learners' rights to safety is squarely on the international educational agenda.

South Africa's case is not different from the alarm being raised by UNESCO. Within the South African education system, issues of learners' rights to safety in schools have become topical in the post-apartheid era. As part of efforts to ensure learners' rights to safety, the South African Constitution (Republic of South Africa, 1996), together with the South African Schools Act (Republic of South Africa, 1996), were passed to guarantee that learners' rights to safety are not infringed upon. For instance, the South African Schools Act,

“... requires a new national system for schools which will redress past injustices in educational provision, provide an education of progressively high quality for all learners... uphold the rights of all learners, parents and educators, and promote their acceptance of responsibility for the organisation, governance and funding of schools in partnership with the State” (South African Schools Act No. 84 of 1996).

Under Act highlighted above, one of the reforms that was implemented in the educational system is the prohibition of the use of corporal punishment in schools. Expectedly, the law was not without challenges from stakeholders including educators and parents. The present situation with respect to reported incidents of learner abuse by stakeholders in education has largely been elusive (Obadire & Sinthumule, 2021).

Currently, school Principals and educators face extreme challenges in the management of learner discipline without affecting the learners' rights to safety (Mabasa, 2021). These challenges, resulting from the abolition of corporal punishment, have presented a situation in which learners are perceived to be the 'untouchables' within the basic education sector. In the absence of an effective corrective measure from authorities, backed by legislation, other forms of abuse such as learner on learner violence are exceeding the rates at which educators were seen as the main culprits. According to Grobler (2018), a study by the Centre for Justice and Crime Prevention (CJCP) on the incidence of violence in schools and how they affect the rights of learners has found that learner on learner violence is beginning to trump corporal punishment and other forms of punishments meted out by educators which are known to infringe on learners' rights to safety.

The CJCP statistics show that one in five secondary schools, learners have had their rights violated (Grobler, 2018). Most of these recorded violations are in the form of bullying and psychological violence (Segalo & Rambuda, 2018). In addition, much of the learner-on-learner violence extends to gender aggression, bumping and shouting, extortion, bullying and in extreme cases, murder. Researchers such as Adewumi, Mosito and Agosto (2019), Mabasa (2021), as well as Munongi and Pillay (2020), suggests that learner on learner violence, leading to an infringement of their rights to safety are a spill over from what they experience at the hands of educators, to a large extent.

In as much as learner-on-learner violence seems to be on the increase, the ultimate responsibility as to what leads to such incidents in violation of learners' rights to safety falls within the educators' domain. This could be that the school climate and especially how educators are affected by issues of learners' rights to safety with regards to disciplinary processes cannot be ignored. The prevalence of violence and crime in secondary schools and poor implementation of disciplinary procedures can be checked if the attitude and understanding of educators are factored into restorative measures.

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 regards 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 to inflict 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.

1.3 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), implore 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 the 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 on 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 maintenance of discipline in schools adversely affecting teaching and learning. I could not establish from 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.

1.4 AIM OF THE STUDY

The overall aim of this study is to investigate educator's perceptions of how learners' rights to safety affect disciplinary procedures in secondary schools in the Umbumbulu circuit, KwaZulu-Natal.

1.5 RESEARCH OBJECTIVES

The overall objective of the study is to investigate the educators' perceptions of learners' right to safety and how they affect disciplinary procedures in secondary schools. The study will thus be guided by the following:

- To explore educators' perceptions of how learners' rights to safety affect disciplinary procedures in secondary schools.
- To find out whether educators think that learners' rights to safety have influence on the way they maintain discipline resulting in increase on learner violence in secondary schools.
- To critically analyse how learners' right to safety affect disciplinary procedures in secondary schools.

1.6 RESEARCH QUESTIONS

This study will be guided by the following research questions:

- What are the educators' perceptions of learners' right to safety in light of disciplinary procedures in secondary schools?
- To what extent do educators' perceptions of how learners' right to safety affect disciplinary procedures in secondary schools?
- How do learners' rights to safety affect disciplinary procedures in secondary schools?

1.7 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 to 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. The findings may also contribute to the following:

a) Knowledge about educators' duties and responsibilities in human rights education pertaining to learner' rights to safety, b) awareness of how disciplinary procedures impacts learners' rights to safety, c) Knowledge of how to apply appropriate disciplinary measures in accordance with statutory laws of the country.

1.8 DELIMITATION OF THE STUDY

The study was confined to the Umlazi Education District. Specifically, the population and related sample was drawn from the Umbumbulu Circuit, KwaZulu-Natal. Moreso, the study is only limited to the education fraternity where the management of discipline in schools has become an ever-challenging practice, following the abolition of corporal punishment in South African schools.

1.9 CHAPTER DIVISION

This dissertation has five main parts, as described below.

Chapter One

Chapter One gives a preview into the study context: the introduction, as well as the context of the problem. This chapter also sheds light on the factors that have exacerbated learners' rights to safety and how these rights affect disciplinary procedures in secondary schools, specifically at the Umbumbulu Circuit under the Umlazi District, KwaZulu-Natal.

Chapter Two

Chapter Two presents the historical overview of learner's rights and safety, globally, regionally and ultimately within the South African context, is also highlighted. Thereafter, policy documents and frameworks leading to the establishment of legislative instruments within the South African education system are discussed.

Chapter Three

Chapter three presents a detailed discussion of the research design and methodological framework. This includes research approaches, design, and the qualitative data collection process. The reasons for the adoption of a preferred paradigm, approach and design are explained.

Chapter Four

Chapter Four presents, the data analyses and interprets the qualitative data gathered through the interview schedule instrument employed, as well as the themes generated from the semi-structured interviews conducted.

Chapter Five

Chapter Five restates the aims of the study and shows how findings in Chapter Four relate to the aims of the entire study. Conclusions covering the entire study are made and recommendations suggested for the improvement interventions in safety procedures relating to both learners and educators.

1.10 CHAPTER SUMMARY

In this chapter, I articulated the title of the study and the background which emanates from the problem statement, which was also discussed precisely. The research objectives, questions, intended contributions to the body of knowledge and the delimitation of the study, were highlighted. The chapter ends with a summarisation of the respective chapters for study. The chapter that follows describes the literature underpinning the study.

CHAPTER 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 Educator

The South African Council of Educators (SACE, 2022, p. 1), describes an educator as "any educator registered or provisionally registered with the Council". In South Africa, an educator is a person who carries out a variety of duties associated with teaching and learning and these include therapy, psychological treatments, and professional educational services. Such people might be employed for a role in any educational setting and work in either the office or the classroom. A teacher performs similar roles as an educator and is classroom based. Among other things, the SACE (2022, p.1), Code of Professional Ethics stipulates that an educator:

"...respects the dignity, beliefs and constitutional rights of learners and in particular children, which includes the right to privacy and confidentiality; acknowledges the uniqueness, individuality, and specific needs of each learner, guiding and encouraging each to realise his or her potentialities; strives to enable learners to develop a set of values consistent with the fundamental

rights contained in the Constitution of South Africa; exercises authority with compassion...”

The descriptions provided above are particularly important for this study which revolves around learner discipline and human rights. In this study, the terms educator and teacher are used interchangeably, as referred to in different sources consulted (Employment of Educators Act, 1998; Rajagopalan, 2019; Lunenberg, Korthagen & Swennen, 2007; Jowett & McMullan 2007).

2.2.2 Human Rights

Regardless of one's age, ethnicity, nationality, philosophy, perspective, sexual orientation, or religious views, everyone has the right to certain privileges. These privileges are referred to as rights. Rights are actionable and can be defended in court. Human rights are inalienable rights that apply to all people, regardless of their race, gender, nationality, ethnicity, language, religion, or any other status. The freedom from slavery and torture, the right to work and receive an education, as well as the rights to life and liberty are among these rights. Everyone has the same access to these rights without any limitations (Bantekas & Oette, 2016; UNHCR, 2017; Metz, 2011; Gibson, 2004). For this study, the human rights described include the legal framework on children's human rights, as well as the legislative pieces describing the children's rights in the context of education. Rights in this study will refer to the privileges given to all learners under the South African Constitution (Bantekas & Oette, 2016; UNHCR, 2017).

2.2.3 Learners' right to safety

A learner refers to any person of school age who is either receiving or is obligated to get education is referred to as a learner in South Africa. SACE (2022), describes a learner as a pupil or a student at any early learning site, school, further education and training institution or adult learning centre. Horn (2009), clarifies this idea by defining a learner as a person who acquires knowledge or skills. Students are also referred to as learners.

Safety is the condition of being protected from harm or injury (Esterhuyzen & Louw, 2019). According to Esterhuyzen and Louw (2019), safety ensures the well-being of a person and also from danger. Although there is no scale of safety in terms of this definition, the safety threshold establishes the norm and standards of safety, and can be compared across different establishments such as in the field of education. The

protection of learners from danger and harm are some of the safety measures in this context (Esterhuyzen & Louw, 2019; Kuzmin, 1993). All school-age children, regardless of their race, gender, nationality, ethnicity, language, religion, or status, were granted the inalienable rights. These rights ensure that every school-going child's safety is protected and ensured through the subject-agent relationship principle, not just in schools, but also in the society in which they live. Therefore, both primary and secondary stakeholders in education have a mutual responsibility for the learners' rights to safety (Bantekas & Oette, 2016; Leoschut & Makota, 2016; Prinsloo, 2005; Kuzmin, 1993). In the context of this study, the terms learner and student will be used interchangeably and the learners in context are the ones in secondary school (EEA, 1998; Horn, 2009).

2.2.4. 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 learner's right to safety informs that laws such as the constitution of South African 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 has 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 a 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 persist 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 spill over 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; (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.

In the South African education context, implementing discipline in schools is one of the biggest challenges as it is difficult to draw the line between 'disciplining' and infringing on the learners' rights to safety. The general feeling among educators is that the law protects learners to an extent that it becomes very difficult for the educators to implement discipline, a situation which has also left the educators at risk of being exposed to some forms of violence perpetrated by the learners (for instance, learners damaging the educators' properties). It is in this context that this study finds its basis to examine the educators' perceptions regarding discipline and learners' rights to safety.

Researchers such as Mashau, et al. (2015), Mowen, et al. (2019), and Ndofirepi, et. al. (2012), argue that discipline is training that produces self-control, personality, orderliness, and effectiveness. In other words, it is the guidance of the emotional and physical behaviour of children that encourages children to take responsibility for themselves when they are older. On the other way, sometimes disciplining children might also result in unintended consequences-bitterness, aggressiveness, among others. Psychology has indicated that a person who is exposed to, for instance, violence, is highly likely to be violent in their adult life. The difficulty in disciplining a child is that it is sometimes interpreted as violence or abuse of their rights, hence, the children are more likely to be aggressive and bitter to others.

Orderliness and self-control are a concept that is built into 'self-discipline'. This view sees discipline as the entirety of the process of education, while Mowen, et al. (2019), believe it involves aspects such as the process of teaching, the process of character-

forming, conflict resolution, as well as confidence-building. Mowen, et al. (2019), further assert that, the concept 'self-discipline' is to foster, cultivate and inspire individuals and especially children to behave in a certain way, not because they are compelled to do so, but because they are forced to do so at school. Hornstra, Mansfield and van der Veen, (2015), are of the opinion that the concept of self-discipline is clarified and endorsed by scholars, such as Mashau, et al. (2015), and Ndofirepi, et al. (2012), who argue that self-discipline means the achievement of qualities rather than external monitoring or manipulation by one's efforts.

Rodriguez and Welsh (2022), explain that the dimensions of school discipline must be preventive, supportive and corrective in practice. Therefore, a teacher who goes the extra mile of inculcating learner ideas in class rules and goes on further to verbally praise good attitudes helps to minimise the risk of misbehaviour in the classroom. This assertion echoes the South African regulations on disciplining learners in schools- that learners should feel safe in schools, therefore, corporal punishment is unacceptable but rather, educators can find alternative ways of disciplining learners, like detention and warning- being supportive and corrective. Rodriguez and Welsh (2022), further explain that supportive discipline extends to approaches used to assist students when they begin to misbehave, such as making direct eye contact with physical proximity to a student to retain self-control and alert them. As reiterated above, detention is one way in which learners can be assisted to control misbehaviour.

Corrective punishment is administered following misbehaviour by a student. It may involve taking away a right or placing the name of a student on the paper as a warning and a reminder of a past transgression. Besides, the training to make individuals adhere to fixed, agreed and morally accepted rules for the smooth functioning of an institution to establish self-control is a parsimonious concept of 'discipline'. Methods of discipline may differ, but they should be humane in the application. The terms of reference should be well understood in any institution, especially schools.

Schools have a critical role to play in teaching students how to distinguish between acceptable and undesirable behaviour (Darling-Hammond, Flook, Cook-Harvey, Barron & Osher, 2020). Valente, Lourenco and Nemeth (2020), explain that schools are necessary to provide opportunities for the growth of insight and learning. In a

positive school environment, disobeying school rules is seen as a negative behaviour not only towards the school, but also towards fellow students and teachers, as well as a disturbance of mutual connections (Valente, et al., 2020). School regulations are critical to students' overall development in a positive school climate.

Education policy, school principals and educators face significant challenges in managing learner discipline without jeopardizing the rights of students (Obadire, 2021). The use of heavy-handed punishment such as corporal punishment that infringes on learners' rights to safety in schools is expressly prohibited by South African law (Department of Education, 2001). Studies (Kreifels & Warton, 2019; Mowen, 2019; Segalo & Rambuda, 2018), have shown that many schools have struggled to maintain significant learner control since corporal punishment was discontinued. It is critical to recognize that discipline is not the same as punishment and should therefore be treated as such. Discipline should be viewed as a means of guiding and assisting students in learning what is right and what is required of them (Department of Education, 2000).

Brendtro, Brokenleg and Bockern (2019), highlight the 'Circle of Courage' model as a step towards positive behaviour in children. Based on the principles of belonging, success, self-sufficiency and generosity, the model allows learners to see themselves in the prism of growth, encouragement and development. Thus, the principles serve as pointers to excellent judgement and growth towards independence.

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, attacking educators, principals and co-learners with knives. It is worthy to note 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 as a result of weak disciplinary procedures in schools and the overarching nature of education laws which seek to protect learner's 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 has 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; Makoele & du Plessis, 2019; Van Wyk & Pelser, 2014).

2.3 HISTORICAL OVERVIEW OF HUMAN RIGHTS

Historically, on a seminary research study, the notion of human rights has had religious roots (Zuber, 2019). The earliest religions known today have had human rights violations or allegations in the past (Zuber, 2019). Most of these religions ascribe to a supreme God in Heaven (Wright, 2010). According to the Jewish Bible, it is assumed that the God of Heaven is the ultimate moral authority concerning human rights and that His authority transcends state laws (Wright, 2010). Popularly called the God of heaven in the Jewish Bible, it is thought that based on His ultimate moral authority, people must treat each other with respect and dignity. This idea is borne from the fact that human beings were created in his image and ultimately, a person who undermines another undermines the dignity of the God of heaven. Again, the Bible which shares both Jewish and later Christian traditions, contains the Ten Commandments (Yong, 2011), which are a set of laws that emphasizes man's relations with God and with his fellow man. Some of the laws include the right to life (Thou shalt not kill) and the right to lawful possession of goods (Thou shalt not steal) (Yong, 2011).

Other prehistoric laws such as the Code of Hammurabi are seen as significant to laws concerning human rights today. According to Vander Leest (2012), the code of Hammurabi was received by Hammurabi from the Babylonian God of Justice by the name Shemesh. On the other hand, there are differences between the Ten Commandments and the Code of Hammurabi. The former is viewed as more than a legal code because it centres on sin and human responsibility to God, whereas the latter focuses more on criminal and civil laws, as well as tough punishments for transgressors (McKay & Whitehouse, 2015). Both the Ten Commandments and the Code of Hammurabi had the law of reciprocity contained in them. This is 'an eye for an eye', and 'a tooth for a tooth'. According to Gervais (2014), the only issue with the Code was that abstract concept such as race, faith, values, and individual freedoms were not covered.

According to Bhengu (2014), Ten Commandments are the affirmation the 42 Devine Principles of the Goddess Maat as stipulated in Chapter 8 (The Hermatic Philosophy as a Source of African Philosophy). This is because most scholars believe that Christian religion got its Ten Commandments from those divine principles. What is contrary is the emphasis on the human rights to safety and how it should be practiced under Ubuntu. Both the principles of Ubuntu which espouses African humanity and the Ten Commandments with its outline of Biblical Christian principles are corrective moral compasses for everyday life. The transformative understanding of these principles is that everything must be done out of love even in the most extreme of behaviours and circumstances.

The 1700s to the 1800s is considered the classical period to some and the enlightenment era to others. It was the period used to oppose religious injustices, authoritarian law, and further human rights as a starting point (Vorster, 2010). The concept of the 'right to life' of a person was stressed within this period. The objective was to put in check the excesses of Rome which led to the Reformation. The excesses included the preference for religious indulgences over human lives.

2.4 LEGISLATIVE FRAMEWORK ON CHILDREN'S HUMAN RIGHTS

This section presents the legislative instruments globally, sub regionally and nationally that have been promulgated to ensure the rights of the child with respect to human rights in general. The legislative instruments also give direction on how these laws can help shape the type of disciplinary procedures that educators can use within the confines of a school.

2.4.1 Declaration of the rights of the child in 1924

The UN Declaration of the Rights of the Child (UNDRC), has its foundation on the rights set out in the 1924 Declaration of the League of Nations. The preamble states that children require special safeguards and care before, as well as after birth, including appropriate legal protection, (UNDRC, 2019). The Declaration further emphasizes that society owes it to give every child the best it can. The UNDRC (2019), calls on both governments and non-governmental organizations to respect and recognize the rights of all children.

Concerning children's rights in schools, Strohwal, (2021), explains that education is a right and expresses concern that learners' rights which is enshrined in child's rights

have not been advocated enough. According to Malherbe (2009), the impression created in most cases is that human rights are the preserve of adults only. In the same vein, the UDHR indicates that education must be about, through and for human rights, therefore, the rights of the learner are inherently protected through education. Strohwalld (2021), contends that not all teachers understand the guiding principles concerning rights where learners are concerned. Advocates of child rights such as McConnachie and McConnachie (2017), Peleg (2019), Strohwalld (2021), and Ssenyonjo (2018), are of the opinion that education must be conducted through a process which aims to secure children's commitment and capacity to act within their rights. Therefore, education must be learner centred, learner friendly and learner empowering taking place in a safe environment.

On the implementation of learners' rights in schools, and the awareness necessary for these rights to take hold, teachers highlighted two main issues. The first, according to Faiz and Kamer (2017), was that schools are not sensitive to learner's rights. The second issue raised by the teachers was that learners show disciplinary problems in schools due to limitless freedom provided for them through legislated rights. In view of this, they suggested the use of the mass media campaigns in and out of schools to raise awareness on the issue.

2.5 LEGISLATIVE FRAMEWORK ON LEARNERS' RIGHTS POST-1994

This section sheds light on child rights and particularly learners' rights post-apartheid. The section also discusses how the new democratic dispensation enacted legislation that ensured the rights and the protection of learners' interest within schools.

2.5.1 The South African Constitution (1996)

South Africa firmly upholds the notion of the promotion, security and fulfilment of all human rights and the fundamental freedoms of all people, including children, following the fundamental principles of international human rights law (South African Constitution, 1996). The Bill of Rights, which is Chapter 2 of the Constitution, guarantees all civil rights and freedoms.

In educational practice, issues identified as hindering the realization of learners' rights to safety in school largely concern teachers. First, teachers seem to be generally unaware that learner's safety relative to human rights exists and of the responsibility it places on them (Hochfeld, Schmid, Errington & Omar, 2022). Teachers' knowledge

about human rights appears to be insufficient (Strohwald, 2021), hence, their insistence on instilling disciplinary measures upon the learners, which, in one way or the other, infringes the learners' rights.

Research within the field of education, the issues of learners rights to safety affecting disciplinary procedures is dominated by studies that have examined whether children's rights and the Convention on the Rights of the Child (Bajaj, 2019), are realized in school practice. A recent review of learner's rights research undertaken since the adoption of the convention on Human Rights (Alderson, 2018), has confirmed the high frequency of implementation research shown in earlier reviews (Alderson, 2018). Matters that were examined included how teachers viewed rights of learners and whether learner's rights are being upheld in school (Sargeant & Gillett-Swan, 2019; Hochfeld, et al. 2022). Findings from the studies conducted by these authors school (Sargeant & Gillett-Swan, 2019; Hochfeld, et al. 2022) clarified the importance of recognizing a child's autonomy and capacity of thinking. Implementation research further demonstrates infringements of learner's rights principles in school, such as violence, bullying, discrimination, or transgression of the right to privacy (Perry-Hazan & Lambrozo, 2018). The aspect that is given the most attention, however, is how schools deal with children's participation in learning and influence.

Hochfeld, et al. (2022), identified a paucity of studies that pose core educational questions in relation to learner's rights to safety in education. The authors argued that the research questions that dominate the issues of learner's rights are formulated from a legal perspective (e.g., How are rights implemented, respected, guaranteed, or promoted in educational settings?) or a sociological perspective (e.g., what inequalities can be found? How do children's agency and status take shape? How is the power balance constituted?). Findings from the study conducted by Hochfeld, et al. (2022), indicated that South African learners were worried about safety on their campuses. The broader issue of how learner's rights to safety affect disciplinary procedures has not been given much prominence in similar studies. Therefore, it was significant to conduct a study to find out educator's perspectives regarding how learners' rights to safety affect them when they follow the necessary disciplinary procedures as legislated.

2.6 EDUCATIONAL POLICIES AND ACTS ON SCHOOL SAFETY

2.6.1 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 seem 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 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), 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.

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

2.6.3 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 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 for 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 a 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 on their favour is being noticed on 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).

2.6.4 Drug abuse by learners in schools

The policy on the management of drug abuse by learners in schools and in further education institutions intends to support learners who abuse substances, as well as

staff and learners who are affected by substance abuse, and contribute to the effective prevention, management, and treatment of drug use (Khumalo, 2019). The policy states that all South African schools should become tobacco, alcohol and drug-free zones. It also states that random drug testing is prohibited, and that drug testing should only be used where there is reasonable suspicion that a child is using drugs. It makes provision for preventive education via the Life Orientation curriculum (DOE, 2002). It is significant to point out that although teachers are in support of this policy (alcohol and drug free zones) in schools, they are of the view that irregular drug testing on school children serve as hindrance to safety in schools.

The key objectives of the strategy are to keep students in school and to establish a secure learning environment that supports high-quality instruction. The goals include making sure that schools are drug- and alcohol-free environments, boosting students' knowledge, confidence, and life skills to make them less likely to engage in problematic alcohol and drug use, and managing alcohol and drug use-related issues among students to improve learning outcomes and learner retention. Significantly, educators (interviewees) recruited for this current study were in support of drug free zones in schools.

2.7 LEARNER DISCIPLINE IN SOUTH AFRICAN SCHOOLS

This section deals with the concept of discipline in definition as well as application. The discussion in this section is centred on educators understanding of discipline, and how educators often confuse discipline with punishment within the school environment.

2.7.1 Do learners' rights to safety influence their behaviour?

Any offence that violates or threatens to violate the safety of a learner is an infringement on the human right (Segalo & Rambuda, 2018). Research has shown that the subject of infringement is quite complex. The current understanding of the theoretical complexity of these infringements limits this study to educators' perceptions of issues relating to learners' rights to safety at school level. There are contradictions in the literature, about how social relations are taught in schools, (Ebrahim, 2017). These possess psychological traits like shame, humiliation, and damaged self-worth, (Mathebula & Runhare, 2021). Special attention should be paid to these undesirable results. Therefore, secondary school teachers should assume responsibility for ensuring that students' emotional and mental health is protected in educational

settings. According to Mathebula and Runhare, (2021), Because of their in loco parentis status, educators are empowered to foresee any hazards that students may encounter in the classroom and to take responsible action by putting safety measures and/or policies in place to safeguard learners from any offenses that might violate their human rights. Self-worth is another aspect of learner's human rights and dignity. Given the critical relationship between a person's sense of wellbeing and their sense of positive self-worth, any violation could potentially diminish that person's sense of self-worth which may be an infringement on their rights. (Segalo & Rambuda, 2018). Learner's rights include the quality of self-worth, and schools should encourage self-improvement in light of learner's rights. Understanding that abuses of learners rights can harm self-esteem or undermine the very meaning of life leads to the realization that learners' rights is crucial, (Mathebula & Runhare, 2021).

According to Segalo and Rambuda (2018), lowering learner's rights entails treating them poorly or acting in a way that suggests they have no social value. Name-calling, cursing, and other verbal abuse are some linguistic manifestations of a person's declining sense of value because of the violation of his or her rights. A person's psycho-physical integrity is their most valuable asset in legal terms. (Ebrahim, 2017).

2.7.2 The involvement of educators in the management of school discipline

According to researchers like Ebrahim (2017), Esterhuyzen and Louw (2019), Hochfeld, et al. (2022), and Segalo and Rambuda (2018), educators oversee upholding order in the classrooms and in schools. Esterhuyzen and Louw (2019), assert that educators have a duty to always uphold order. According to Segalo (2018), educators have responsibilities beyond just instructing students that extend to ensuring that they develop morally and become law-abiding citizens. Educators within the school community are expected to react to infractions of the school's institutional regulations and behaviours like stealing, bullying, and vandalism that directly affect the moral sphere in a regulating manner. The Department of Education also mandates that order be upheld in classrooms in order to foster a culture of teaching and learning. According to Section 8(1) of the South African Schools Act (RSA, 1996a:8), order must be maintained in the classroom and at school to ensure that students receive a quality education free from disruptive behaviour and infractions.

In order to allow all students to concentrate on their academic work, educators are really expected to manage disruptive students in their classes. In a school that has the

goal of ensuring quality teaching and learning, educators must understand how to deal with a disruptive student in a way that is not punitive, gets the situation under control, and at the same time, opens the students' minds to working in class. All these must be done with the learners' rights in mind (Hochfeld, et al. 2022). Educators must practice self-discipline to properly manage their classrooms and enforce rules for students. The most powerful factor in the character development of students is the example of educators as disciplinarians. According to Segalo and Rambuda (2018), and Ebrahim (2017), children can learn a lot by observing adults. According to Strohwalld (2021), a role model typically leads a life that is admirable in terms of lifestyle choices as well as guiding principles.

Segalo and Rambuda (2018), and Strohwalld (2021), further state that when they think back to the great educators they had, it is not so much the skills these educators taught that were cherished, but their whole mode of living. It was worthy of following and often used as the foundation on which to structure their own lives. On the other hand, educators who conduct themselves inappropriately have a negative effect on enforcing discipline in schools therefore affecting learner's rights to safety (West & Meier, 2020). There are concerns about what appears to be the demise of moral standards at the individual, communal, and societal levels, for instance, drug and substance abuse. This significantly affects student behaviour on school grounds (Nunan, 2018).

Several studies within the South African context (Bipath, 2017; Lumadi, 2019; Naidoo, 2019), suggest that SMTs have not prioritised disciplinary procedures as they should be. In other words, there is a lack of effort made by SMTs in managing discipline in most schools (Bipath, 2017). According to Lumadi (2019), poor learner discipline and ineffective management of it contributed to a poor teaching and learning environment that disadvantaged all learners among other factors that lead to a general culture of indiscipline with the resultant effect that school management is unable to control troublesome learners. Nunan (2018), notes that challenges within SMTs in schools mean that educators must familiarize learners with the code of conduct and school rules at the beginning of the school year and during orientations when new learners are being admitted. SMTs are responsible for both the conduct and administrative duties of educators (Govender, 2018). Studies by Basson and Mestry (2019), and West and Meier (2020), point to the fact that there is poor oversight by the SMT of some schools in the KZN, in both conduct and administrative support. The lack of a

proper check on the conduct of educators is a sign of weak SMT in disciplinary policy leadership. This poor administrative culture on the part of the SMT was highlighted by former Minister of Education, Mr. Senzo Mchunu, in his 2010 Department of Education report on the Principals' Management Development Programme (PMDP), involving 50 Principals and 6 ward managers (Hugo, Jack, Weekend & Wilson, 2010).

With its plans to build Principal capacity as a priority while negating the capacity of the SMT, the DoE appears to signal that the SMT is either the principal's marionette or that it is primarily for administrative tasks (allocated by the principal) and for the management of the curriculum by departmental heads only. Singh (2012), argues that the SMT's role is to keep a school's organizational components together in a productive relationship. The above was referred to by Mestry (2017), in the context of capacity building for management teams at Sekhukhune area secondary schools. Mestry (2017) discusses the main tasks of sharing and creating a 'team spirit', 'setting the right tone for the school', being a 'team leader', 'empowering management', and getting the 'vision' of the institution expressed.

The question is, who empowers and creates capacity when the SMT includes the principal in the leadership of the current site-based management; is it the team itself that makes the decision, or it is the principal once again seen to be the expert who knows it all? Does the DoE establish concepts in practice, or are the plans and policy mere rhetoric? Although there is criticism of the DoE position, Naidoo (2017), notes that the Department tried to offer participatory leadership workshops by providing instruction manuals to direct educational managers in implementing decentralized management structures. For example, the SMT, the Learners' Representative Council (RCL), and the School Governing Body (SGB), were engaged by the DoE on issues surrounding learner disciplinary issues and its impact on teaching and learning (Hugo, et al., 2010). Some of the issues and questions that arose from such engagements was how to make public education relevant to the 21st century, as well as its effectiveness and efficiency. Other questions raised during the deliberations related to the following: Does the combined educational reforms aimed at transforming leadership, school achievement and discipline in essence, contradict what it purports to do? Are these the reasons for the generally bad disciplinary behaviours in schools, in some areas and others with extreme indiscipline? Concerning the role of SMTs, most studies (Bipath, 2017; Lumadi, 2019; Naidoo, 2019; Singh, 2012), have focused

heavily on the functions and effectiveness of the principal within a school environment, with much less on the role that key players, particularly the Deputy Principal and departmental heads play within the SMT management system. Arguably the SMTs' role in ensuring learners right to safety against discipline is also muted. While Milondzo and Seema's (2015), research seems to be the only study with in KZN with a focus on the role of learners in discipline management, other studies by Ilyasin (2019), Obadire and Sinthumule (2021), Rahimi and Karkami (2015), and Welsh and Little (2018), put the focus on leadership and management of learner discipline.

Lumadi (2020), notes that while research on the organizational culture of schools suggests that discipline is one aspect of a school's organizational culture, no research has yet been carried out on educators' perception of how learners' rights to safety affect disciplinary procedures. It is understood that the DoE supports teacher leadership, but how does it help in the 'learner discipline' management area? According to Dhlamini (2017), leadership studies exist, but then their character is either distributed or collaborative. Dhlamini (2017), notes that distributed leadership is concerned with leadership in practice and not merely giving roles and responsibilities to people. Collaborative leadership on the other hand entails the recognition of the leadership potential of all persons within a team and maximizing that potential to the benefit of everyone. Researchers such as Treacy and Glowa (2017), as well as Babcock (2011), support learner-centred leadership, but with a collaborative stance (i.e., a form of educational leadership). Mashau, et al. (2015), point out that educators are educators, supervisors, managers, as well as leaders of the current integrated education system with its policies and actions.

Dhlamini (2017), further explains how educators can lead in four zones towards better policies and actions in learner safety management. These four zones are listed by Dhlamini (2017), as the following: educators working in curricular and extra-curricular activities with their colleagues; educators leading school-wide solutions to problems and whole school growth; educators taking a lead and interest in matters involving students outside the school environment. The DoE policy of distributed and collaborative leadership further mandates that the concept and application of constructive disciplinary approaches be introduced at school. It also dictates the formation of a Schools Safety and Security Committee (SSSC) for active functioning (Dhlamini, 2017).

Within the context of Dhlamini's (2017), explanation, teacher leadership becomes important to preserving learners' rights to safety relative to disciplinary procedures. Similarly, Lofgen and Karlsson (2016), assert that teacher leadership is when educators are assigned key administrative roles and responsibilities. According to the norms and standards and applied competencies which spell out the roles of a teacher, a teacher by his or her position is a leader and a manager in his or her own right (South African Schools Act, 1996). The norms and standards as explained in the Schools Act opens a reflection on whether teacher leaders lead in school discipline and human rights matters, or they are just followers of those who have delegated them to that position. More often than not, the leadership role of educators in learners' rights to safety affecting disciplinary procedures in schools is seen more as mere rhetoric, while the SMT dominates the degree of engagement, inclusivity and joint decision-making.

Singh (2012), found that the leadership of educators was very insignificant in most cases and not emerging. The study by Milondzo and Seema (2015), found that SMT members used their legitimate leadership roles to delegate leadership to individuals they saw fit for the job while withholding leadership from others. Milondzo and Seema (2015), suggest, "a two-fold shift in leadership thinking, an awakening at the level of the organization of the 'sleeping giant' of teacher leadership at an individual level in schools, together with a change in power relationships and a meltdown of the 'hierarchy mentality'". With roles and functions explained, teamwork is planned, but Milondzo and Seema (2015), find that this does not seem to be the case. The discipline of the learner should not be the responsibility of the Principal or the SMT as we know it in most instances. Very often, the issue of discipline has triumphed over learners' rights. On the other hand, the collegial approach which encourages teachers and school management to collaborate through shared values and collaborate on decision making skills based on their respective experience is beneficial (Lofgen & Karlsson, 2016).

In a democratic country such as South Africa, the link between disciplinary procedures and learners' rights to safety cannot be disassociated. At the same time, as more and more studies reveal the deep paucity in appreciation, especially where human rights are concerned, it is pertinent for the promotion of a collegial concept in the management of learner's human rights issues within school systems.

2.8 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' whiles 2166 representing 9% are independent schools (Galal, 2022). The province 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 student 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 spill over 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, educators in the delivery of their managerial and instructional duties with the resultant effect being that the challenges of low-quality education which has 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 Kutwayo, 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 mind set 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 as to 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 with 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 with relation to school safety.

2.8.1 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 spill-over of other types of violence such 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 in their children's education.
- 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 will be 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 of 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 Kutuwayo, 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 being labelled Model C or otherwise
- negative attitudes of 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 ascendancy of substance abuse both within communities and schools
- the lack of professional and effective counselling services in schools to deal with incidents to learner's 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

2.9 CAUSES OF LEARNER MISBEHAVIOUR

2.9.1 Birth difficulties and prenatal factors

The mother's actions and behaviour during pregnancy have an impact on the child's behaviour. According to Do, et al. (2021), children born to alcoholic mothers are more likely to experience foetal alcohol syndrome or other consequences of having a mother with an alcohol addiction.

When foetal alcohol syndrome is mild, children may go to school alongside other kids who don't have the illness, but the school environment may be difficult for them since they need to adjust to it. Foetal alcohol syndrome can cause mental impairment (Do, et al., 2021). Do, et al. (2021) adds that the youngster will experience a classroom setting where he or she must manage academic work and fit in with other students.

Due to his or her inability to handle their schooling, the child will experience low self-esteem, which will lead to antisocial behaviour and may be tempted to use other

means to make up. The use of nicotine, marijuana, and other drugs by the mother during pregnancy, on the other hand, is linked to later behavioural or conduct issues in children who are exposed to lead poisoning before or after birth (Hay, Mitchison, Collado, 2017; Raitasalo, Holmila, Jaaskelainen & Santalahti, 2019).

Due to head injuries, several delivery issues might cause brain damage. The brain, according to Katzin, Andine, Hofvander, Billstedt and Wallinus (2020), is the foundation of all behaviour, whether it is learnt or hereditary. Thus, the brain controls all bodily functions, including behaviour. Therefore, having brain damage might have severe effects on a child's future. Katzin, et al. (2020), explain that a head injury causes damage to the brain or central nervous system (CNS), which might affect behaviour and make someone more likely to commit violent crimes in the future.

An investigation conducted in Leiden, Netherlands on parental risk and physical aggression during the first years of life with a view of determining the gender specific role provides evidence in support of the claim that birth problems have an impact on aggressive behaviour (Adrichem, Huijbregts, Heijden, Goozen & Swaab, 2019). The children with high levels of birth difficulties were found to be more aggressive than those without birth complications when their teachers tested the group of youngsters for hostility (Adrichem, et al., 2019).

2.9.2 Educators' right to parental backing towards learner discipline in schools

Educators require parents' cooperation and assistance in order to keep the peace in the classrooms. The behaviour of students cannot be successfully changed by educators alone. Additionally, it is the responsibility of parents and communities to assist educators in correcting students (Lumadi, 2020; Singh, 2012). West and Meier (2020), and Nunan (2018), agree that the students with behavioural problems experience more consistency and feel more in control when they see that their parents and educators are cooperating to address challenges. The students will behave, perform, and feel safer. The bad behaviour or lack of discipline of one pupil won't have an impact on other learners either. It is the parents' responsibility under the law to make sure their kids behave well in school.

Educators have a responsibility to maintain order in the classroom, but they also have a right to ensure that students are well-behaved and safe. They are entitled to parental support (RSA, 1996b:9, Naidoo, 2019). They have the right to be treated with the same level of respect as the other students in the class, both individually and collectively.

They also have the right to be allowed to teach without being constantly interrupted (Bipath, 2017).

2.10 CHAPTER 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 educator's 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 learner's rights to safety affect disciplinary procedures in secondary schools in the Umbumbulu circuit was explored.

CHAPTER 3

RESEARCH METHODOLOGY

3.1 INTRODUCTION

Chapter 2 presented the literature relevant for the study. This chapter describes the research design and methodology underpinning the study. The chapter discusses the research paradigm upon which the study is grounded, research design, research approach, population and sampling, data collection, data analysis as well as ethical considerations and aspects of validity and reliability.

3.2 RESEARCH METHODOLOGY

Research methodology refers to the study design, methods, approaches, and processes employed in a well-planned investigation towards a study objective. Sarantakos (1998: 465), for example, explains research methodology as “the way in which research makes sense of the object of enquiry”. The broad category of technique, for instance, includes the collection of data, as well as the participants, tools employed and data analysis (Maree, 2016).

The methodology of a study is critical in the adoption of a suitable research paradigm, research design and research technique or approach towards getting the needed information, expertise and comprehensions that allows to respond adequately to the research questions at hand (Denzin, 2010). In view of the above, the methodology underpinning this study is detailed in the sections that follow, from the research paradigm, the research design, research approach, as well as the sampling techniques. In doing so, the justification for the selected methodology is also provided.

3.3 RESEARCH PARADIGM

Thomas Kuhn (1962), first used the word ‘paradigm’ to mean a philosophical way of thinking. Khaldi (2017), explains a philosophical way of thinking as the general theoretical assumptions and laws, as well as techniques for their application, that members of a particular scientific community adopt. Also, an adoption of a particular worldview informs the meaning and interpretation of research data (Kivunja & Kuyini, 2017). Researchers such as Morgan (2007), and Hall (2013), explain a paradigm as the lens with which a researcher views the world. According to Kumar (2014), the way

a researcher views the world informs the different beliefs and practices that underpin research. Further, the meaning read into a research, as well data collection and interpretation, are also guided by a researchers' world view.

This study is guided by the interpretivism paradigm which emphasises the subjective experiences of the research participants to draw conclusions (Maree, 2016). Interpretivists understand participant's actions the way they are and give meaning by interpreting them. Sefotho (2014), notes that interpretivism is sensitive towards individual participants' perceptions of situations and gives due consideration to their views. Similarly, this study seeks educators' perceptions of how learners' rights to safety affect disciplinary procedures, hence, the justification for choosing the interpretivist route. In addition, Creswell (2015), posits that interpretivism as a paradigm engages participants in an interesting way and makes them a part of finding a solution to the research objective at hand. Drawing from Creswell's (2015), assertions, this study likewise adopts the kind of engagement described by Creswell by employing in-depth interviews with the participants, in an effort to establish solutions to the learners' rights and discipline dilemma being faced by educators in the South African context. This therefore highlights the appropriateness of the interpretive or constructivist paradigm.

3.4 RESEARCH DESIGN

Research designs are procedures for collecting, analysing, interpreting and reporting data in a research report (Creswell, 2015). Kumar (2011), defines a research design as a plan conceived by a researcher to answer a research question or a problem. Denzin and Lincoln (2011), refer to research designs as strategies of inquiry. In summary, a research design is a plan created and moulded by the researcher, which takes into consideration, the samples or group to answer the research questions.

The phenomenological research design was adopted for this study. The key phrase in phenomenological inquiry is 'describe', hence, the descriptive research design. In a phenomenological research design, the goal is to adequately describe the phenomenon while avoiding any pre-established framework and staying loyal to the facts. The phenomenologists are concerned with understanding social and psychological occurrences from the viewpoints of those involved (Kumar, 2016). Alfred Schultz used Husserl's philosophical phenomenology as a springboard for turning it "toward the manner in which regular people in society attend to their everyday lives"

(Gubrium & Holstein, 2000: 488-489). The lived experiences of those who are or were involved in the topic under study are important to phenomenological studies (Greene, 1997; Holloway, 1997; Kruger, 1988; Kvale, 1996; Maypole & Davies, 2001). In the case of this study, the lived experiences of the educators were sought, in terms of how learners' rights to safety affect the implementation of disciplinary procedures.

Similarly, Creswell (2015), explains phenomenology as research design which is concerned with the study of experience from the perspective of individual subjective understanding of events which is notably, their influence, lived situation and reality, which in this case refers to the educators' influence, as well as their lived realities of implementing discipline among the learners. In reiteration, this research seeks to understand educators' perceptions of learners' rights to safety, examine the extent to which educators' perceptions of learner's rights to safety affect disciplinary procedures in secondary schools and a general understanding of how learners' rights to safety affect disciplinary procedures in secondary schools. Therefore, the subjective views of the educators within the framework of the phenomenological research design were central to the study.

3.5 RESEARCH APPROACH

Creswell (2015), describes a research approach as the plans and procedures for research that spans the steps from broad assumptions to detailed methods of data collection, analysis and interpretation. Similarly, Grover (2015), explains research approach as a strategy of inquiry. Kumar (2016), states that a research approach is a plan and procedure that consists of broad steps towards data collection, analysis, and interpretation. This plan involves several decisions that must be carefully considered. Informing this decision was the worldview or paradigm which is interpretivism. This is followed by the procedures of inquiry (research design) and specific research methods of data collection, analysis, and interpretation. According to Grover (2015), the three main research approaches are quantitative, qualitative and mixed methods. Tewksbury (2009), describes the qualitative approach as one that seeks to provide in-depth, detailed information. Tewksbury (2009), further explains that the findings of a qualitative approach cannot be generalised as in the case of a quantitative approach, but rather, issues pertaining to the qualitative approach are explored within the context of the phenomenon of study. Denzin and Lincoln (2011), indicate that qualitative research involves an interpretive, naturalistic approach to the world. With regards to

this study, the outcome is not the generalisation of results, but a deeper understanding of the experiences and perspectives of the participants, relative to their perceptions of how learners' human rights affect disciplinary procedures in secondary schools.

By adopting the qualitative approach for this study, the objective was to seek detailed views of participants pertaining to their understanding of learners' rights to safety relative to disciplinary issues, hence, the quantitative or mixed methods approaches were not appropriate to achieve the objectives of this study. The qualitative approach in this regard enabled to engage the subjective ideas of the participants in an honest and impartial way towards both bringing an understanding to the phenomenon under discussion and appreciating the contributions that teachers make in an ever changing and dynamic teaching environment.

3.6 POPULATION AND SAMPLING PROCEDURES

Creswell (2015), defines a study population as a comprehensive group of individuals, institutions or objects that are of interest to a researcher. For this study, the population entails all the secondary schools in the Umbumbulu Circuit, within the Umlazi District of KwaZulu-Natal. The population comprised 38 schools, with approximately 2729 educators. Further to this, purposive sampling, also known as selective or judgemental sampling, was employed in selecting the participants for the study.

In light of the above, three secondary schools were purposively selected from the 38 schools. A sample size of 10 educators was selected from the three schools. Four educators were from School A, three from School B and another three from School C. The reason for the selection of post-level 1 educators is that these are the ones who act as first responders to disciplinary issues. The aim was also to compare the perceptions and experiences of teachers in different schools. The choice of the Life Orientation (LO), Class managers and experienced educators was because the subject matter also introduces topics such as learner abuse and human rights. Some of the participants were senior educators chosen since they have the experience as long serving educators within the Department of Education. In School A, one participant withdrew from participating in the interview process citing personal reasons before the interview commenced. The educator in question did well by providing his letter of withdrawal. The letter of withdrawal was accepted in good faith as that was the educators' right to exercise. Out of the 9 participants, there were 3 LO educators, 3 senior educators and 3 managers.

The essence of educators' approach in handling issues of learner's rights to safety within the contested environment on the right kind of disciplinary measures to mete out was very interesting and insightful. Gender parity was observed at 6:4, but later ended with 6:3 when the data collection process began in favour of female educators. Table 3.1 illustrates the demographic characteristics of the participants, whose actual identities were hidden and instead, pseudonyms were used.

Table 3.1: Participants' characteristics

School	Participants	Gender	Category	Remark
A	Ms. Amahle	Female	Educator (New entrant)	
A	Ms. Achiever	Female	Educator (experienced)	
A	Ms. Athini	Female	Educator (experienced)	
A	Mr. Asande	Male		Withdrew
B	Mr. Sisonke	Male	Educator (experienced)/disciplinary committee member	
B	Ms. Senah	Female	Educator (New entrant)	
B	Ms. Scwe	Female	Class manager	
C	Mr. Smith	Male	Life Orientation educator/class manager	
C	Ms. Fah	Female	Educator/class manager	
C	Mr. Nqoba	Male	Educator/Admissions committee member	

3.7 DATA COLLECTION PROCEDURE

An interview is a flexible instrument that is used to gather data and enables multi-sensory channels (verbal, non-verbal, spoken and heard) to be used (Cohen, Manion & Morrison, 2007). Additionally, Matthews and Ross (2010), define an interview as a method of collecting data; which enables direct communication between two individuals; the interviewer and the interviewee, the former is able to elicit information, opinions and feelings through the use of questions and interactive dialogue. From the descriptions provided above, it is evident that an interview is not an ordinary conversation, but a planned one aiming at achieving a particular objective through questioning and getting a response from the interviewee. Thus, the interview schedule was chosen for this study because of its advantages cited by Cohen, et al. (2007), and Lincoln and Guba (1985), which include depth, flexibility and how the technique provides a high response rate. Interviewing was therefore found to be the most suitable method for an in-depth understanding of educators' perception of learners'

human rights affecting disciplinary procedures, and challenges faced by schools in the implementation of the appropriate disciplinary procedures.

During the interview sessions, the interviewer is able to listen to people who are involved in the phenomenon under study. I used semi-structured interviews to gather information from the educators. One of its advantages is that one can change some of the questions or the order of the questions during the interview, depending on how the conversation progresses between the interviewer and the interviewee. The research instrument (Annexure A) used for this study collected data on the following broad topics: What is the educators' perception of learners' right to safety? (6 sub-questions); To what extent do educators' perceptions of how learners right to safety affect disciplinary procedures in secondary schools? (5 sub-sections); To what extent do educators' perceptions of how learners right to safety affect disciplinary procedures in secondary schools? (6 sub-questions).

The semi-structured interview schedule which was used in the study was prepared in advance. The interview schedule took into consideration, aspects of the study such as the conceptual framework and the research objectives to be able to get relevant data. Audio voice recorder was used together with a research journal in the form of a notebook to record all the proceedings and captured what was being discussed as well as observed (non-verbal communication), to enrich the data collected for a thorough analysis. The advantages of using an audio-recorder is that it is able to retain the natural language, it also gives an interviewer an opportunity to keep an eye contact and observe body language whilst conducting interviews, and it can also be re-winded, especially during the data analysis stage (Wellington, 2003). As a result, I managed to write field notes during semi structured interview sessions. For the recording of the interview, the following devices were made available and ready in advance: firstly, a Smart Lav+(RODE microphone) to capture quality audio voice directly from the smartphone, secondly, a Lapel Mic Kit (Dixon), and thirdly, two smartphones as the backup to safeguard the data collected. The interviews took between thirty to forty-five minutes for each participant. They took place after school hours to avoid interference with normal classes. The interviews were recorded in English for all the participants.

3.8 DATA ANALYSIS PROCEDURE

Boeije (2012), maintains that analysis is the breaking down, separating or dissembling of research materials into pieces, parts, elements of units. During this process, facts

are broken down into manageable pieces which are then sorted or sifted properly while searching for types, classes, sequences, processes, patterns or wholes. The aim of this process is to assemble or to reconstruct data in a meaningful manner.

Thematic analysis is the process of identifying themes within qualitative data (Braun and Clarke, 2019). In this study, I analysed data guided by thematic content analysis approach. The voice recorded words were transcribed into texts. Topics related to each other were grouped in order to reduce mistakes. Data was read several times before formally coding them. During data analysis, specifically in a qualitative research approach, the steps below are to be followed when the thematic content analysis method is used (Terre Blanche, Durrhein & Painter, 2012). The following steps were followed during thematic analysis:

Step 1: Familiarisation and immersion

I read through the description of the participants many times. Transcripts were read and re-read to get the meaning from what was being said. Notes were made throughout the reading of the transcribed text to become immersed in the data.

Step 2: Inducing themes

I drew out underlying themes from interviews and clusters as the main themes and sub-themes.

Step 3: Coding

I marked different sections of data as being examples, or relevant to one or more themes, then coded important statements with different colours (e.g., the general sentiments of educators affecting disciplinary procedures).

Step 4: Elaboration

Afterwards, I corrected all the mistakes made during coding. Immediately thereafter, I explored or examined more themes closely.

Step 5: Interpretation and checking

Finally, I put the interpretation together, defined and named the themes. By so doing, I fixed weak points from the written account after checking.

3.9 MEASURES TO ENSURE TRUSTWORTHINESS

3.9.1 Credibility

Credibility is the equivalent of internal validity in qualitative research, and it is concerned with the aspect of the truth value. I ensured credibility of the study by making sure that the participants involved were identified and described accurately using pseudonyms (Connelly, 2016). The schools and educators had pseudonyms used in place of their names to ensure the principle of confidentiality.

3.9.2 Confirmability

Shenton (2004), as well as Lincoln and Guba (1985), explain that a study can be confirmed if it demonstrates credibility and fittingness. According to Shenton (2004), a researcher must take steps to ensure that the findings of his or her research are the result of true experiences and ideas of participants, and not what the researcher wants to find out for personal reasons. An audit trail of the procedures used in interviews and data analysis is therefore crucial to confirmability. Creswell (2015), for example, proposes that the following outline be followed in establishing an audit trail: the recording of interviews, jotting down impressions, reducing data into chunks of meaning and the explanation of constructed themes, codes, and categories. I also audio recorded the interviews, transcribed them, and looked for underlying ideas, assumptions, and ideologies to generate themes.

3.9.3 Transferability

Transferability is difficult to determine in a qualitative study (Creswell, 2009; Shenton, 2004). Nonetheless, a certain measure of transferability can be obtained if there is a thick description available about the sending and receiving contexts to make a reasoned judgment on the findings of a study. I conducted interviews with educators and made sure to detail every step of the interview process.

3.9.4 Dependability

Dependability describes how consistent the findings of a study would be if repeated using the same methodological framework. There are similarities between credibility and dependability in practice (Lincoln & Guba, 1985). On the other hand, dependability reports the minutiae of the whole research process, with much emphasis on the methodological framework. In this study, I ensured dependability by giving a detailed step-by-step account of all the processes and steps embarked upon in the final

research report. This allowed readers to examine and appreciate the rigour in the outcome of the dissertation.

3.10 ETHICAL CONSIDERATIONS

De Vos, Strydom, Fouche and Delport (2005: 57) state, "Ethics is a set of moral principles which are suggested by an individual or group, are subsequently widely accepted, and offer rules and behavioural expectations about the most current conduct towards experimental subjects and participants, employers, sponsors, other researchers, assistance and students". Fleming (2018), is of the view that researchers need to negotiate entrance to the research field from the authorities and respective participants before conducting research. Before gathering data, I requested permission from the Provincial Head of Department. I proceeded to apply for an ethical clearance certificate from the Research Ethics Committee (REC) of the University of Zululand, accordingly. I presented the approval letter to the district office, circuit management of the schools and participants. Participants were briefed about the purpose of the study, from which they decided whether to consent or decline the invitation to participate.

I assured the participants that they were free and not coerced to be part of the interview. I explained that if they felt liked not continuing the process, they were at liberty to do so, without facing any negative consequences. I explained to them that I would use a voice recorder for the purpose of accurate recordings. I issued them consent forms for them to read and sign as an indication that they were voluntarily participating in the study.

Prior to the interview I asked the participants to complete the declaration of consent and they indicated that they were willing to be recorded. Informed consent form is a mechanism for ensuring that participants in study do understand the consequences of their participation in a study especially that it is voluntary and without any monetary value. The permission to use the audio-recorder during the semi-structured interviews was part of the consent forms given to all participants, before they participated in this study. Consequently, each participant had to grant permission for the use of an audio-recorder during the semi structured interview sessions. I therefore assured the participants that whatever they said in the interview would remain confidential and was solely meant for academic purposes. This assisted in protecting the participants from harm because of participating in the study. Thus, the names of the participants were

not used. I assured the participants that the participation in this research would not cause them any physical discomfort, humiliation, and emotional stress. All data were stored in a locked cabinet and destroyed after completion of analysis. Electronic data was stored on a computer requiring password access.

3.11 CHAPTER SUMMARY

This chapter detailed the methodological processes undertaken to answer the research questions. The paradigm influencing the study was described and rationale provided. The research design, approach, population and sampling, data collection and analysis, were all described. Essentially, the ethical considerations were also described. In the next chapter, the data is presented and analysed.

CHAPTER FOUR

DATA PRESENTATION AND INTERPRETATION

4.1 INTRODUCTION

The previous chapter described in detail the research methodology employed in the data collection for this study. I presented the research paradigm and study design, ethical considerations, and trustworthiness of the instruments, as well as the report on systematic procedures adopted in the collection of data to generate answers to the research questions for the study. This chapter is a presentation and interpretation of the data collected through interviews. The data analysis focused on generating meanings, through the systematic arrangement of data and presenting the analysed information, which was carefully organised to highlight comparisons, contrasts and insights drawn from the data (Creswell, 2014).

The analysis of data and findings of this study are hereby presented in a qualitative approach based on the following research objectives for the study:

- To explore the educators' perceptions of how learners' right to safety affect disciplinary procedures in secondary schools.
- To assess the extent to which educators' perceptions of how learners' right to safety affect disciplinary procedures in secondary schools.
- To critically analyse how learners' right to safety affects disciplinary procedures in secondary schools.

4.2. THE QUALITATIVE DATA ANALYSIS

Table 4.1: Emergent themes from data collection

Research Objectives	Themes from data analysis
a. To explore educator's perceptions of learners' right to safety and how they affect disciplinary procedures	• The concept of learners' rights as it affects disciplinary procedures. • Adequacy and fairness of current policies and legislations. • Educators' lived experiences and learners' discipline.

b. To assess the extent to which educators' perceptions of how learners' right to safety affect disciplinary procedures in secondary schools.	• Educators' awareness of the current policies and legislation. • Educators' perceptions of the learners' awareness of their responsibilities within the policies/legislation. • Parents' involvement and their understanding of learners' right to safety.
c. To critically analyse how learners' right to safety affect 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.

4.3 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.

4.3.1 Participants' perceptions of learners' rights as affecting disciplinary procedures

The educators' perceptions of how learners' rights to safety affect disciplinary procedures revolve around what they understood to be learners' rights. The findings of the study indicated that the participants understood the concept of learners' rights in disciplinary procedures. Below were some of the responses from the participants:

First of all, learners' rights to safety are recognised by the national Constitution, as well as the South African Schools Act, and this forms part of our training as teachers, on the use and application of discipline. On the other hand, these sections of our legal instruments negatively affect the application of disciplinary procedures in practice (E4).

We are all aware that without effective discipline, teaching and learning suffers, yet the current legislations which place more emphasis on learners' rights, as well as their safety within the school environment, have negated the whole concept of education in our context (E9).

Learners' rights must be respected to the extent that they feel safe to be at school to learn. On the other hand, the agents of discipline, which is both the school and the home, have created this confusion around an acceptable disciplinary procedure and measures which must be applied. The question is, how do parents work with school authorities and most importantly, teachers, in the proper application of discipline in this context? (E1)

Although the Covid-19 pandemic is a once in a generation kind of a pandemic, it brought a whole new twist to the issue of learner safety and disciplinary procedures. One participant for instance, remarked as follows:

There seems to be contradictions between learners' rights to safety at school, the application of discipline and quarantine measures which were supposed to be enforced by secondary schools. For example, learners who displayed symptoms of the pandemic and were asked to excuse themselves or quarantine at home, took offence in some cases. Such learners saw them being asked to exit school to quarantine to prevent a communal outbreak of the pandemic as an infringement on their rights to stay at school and study. Those learners who were offended by such administrative and health related actions indulged in socially unacceptable behaviours outside the school premises to force their way in. In severe cases, such learners never showed up for school, even after the quarantine period was over (E7).

Another participant stressed the need for teachers and educational authorities to be firm when disciplinary measures had to be taken in the furtherance of teaching and learning. The participant expressed his opinions as follows:

With all due respect, learners must have their rights to safety respected in every institution. But at the same time, learners must be disciplined if they go against the law, in such a way that they can also follow their responsibilities at school. If there is no discipline, then the safety is not there, not only for the learner, but the learner's colleagues and the teacher as well (E8).

The findings presented above echo the same sentiments expressed by some scholars. For instance, Lukman and Hamadi (2014), explain that it is important that discipline is not taken lightly in schools, if effective teaching and learning is the aim. Similarly, Brown (2018), maintains that most learners in schools can easily become unteachable if discipline is not enforced. Sadik (2018), maintains that learners have found a loophole in the contradictions within the various legislation that is supposed to guide teaching and learning in secondary schools and are taking advantage of this loophole to frustrate the process of teaching and learning. In this process, they refuse to recognise that their behaviour not only endangers their own human rights and responsibilities to society, but also that of their colleagues and teachers as well.

Peretomode (1992), justifies the use of acceptable disciplinary measures in schools, despite the learners' rights to safety being topical in secondary schools. At the same time, Ebraim (2017), encourages educators to know what they can and cannot do and the extent they need to go with meting out discipline. Lumadi (2019), suggests that more approaches to disciplinary procedures be explored by educators, if only they understand the concept of learners' rights to safety. Khewu (2012), is of the opinion that the abolition of corporal punishment which used to be the main disciplinary measure in most secondary schools, does not mean learners must be allowed to dictate to school authorities. On that note, Luhalima and Mulovhedzi (2021), indicate that school management teams have the responsibility of educating educators and learners on the learners' rights to safety and how disciplinary procedures must be followed. Naidoo (2019), advocates for regular workshops for educators and SMTs on how to manage disciplinary procedures in secondary schools.

The findings thus suggest that educators are aware of the challenges in the exercise of their duties, with regard to discipline. The challenge is the right and appropriate procedure to follow, which will not infringe on the learners' rights to safety and ensure that they do not break the law while exercising a disciplinary right. What therefore comes to the fore in this instance is the dilemma being faced by teachers in South African schools- the need to institute discipline among the learners, while at the same time being cautious not to infringe on the learners' rights to safety. In the end, disciplinary issues are still problematic in the country, as evidenced above.

Regarding disciplinary procedures, the participants expressed varying perceptions, as evidenced below:

The general feeling is that the means by which students are disciplined has become ineffective as years go by. This current situation can be blamed on the court system. Therefore, learners are getting out of line and are increasingly becoming a menace to society. Kids know that they are protected by the law in terms of their rights, and therefore they know a teacher cannot say whatever they want to say or do whatever they want to do to them. In terms of discipline, teachers' hands are tied. It is also a fact that kids will be kids and act, childish in some instances. Sometimes they need to be called into order. Then therefore my colleagues sometimes feel they can't do whatever, for example, they can't use corporal punishment to discipline a child and therefore, they feel that their hands are tied. I can boldly conclude that teachers are fighting a losing battle where discipline is concerned.... Educators in my school are not satisfied with learner's right to safety, because they collectively feel that it's the learners who must be kept away from educators in terms of safety and not the other way around. This means that, if the learner carries a dangerous weapon, he or she can cause harm to the educator and face no criminal charges, but if an educator beats that learner, they will face criminal charges and dismissal from school.

We must not rule out the fact that disciplinary procedures need to be within the confines of the law. What I mean by this is that for example, corporal punishment is abolished. So, that's one thing that we should take into consideration, in terms of disciplinary action. After the abolition of corporal punishments in the country, teachers resorted to other forms of disciplinary measures, such as making learners who disturb the peace of the class walk out of the class and wait outside until their period was over. This form of discipline was seen as punishment by departmental authorities because according to them, the learner's right is being violated by sitting outside and not participating in classroom activities (E6)

The sentiments echoed above indicate that the educators are not happy with the learners' rights to safety policies, as they equally feel unsafe when learners become violent at school. It is also indicative from the above, that educators need to understand the learners' rights to safety before they can conduct disciplinary procedures.

Findings revealed that educators have different understanding about how learners' rights affect disciplinary procedures in schools, and this affect safety of schools for learning as well as attaining school goals. The participants appreciated the crucial role of discipline in a school system. There was also the understanding that learners must be groomed to display acceptable behaviours in school environments. For example, Bajaj (2019), contends that the increase in learners' indiscipline or misbehaviours in schools are influenced by educators' sentiments to learners' discipline in schools. Similarly, Dhlamini (2017), is of the view that educators are being motivated to change the way they apply disciplinary procedures in accordance with current legislation and policies generally.

4.3.2 Educators' awareness of current policies and legislation

Various policies and legislation exist in schools as a guide on learners' rights to safety and school discipline in South Africa. The views of the educators were sought to corroborate awareness of current policies and legislation which affect their daily operations as educators. Participants indicated that they were aware of the many policies and legislation on learners' rights in schools:

Yes, I am, but at the same time, I can say there is no justice, because even the Department of Education did not bring alternative methods of disciplining the child, they just mentioned it and they did not follow it through just to see if it is practical or not. So, it is difficult to expel a student. I have to do a lot of recording, some time you find that we do not find time to record. Sometimes a child will commit a crime while I'm away from school and you find that, that crime have been dealt with for a long time it also involves parents, maybe also involve the local police, but I as a class teacher or subject teacher, I was not involved. So, in the schools, there is no documentation, we don't collect enough information just to assist us maybe to expel students with dubious characters that is corrupting the school (E3).

Yes, when it comes to school policies, yes, I am aware of them. But I don't wanna say that the schools are not following policies, the learners are out of hand, even the school as a whole is failing to discipline these learners. Even though there are policies, the learners are not following policies (E8).

Yes, I am. But I won't say I'm very good, because normally when there's a disciplinary issue in the school, we then look at the code of conduct of the school and then compare it with the South African Schools Act and see what we have to do and where we need to take steps towards discipline. So, we look at our conduct the school's code of conduct, and also South African Schools Act, Follow it as accordingly (E1).

From the analysis of the above, it seems the availability of the policies in schools does not imply that they are being implemented. One participant indicated they only talk about them without any reference to disciplinary procedures:

Yah, I would say I am conversant in a sense that we have spoken about them with the internal structures of the school, but then, talking about them is like it just vanishes into thin air, there's nothing that really happens, because there are bigger structures that determine what actually must happen in schools, how things are supposed to be done, so we do speak about them, maybe try find ways how can we challenge them on how can we use them to our advantage as educators (E7).

Corroborating this further, E7 supported his claim that working with learners who are not disciplined is challenging and the structures in the schools do not consider policies:

The structures we have spoken to is the disciplinary committee within the school, we've also engaged with the union structure. We have previously spoken with SADTU, the educators' union, in terms of the discipline and the policies that they are really putting us into a corner because when you are working with learners that are not disciplined, the work just becomes twice as hard. The department will also be at your back trying to find out why they are not performing. It means you as a teacher are not doing something right. The department is more result-oriented and not discipline-oriented (E7).

Another participant also expressed those officials from the Department of Basic Education and policies do not protect educators in disciplinary procedures:

The departmental officials are not protecting teachers. When there is a problem, when you try to apply disciplinary procedures which are written down as a school, you know, like for example, here at school, learners are supposed to tie their hair nicely. They are not allowed to choose to do whatever, right. So, when the departmental officials come, they are not going to ask about the policy. The department will talk about learners' rights. The learner has the right to do whatever with the hair. The teacher needs to teach the learner, does not do nothing with the hair. So now when the school writes the policies, then we apply the policies, but they are now against the departmental policies with regards to hair and so on. When the departmental officials come to school, they don't ask you what's the school policies whatsoever, they will tell you that all you have to do is to teach the learner. The hair has nothing to do with you. So sometimes the policies are working against us (E6).

One participant admitted that he was not aware of any policy/legislation on how to address learners' rights to safety as it affects disciplinary procedures in schools:

Honestly speaking, I have not been work-shopped on that one. I have not, I might know the school policies. But I've never been in a situation where I had to sit down and be work-shopped on how to handle such and such cases (E9).

However, another participant observed that the policies were not effective enough to cover the many key concerns in the disciplinary procedures for learners:

I would say the policies need to do more than what they are currently. I would say I am not completely happy with how the policies are designed. The policies are good on paper. But in terms of implementation, they are silent. They tend to protect one group. They are not levelling on the ground. If learners know that if I misbehave within a school, the only thing that can be done is for social workers and my parents to be called for counselling they will misbehave. That is always going to be a problem because the learners can always continue doing the same thing. So I would say the policies are good on paper, but then they need to be clear on the procedures that we need to take, and the

disciplinary actions that have been suggested or proposed to be implemented without fear or favour (E6).

Overall, the findings presented above seem to suggest that policies and legislation play a huge role in influencing disciplinary procedures in most South African schools. According to Obadire and Sinthumule (2021), the implementation of the current policies and legislation on learners' rights to safety in schools affect disciplinary procedures. Mathebula, Runhare and Marishane (2021), agree that as much as learners' rights are to be respected, adequate provision should be made to protect the educators' rights while implementing disciplinary procedures. SMTs therefore have a responsibility to ensure that both educators', as well as learners' rights, are respected using their leadership skills and training to drive necessary transformation in schools (Ilysin, 2019). Khewu (2012), highlights that the potential for conflict to erupt in organisations will always persist, on the other hand, the managerial skills of leaders can maintain organisational discipline. There is also the need for educators to be dynamic in how they handle disciplinary issues, based on their experiences within the teaching profession. Dynamism will ensure that the appropriate disciplinary action is taken within the limits of the law, where necessary.

4.3.3. Adequacy and fairness of the current policies and legislations

The helpfulness of current policies and legislations was noted by educators. According to them, most of the provisions in the legislations 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 legislations, 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. Kutwayo, 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.

4.3.4 Participants' perceptions of learners' awareness of their responsibilities within the policies and legislation

The significance of the current policies/ and legislation is on how they prepare learners for their responsibilities. Existing awareness on learners' responsibilities within the policies and legislation was checked with the participants. The findings indicated that the educators considered it important for learners to be aware of their responsibilities in schools. Mixed feelings were expressed by the participants, regarding the level of awareness on learners' responsibilities. One participant believed that the schools are not doing enough to sensitise learners on their responsibilities, according to the policies/legislation, because if they knew, they would misbehave:

I don't think so. And, if these learners know their rights, they will misbehave, because even though we don't use corporal punishment, some of them are not aware ukuthi it's just the law that says so. They think we are not just using it. If they know all their rights, they will do whatever they want. Remember, in our school, for the learners to use drugs is not allowed. For them, maybe they think if I use drugs today, maybe the teacher will expel me, they don't know that they

still have the right to come back to school. If we can just tell them all their rights, I think they will misbehave very much (E8).

Another participant opined that learners' rights are overemphasised in the Life Orientation subject, and had this to say:

Most of the learner rights are over emphasised, especially in Life Orientation Life orientation deals mostly with learner rights and over emphasises these rights, yet the responsibilities are not thoroughly dealt with, so there is that imbalance, even these students know everything about their rights, but nothing about their responsibilities and they cannot associate a responsibility to a certain right they just know that they have right to be protected, right to safety not to be punished but to avoid that they are not aware or they don't want to take responsibility (E3).

Another participant noted that learners should not be made aware of their rights because they will grossly misbehave:

No, I don't think schools do enough. I don't think they do assist in this process, because I think the responsibilities for schools is a bigger one. They shouldn't be made aware of too much rights and then it should be some kind of a refresher to say this is the code of conduct. This is how you should understand your rights. What it means is that parents as well should be orientated around the code of conduct, not just the code of conduct. Including all the Acts that affect learners and schools, e.g., Children's Act, the Bill of Rights, SA Schools Act, all those things should be orientated to learners and parents, so that we would be able to work together as a collective to make sure that the schooling environment is proper. So I don't think as a school we've done enough in terms of doing the orientation and also reinforcing it as times goes. As it should be from the year 1 up to year five, should not be something that stops just that in the beginning and then until the end of matric. (E1)"

E9 maintained that learners were not given access to the policies or educated on the policies:

I don't fully think there might have been much thinking on policies, but there's never ever been a session where, am speaking about this particular school where I am, referring to the school that I come from as well. You know, you'd expect that each learner has been given a school policy with a code of conduct, but now because of the resources, availability of resources... Some stuff is not easy to be able to be available to the entire school. I don't know about the parents, but I think there can still be some improvements in as far as that section is concerned just to let everybody in the school read and know these are the school rules and codes of conduct. This is how the school is run. This is the circumstance if you do that, this is what will happen. I believe more can be done (E9).

Another participant highlighted that the schools are not doing enough to educate learners on their responsibilities as spelt by the policies. The participant had this to say:

I would say schools are not doing enough. We do have cases whereby, maybe beginning of the year, all learners are given the code of conduct in the school. It is read to them within the classroom environment right discussed with the class teacher. But there are different copies also. But you find out maybe that's the only time when the learners are made aware. The other cases where the learners will be made aware of the school conduct in hall classes. But then the learners won't take that on serious because they're just thinking what in ABC just a subject that we are doing. So, I would have loved to see any learner who is not involved in indiscipline (E6).

Meanwhile, E7 admitted the schools were not intimating the learners with their rights and responsibilities adequately:

I don't think as a school we offer enough, because I have been in this school for the past five years, but we have never had an occasion whereby we assemble learners and remind them of their rights and their responsibilities. I've never been part of such an initiative, in fact, it has never happened. I think the little that is being done is done through the subject which is life orientation, which they do have section which talk about those particular issues (E7).

In view of the findings presented above, Banja (2019,) suggests that learners be made aware of their rights and responsibilities in school. Dano and Thwala (2022), opine that educators should educate learners on what is expected of them, concerning their responsibilities. Similarly, Dhlamini (2017), argues that successful school management is the responsibility of school leaders, who should make educators and learners know their rights and related responsibilities, for proper school functionality. On the other hand, Enkel, et al. (2017), assert that the administrative style of a successful leader must include regular awareness of stakeholders' responsibilities in the school system. Obadire and Sinthumule (2021), indicate that SASA as a framework for disciplinary procedure provides a clear understanding of the responsibilities of the learners and schools as a whole, while Obilor and Miwari (2021), agree that much rests on individual schools' ability to educate both learners and educators on the responsibilities, as relate to learners' rights to safety.

According to Gagnon, Sylvester and Marsh (2021), creating more awareness of learners' responsibilities is what schools should do regularly. Many South African schools do not see the necessity in creating awareness on learners' responsibilities. This means that learners' rights to safety are not highlighted. Many reasons for the failure to educate or provide learners with more awareness on learners' rights include the fear of the schools that learners would abuse the rights and would be totally out of control or discipline in schools (Munongi & Pillay, 2020). This finding by Munongi and Pillay (2020), also emerged in this study, where E8 and other participants shared the same sentiments that learners should not be made aware of their rights, as they would get out of hand.

The Department of Education (2007), indicates that the learners' rights to safety is to enhance teaching and learning in South African schools, through SASA and other policies and legislation. In the same way, Segalo and Rambuda (2018), report that educators' views on the rights of learners significantly influence their readiness to expose learners to their responsibilities within the learners' rights to safety policies/legislation. Treacy and Glowa (2017), concur with UNESCO's (2017) position on the rights of learners to safety in schools, but they noted that emphasis should be placed on the responsibilities that accompany these rights. Govender (2022), however cautions on the need for educators to be mindful of learners' rights to safety while disciplinary procedures are conducted. Learners can be made to understand their responsibilities and the consequences of their actions, despite their rights within the

regulations. In view of this, Kutwayo, et al. (2022), report that many South African educators have limited knowledge of policies and legislation on the responsibilities of the learners and cannot adequately create awareness thereof. The involvement of both the SMTs and the SGBs of the respective schools is therefore critical in this regard.

4.3.5 Educators' perceptions of parents' understanding of learner's right to safety and their involvement

With regards to parental involvement in disciplinary procedures in schools, the participants highlighted some barriers against parents' understanding of learners' rights and their involvement in disciplinary procedures. The general perception of the participants in this regard is indicated below:

As educators, we are not that much in-contact with the parents, the governing body are the people in contact with the parents. So, when it comes to governing body, our governing body is failing to bring that parental involvement, we only deal with parents when we talk about the rate of failure. Maybe, if we want to make a major change like introducing or phasing out subject or stream, but just to call parents and educate them or explain to them that is a new change from the department is saying this and this, so the school is doing this to respond. We don't have a platform to sit down with parents, so their involvement is not satisfying, we are not working together with the parents (E3).

One participant responded that parents are involved through parents' meetings and also provided with copies of policies:

They call in the parents and inform them, and they also call in the parents meeting so that they know about school policies. We normally make copies of school policies and send to parents so that they know what is expected of the learners at school. I don't know whether their kids are aware of the policies, I don't think they do look at it. Each and every learner, each and every parent, each and every year, we used to get a copy of the school policy. I don't think the parents keep reminding the learners about school policies, because being late at school is a bad thing, but they keep on doing it even though they stay around the school, so I don't think they are following the policies. I don't think parents are just like reminding them " (E8).

Another participant also admitted that parents were usually informed in general meetings, but this was not adequate:

I personally have never had a meeting where I call parents about orientating them around code of conduct and disciplinary measures of the school, of what happens when discipline will have never had a class manager as much as we've had meetings, talking about the academic performance of learners but not disciplinary measures and procedures. There was a meeting about the code of conduct of the school with all parents. The meeting discussed an amendment of the school code of conduct...I guess the problem is the consistency part, as much as it was done in one of the years, then is not done every year. So, the consistency part becomes a problem because then, we are not always understanding the same thing all the time (E1).

Positively, some participants indicated that parents were involved in their schools' disciplinary procedures, as noted herein:

I'm loving the way that they are doing it in this particular school...the parent body is very active. Whenever a case or whatever that has to be dealt with, With regards to school policies and stuff, They are always involved. The school makes sure they're informed on time. And when major decisions have to be made without fail, the parents get in touch and come and represent the case and so whatever action that has to be taken, they are not left in the dark...they actually work in the school as our security personnel, some are here every day, security in the parent body. We got parents who are part of the school's security committee. A parent is even the chairperson of that body. Whenever something happens, they know first and then disseminate that information. If there has to be a parent meeting regarding some problems in the school, they're never ever left in the dark. So, parents play a critical role in this school... (E9).

Each and every year, there are cases whereby parents are called for parents meeting, especially at the end of the year, there is an annual general meeting for the parents in the school. Then, during that time, parents are always given the opportunity to decide on the issue of their learners, for example, dress code, extra classes and disciplinary issues. Previously, we had cases where there was a problem concerning the use of cell phones by students. Some parents

defended their children by saying the phones were being used for research (E6).

E7 on the other hand, posited that parents get involved only when learners needed to be punished:

I don't think we've done enough, I need to admit that first, but what has happened what I've seen, it's more of a reactive approach where there is an instance when a learner misbehaves and then a parent is called in a sitting to discuss what has happened. The parents sometimes recommend the meting out of corporal punishment by the teachers themselves. And this is the very thing that teachers are prevented from using as a corrective measure in school. One parent angrily said, his child does not belong to the government but rather to him and therefore no one can tell him how his child must be disciplined (E7).

From the responses presented above, it is evident that most of the educators admitted that parents were actively involved in schools' disciplinary procedures, while a few described parental involvement in disciplinary procedures as not encouraging. In light of this, West and Meier (2020), suggest that the involvement of parents in the running of the school system is critical to the success of the education system in every country. Treacy and Glowa (2017), posits that for school Principals who are learner-centered, parents will always be adequately involved. On that note, Sadik (2018), asserts that parents are significant stakeholders who can assist in learners' discipline in partnership with the educators. Educators therefore need to collaborate with parents, if disciplinary procedures are to be effective.

Some schools choose not to engage parents, especially when they are not cooperating or willing to support school leaders or educators (Govender, 2022). According to Lumadi (2019), sometimes it is difficult to bring everyone on board when discussing disciplinary matters, but it is necessary for a leader to know how every educator within a school could be made to understand that discipline is a general objective of a school, because it ensures functionality. In light of this, Mowen (2019), suggests that leaders explore all necessary avenues and use available resources that can lead to greater learner achievements. Dano and Thwala (2022), note that learners' misbehaviour or indiscipline may be fuelled by lack of cooperation or support from the

parents to the school system. Thus, Obadire and Sinthumule (2021), recommend that school Principals should create good platforms between educators and parents to encourage learners. The DoE (2007), provides insights into approaches that can be explored to integrate parents into school administration. The call by the DoE encourages a broad consensus on finding a workable solution towards disciplinary procedures in schools.

4.3.6 Participants' perceptions of education officials' position on learners' right to safety

In addition to the findings presented above, in-depth information was also sought from participants with the aim to establish their perceptions. The findings indicated that education officials' positions on the learners' rights to safety in disciplinary procedures differed. The participants asserted that these diverse positions of education officials affect disciplinary procedures in schools. E7 noted that education officials were not so keen about learners' rights except when there were problems:

No, they are not given priority. It's when something extraordinary has happened that you see officials attending to that particular school, let's say for instance, learners have stabbed each other and one died, that is when you'll see officials coming in, wanting answers on what happened. Who was supposed to be where at what time? that is where they'll come in and ask questions and to find the daily routines of the schools, what you do to discipline the learners. So, it's also a reactive approach, they come in when there is a problem... I have never seen them coming specifically in this school on general matters of discipline. I have never seen them coming, they only come when it is a curriculum related matter...when they monitor to make sure that teaching and learning is taking place, but that particular issue of safety is something they don't attend to, unless there is something that is really extraordinary that has happened (E7)

Other participants also concurred that the education officials give more priority to learners than educators, in disciplinary procedures, seemingly being ignorant about the educators' safety as well:

Yes, they are given more priority, which is even more than the rights of the teacher... that also maybe affect the rights of other learners to learn. When you actually consider the safety of an individual, who is maybe misbehaving (E5)

No one cares about the safety of the teachers. Our job security is not a concern to anyone. The only thing education officials care about is the mistakes teachers make, which are sometimes occupational hazards, so to speak. For example, a teacher was trying to punish a learner. She was using a ruler... That teacher was expelled. Learners are given more priority. When we are talking about the safety of the learners, we are talking about something that can affect everybody. The learner has to be safe at school and it's just that. But, no one is telling us, no one is giving us a clue as to what we should do if the learner is doing bad things E8).

Another participant indicated that parents do report to the Department if disciplinary procedures taken on their children were not satisfactory to them:

No, I don't think so... At least I have not seen that. It is assumed that learners have rights, and those rights are protected. It is also an assumption by all officials of the department. But then, at the same time, I've seen a few incidences where each year a learner or a parent of a learner will report an incident to the Departmental office because of a disciplinary measure that was taken, and the parent or the learner feels it was done wrongly. And then the Departmental official will then come to the school and talk to the school management. A particular teacher, because of the complaint emanating from a disciplinary procedure that was taken. I don't think they comprehensively look for solutions to such situations (E1).

Some participants expected the Department officials to be more proactive in emphasising the learners' rights to safety, as well as their responsibilities:

It is like this thing is one sided. Teachers are being violated by learners, but when you go and present your case, the only person who is considered is the learner. They are always right, you and you are the adult. We should have come up with another way, forgetting that you have tried every other system but still the child has rights. I think because of our Constitution, they are forced to take learners' side more, and sometimes it is unfair even all the officials themselves, because sometimes they have pressure themselves to sort out cases in a

specific way, I don't know, I can't speak for them, this is an opinion you hear from my side (E6).

The findings presented above clearly reveal that education officials give more priority to learners than educators, when it comes to disciplinary procedures. Also, the educators' opinions in disciplinary procedures are usually challenged by the officials. The participants identified and agreed that these challenges influence their perceptions and implementation of disciplinary procedure in schools. The DoE's (2007), assertion that educators will be supported to successfully teach in schools does not seem to happen in practice. Educators demand adequate support from the Department of Basic Education, on the implementation of disciplinary procedures in schools. Banda (2022), explains that school leadership requires support from all stakeholders, towards a successful implementation of disciplinary procedures.

Obadire and Sinthumule (2021), further argue that the educators' knowledge on learners' rights to safety can be widened through the involvement and support of education officials. In this view, Mowen (2019), contends that diverse approaches can be employed by the education officials to encourage educators in disciplinary procedures, while Sadik (2018), laments the failure of various disciplinary policies in schools and how this failure fuels learner misbehaviour. Bipath (2017), recommends that educators should be capacitated in the management of discipline in schools. The capacitation of educators would enable educators to prepare learners who are well behaved and can fit into any society in our various facets of life. There is no specific workshops directed to address learner's rights to safety in secondary schools which is along with ever changing behavioural patterns of the learners in the local and provincial if not in person at the school level.

4.3.7 Historical conflicts and precedents on disciplinary procedures

Disciplinary procedures are critical to the attainment of educational objectives in schools. The rationale for this theme was to assess how historical antecedents can impact disciplinary procedures in schools. The participants established various precedence of conflicts from how disciplinary procedures threaten school discipline in South Africa. The absence of discipline in any school is a disaster. Past experiences of educators keep educators away from instilling discipline in schools, as indicated by some participants:

I wouldn't want to say there is a historical precedent. Because this is an ongoing thing. It always happens on a daily basis. So, the issue of learners' safety and disciplinary issues needs to be talked about on a daily basis, because it's not like this thing happened to maybe 20 years ago, it's not going to happen today. Or it happened yesterday, so it's not going to happen today. This is something that is continuous and needs to be engaged on a daily basis. And it's not a one size fits all procedure to say, in this school, or yesterday or with this learner today. This learner did this in terms of violating the right to safety of other learners, then this is what we did. So, we are going to apply the same procedure to this particular case. It's not like that (E6).

For a long time, one of the methods that we've been using and which is known very well that department can punish us if they found out that we've been using that method it's when a teacher feels like he doesn't want to punish a class with physical punishment the best thing is to leave the class, just to avoid explanation, just to avoid chaos just leave the class, but which means you leave the kids unattended. When you are away, we know very well that anything that they can do you are responsible it is your period, because I'm avoiding that headache, because I feel like management is not supporting enough, HOD and Principal are not supporting enough so the best method I can do is to leave the class and teachers have been doing that for a very long time and no one is saying anything (E8).

Another participant indicated that learners' rights to safety were being trespassed by learners and always resulted in conflicts:

Yes, in 2005, one of the learners was carrying a dangerous weapon with an intention to injure a particular learner that conflicted with him a day before. One educator confiscated the dangerous weapon, the owner was mistakenly injured on his head as a result, he was taken to the nearest clinic where he received first aid... the educator apologised to the learner, as well as to his parents for that and the matter ended right there. It was amicably resolved, there was a mutual understanding between the parent and the educator. Learners' right to safety is always prioritizing (E4).

E4 further explained that at times cases from disciplinary procedures in schools made some educators to withdraw from the disciplining the learners:

The conflict between learners' right to safety and disciplinary procedures make educators to be scared of disciplining learners because they feel that there is no legislations that protect them on the learners laying charges against them. The Department of Education always sides with the learners when they open cases against educators, which makes things difficult for them at work when it comes to discipline. This profession is no longer like it was before, some educators resigned even before their retirement age, because it is strenuous, and others suffered from heart attacks, depression, etc., or died untimely as a result of these policies and legislations siding with the learners.

The continuous confusion surrounding the proper disciplinary method implies that the application of learners' rights to safety has impacted schools, though more still needs to be done. One participant expressed concern over the unruly behaviour of learners, despite knowledge of their rights to safety in schools:

Yes eish!, sometimes within the school premises ,these children fight with each other, yet our policies do not allow students to fight, they know that but they fight within their school premises, outside the school premises they still fight because of those issues (E2).

Another participant noted that the Constitutional Court's position on corporal punishment made many educators to refrain from learners' disciplinary procedures, as there was no any effective way:

Yeah, I have because you see, as I've said before, in the beginning, that the Constitutional Court indicated a few years back, you are not supposed to administer corporal punishment to learners. Because there is a law that says no teacher is supposed to administer corporal punishment, but at the same time, teachers in this school do use corporal punishment in order to instil discipline. Then therefore it creates conflict between the law and what teachers do in schools. And what is expected by learners from teachers in terms of how to

discipline learners versus what I know is the right not to be disciplined to corporal punishment. (E1)

Segalo and Rabuda (2018), argue that when an educator disciplines a learner, especially to correct a behaviour which does not conform to the school or community, it is meant to transform such a learner into a well-disciplined or behaved person. This implies that it is important for educators to have an idea of implementing disciplinary procedures despite learners' rights to safety (Lumadi 2019). The DoE (2007), affirms that educators' ability to mould learners will redefine learning environments and will promote learners' achievements in the long term.

Moreso, Nunan (2018), expresses the view that the absence of, or inadequate disciplinary procedures in schools, will hinder the attainment of educational objectives, as well as the learners from achieving good academic performance. Ilyasin (2019), posits that the inclusion of all stakeholders in disciplinary procedures in schools will positively impact the education system and prepare learners towards responsible future citizens.

4.3.8 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 that 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.

4.4 CHAPTER 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 varied 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 them 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 is 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.

CHAPTER 5

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

Chapter 4 presented the results of this study. This chapter concludes the study and presents recommendations, based on the findings. On that note, the following issues are highlighted: an overview of the study is presented, mainly highlighting the research questions. The main findings of the study are presented in line with the research questions. Recommendations are therefore made, based on the findings presented in the preceding chapter. The limitations of the study are then presented. The conclusions, based on the findings of the study, are also presented in the last part of the chapter.

5.2 SUMMARY

This study was conducted with the aim of establishing educator perceptions of how learner's rights to safety affected disciplinary procedures in selected secondary schools within the Umbumbulu Circuit in the Umlazi District of KwaZulu Natal. The study was underpinned by the following research questions.

- What are educator's perceptions of learner's right to safety?
- To what extent do educator's perceptions of how learners right to safety affect disciplinary procedures in secondary schools?
- How do learner's rights to safety affect disciplinary procedures in secondary schools?

In view of the above, the study then proceeded as follows: Chapter One provided a preview into the study context: the introduction, as well as the context of the problem. Chapter Two presented the conceptual framework relevant for the study. A historical overview of learner's rights and safety, globally, regionally and ultimately within the South African context, is also highlighted in this chapter. Thereafter, policy documents and frameworks leading to the establishment of legislative instruments within the South African education system are also discussed. Chapter three presented the research design and methodological framework- the research approaches, design, the data collection, as well as the analysis procedures. Chapter Four is a presentation of the data analyses. This final chapter reiterates the aims of the study and shows how findings in Chapter Four relate to the aims of the entire study. Conclusions and

recommendations are also provided, based on the findings presented in the previous chapter.

5.3 SUMMARY OF THE FINDINGS

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

5.3.1 Research question 1: What are educator's perceptions of learners' right to safety?

With regards to the aforementioned question, the issues raised by the participants point to the fact that educators have their own understanding which informed their perceptions, as well as interpretation of what learners' rights to safety must be. While some educators saw the need to discipline learners, others refrained from meting out disciplinary measures for fear of falling foul of the law and for personal reasons, other educators saw the need to discipline learners.

Another point worthy of note concerned the legislation guiding teaching and learning, as well as disciplinary procedures. The overarching preamble of these legislations had some contradictions, according to the participants. These contradictions made discipline not only difficult to implement, but also unsafe to a large extent, even in instances where a learner deserved to be disciplined.

Since the study was conducted in the era of the Covid-19 pandemic, the issue of discipline and health, especially in situations where public health trumps teaching and learning, also surfaced. Educators were of the view that a learner being sent home as a result of a public health procedure is not different from one sent home on disciplinary procedure. Both learners in this instance faced the same challenges, according to educators. Some of the challenges could be a further exposure to social vices which the school may be trying to prevent through the same disciplinary procedures. According to the participants, the odds are exponentially increased when learners are sent home and on their own.

Discipline and responsibility were also highlighted. To some educators, discipline was a way of ensuring that learners deter from unacceptable behaviour. Some participants mentioned that in instances where learners were not held accountable for their actions, then a system of lawlessness is bound to fester, leading to a total breakdown in the culture of teaching and learning.

The participants of the study also pointed to the inadequate legislation and policies surrounding learner disciplining, arguing that these very same guiding principles fall short to meet the challenges of the time. From their perspective, it seems most of the policies in place have outlived their usefulness or relevance, and have not been updated to meet the disciplinary issues post 1994. Therefore, the educators were of the view that if some of these legislations could be reviewed to take into account disciplinary issues of the current century, then they can find some breakthrough.

The education departments from the circuit, district and provincial levels were faulted for their free-range admission policies which added to the burden of discipline and how to go about managing it. The educators alluded to the fact that a poor teacher-learner ratio in class, in addition to overcrowded classrooms, meant that a teacher had little time to properly interact with students to better understand them. Therefore, classrooms have become lecture rooms, with little understanding of the social and moral life of the learners in the classroom. Such situations are fertile grounds for indiscipline, and this can easily spread even among learners who may want to cooperate with what goes on in class.

The rights of the learners, and how to go about protecting them, is also another area of contention and debate that the participants engaged with at length. According to some educators, it seems most secondary school learners are using the rights which are meant to protect them as a scapegoat- a tool of provocation and disrespect for authority. The participants reported incidences of learners bypassing the chain of command in school by reporting alleged infringements at the Circuit Office. Such instances where the Circuit officials do not refer the learners back to the schools to follow the correct procedure, but follow through on their reports, seek to undermine the disciplinary procedures and structures in the respective schools.

The safety of educators before, during and after disciplinary procedures was also raised as a major concern by the participants. They indicated that the educators who try to discipline learners themselves become targets of crime-some learners cause harm on the educators, in the form of revenge or reprisal attacks. In very violent teaching communities, educators pay with their lives for correcting a wrong. Others are verbally abused or have their properties damaged as a result. Therefore, to some educators, it is just not worth it trying to correct a wrong in an unsafe environment, both within the school and the community.

Social challenges within communities and their spill-over effects in schools were also identified. Gangsterism in communities is fast eroding and challenging, to a large extent, the teaching and learning culture in schools. Some of the issues recounted by educators involved learners who served as conduits for selling and distribution of illicit and banned substances. Children who refused to connive get harassed and hounded within their communities. To make matters worse, such students also dare not reveal the perpetrators behind these practices, for fear of victimisation. When investigated on such issues, the students often state their right of remaining silent.

Bad parenting and the unwillingness of some parents to support secondary schools' disciplinary procedure efforts was also faulted for an increase in disciplinary issues. To some parents, the schools' responsibility is just to teach, but then the psycho-social aspect of a learner within the school premises are secondary. According to the educators interviewed, this kind of thinking has led to learner imbalance in moral character because they know that they have their parents' backing, regardless of whether they are wrong or right in a case they are involved in.

5.3.2 Research question 2: To what extent do educator's perceptions of how learners right to safety affect disciplinary procedures in secondary schools?

Alternatives to what most department official's view as extreme disciplinary measures, such as corporal punishment, are not workable. according to the educators who participated in this study. One example cited was detention. By detaining a learner, the educator is also detained within the period in which the learner is supposed to serve out his or her detention. More so, care must be taken not to overly extend detention, for fear that the learner might be exposed to other social ills. Instead, the learner must be accompanied to his or her home for safety purposes.

Some educators lamented situations where policies are developed but not enforceable. They just put in files as a decorative measure. In situations where these policies are developed, the views and contributions of those affected or those who will implement them, are not sought. In accordance, the participants noted that a firm and effective school leadership led by the SGB, SMT and the RCL, will ensure that policies are all-encompassing and respected by all.

The core aim of a school is teaching and learning, and that is often emphasised by departmental officials. Some officials treat disciplinary issues as secondary within the school environment. According to some educators, officials in the Circuit stress the

importance of teaching and learning but are often silent or muted on how to go about mediating disciplinary issues while ensuring effective teaching and learning. It could be a problem of them being overwhelmed or plain ignorance to disciplinary matters.

Subject specific solutions and interventions were also highlighted by educators. Life Orientation is one subject whose aim is an understanding of self in relation to others and to the larger society. Educators were of the view that Life Orientation as a subject must be revised to highlight more of learner responsibility, as compared to their rights in the prevailing circumstances. According to them, if there is a general acknowledgement and teaching of learner responsibility in schools, this would result in learners behaving responsibly, with a better sense of self, as well as in their social engagement. Since what learners are preached to on a daily basis is what they practice (garbage in, garbage out), it is therefore the responsibility of curriculum developers to help shape the social life of learners in this regard.

The educators' responses also highlight the need for learners to be periodically workshopped on the code of conduct of their respective schools. The educators recounted that learner know very little or nothing at all, with regards to their respect of schools' codes of conduct. For them, the rules contained in the code of conduct are only brought up when there is an infringement. On the other hand, in situations where learners are regularly furnished on what is expected of them within their schools, disciplinary issues will be kept to the barest minimum.

5.3.3 Research question 3: How do learner's rights to safety affect disciplinary procedures in secondary schools?

In 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 mean 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 prior, yesterdays, mode of discipline cannot be applied effectively today. Therefore, when educators are provoked to the limit such that their self-esteem and self-worth is 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 caned because the law says so. Teachers, who in such instances have no recourse to redeem themselves in terms of a learner infringement which affect 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?

5.4 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 which 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 which 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:

- There is need to re-capacitate the educators on the concept of learners' rights to safety, and how it should enhance the enforcement of discipline through the appropriate implementation of disciplinary procedures.
- To generate a healthy discussion on the topic of the right disciplinary procedures in the face of mounting learner right concerns and, on the adequacy, and fairness of current policies and legislation, the DBE unit responsible for governance and development should devise strategies to address the misunderstanding in the application of legislation and policies
- A term by advocacy programme on the Educators' Awareness of current policies and legislations. Those programmes' impact must be assessed and evaluated, with strict monitoring of its implementation in school classroom discipline policies. It must be followed by mentoring and coaching, more especially to the novice educators, for the effectiveness of learners' code of school disciplinary policies.
- The Department must assess the extent of learners' understanding of their responsibilities and organise leadership boot camps to raise awareness of their responsibilities within the policies which govern their behaviour in the school environment.
- Alternatives to corporal punishment should be revised to cater for the current developments on how learners' rights to safety affect disciplinary procedures. The mis behavioural pattern and its prevalence in schools, with incidences of deaths, demands a review of these policies.
- The historical conflicts or precedents encountered by the educators during the implementation of disciplinary procedures imply the need for a compulsory funded course on conflict management, for all post level one educators. This is due to the lack of constructive approach as conflicts arise when meting discipline. They could include a specific modules like Classroom Discipline Management, anger management, among others.

- 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 trainings for educators are convened. Such trainings 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.

5.5 LIMITATIONS OF STUDY

The study was confined to the Umlazi education district. Specifically, the population and related sample was drawn from the Umbumbulu circuit. An adequate sample size of 10 educators comprising Life Orientation teachers, Teacher Liaison Officers and Class Managers, took part in this study. Although the Umbumbulu circuit is homogenous in context, as compared to other circuits within the district, a larger sample size would have established a higher ecological validity of the findings. Nevertheless, the sample size of 10 was considered adequate since the research study is qualitative in nature.

Navigating through the schools for data collection was difficult due to the state of safety and security in the area of Efolweni under the Umbumbulu circuit. Learners were involved in the faction fights which led to the killings that took place. In one of the days, I arrived very late for the interviews due to the Taxi-drivers’ protests which blocked the roads. Another challenge was that some educators were not willing to participate as they ‘suddenly’ cite reasons of being busy with extra duties during the time of the scheduled interviews. In countering such challenges, I was forced to re-schedule the interviews. Since this study was subjective and used interpretative method to the lived experiences of educators’ perceptions, a limited number of participants was selected for the in-depth analysis of the qualitative data. Therefore, the study findings cannot be generalised to the larger population. Despite the above-mentioned limitations

displayed, the study was very rich and will add value to the department of education in reworking or reviewing policies of this nature as no effective teaching and learning will ever take place in an environment where safety is questionable and compromised.

5.6 AREAS FOR FURTHER RESEARCH

This qualitative study has investigated the educators' perspectives of how learners' rights to safety affect disciplinary procedures. As indicated earlier, the findings of the study cannot therefore be generalised to the larger populations. Rather, this study serves as a launch pad or a springboard for the ever-escalating debates about the ethical dilemma surrounding learners' rights to safety and disciplinary measures. In this view, further studies could be initiated from the learners, as well as other relevant stakeholders like the education officials and most importantly, policy makers. This is imperative to establish a 360' monitoring and evaluation of these critical aspects in the South African educational terrain, and beyond.

5.7 CONCLUSIONS

This chapter summarised the study, provided recommendations based on the findings, as well as the limitations of the study. Essentially, the areas for further research have been noted. In concluding this study, it is evident that the objectives of the study were met, and all the research questions answered.

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ANNEXURE A: RESEARCH INSTRUMENT

RESEARCH INSTRUMENT

EDUCATORS' PERCEPTIONS OF LEARNERS' RIGHT TO SAFETY AFFECTING DISCIPLINARY PROCEDURES IN SECONDARY IN THE UMBUMBULU CIRCUIT

INTERVIEW SCHEDULE

Description of project:

Thank-you for sharing your time with me today: This is a research project with the title "***Educators' perceptions of learners' right to safety affecting disciplinary procedures in secondary in the Umbumbulu circuit***".

The study has the following questions:

- What are educator's perceptions of learners' right to safety?
- To what extent do educators' perceptions of how learners' rights to safety affect disciplinary procedures in secondary schools?
- How do learners' rights to safety affect disciplinary procedures in secondary schools?

BRIEF OVERVIEW

RESEARCH QUESTION 1

What are educators' perception of learners' right to safety?

1. What is your general understanding of how learners right to safety affect disciplinary procedures in your school?
2. Do you think the current policies and legislation regarding learners' rights to safety are adequate with respect to your school's context?
3. Do you think issues of learners' rights to safety are exaggerated from your experience as an educator?
4. What do you think are the general sentiments of educators in your school concerning issues of learners' rights to safety and how they affect disciplinary procedures?
5. Have you had a personal experience where you have had to weight your own safety against ensuring a learners' right to safety during disciplinary procedures?

6. How far do you personally think educators must go to ensure that harmony between their own safety and learners right to safety where discipline is concern?

RESEARCH QUESTION 2

To what extent do educators' perceptions of how learners right to safety affect disciplinary procedures in secondary schools?

1. Do you think current policies and legislation go far enough in addressing learners' rights in your school?
2. Are you conversant with the current policies and legislation concerning how educators must address learners' rights and disciplinary procedures?
3. Taking your school as an example, do you think schools go far enough in making learners aware of their responsibilities under current policies and legislation concerning their rights to safety?
4. How has the educators' involved parents in bringing an understanding to issues of learner's right to safety and their impact on disciplinary procedures?
5. Have you read the latest amendments to the schools act by Minister Motshekga in 2021, and how it will affect learners' safety and disciplinary procedures in your school?

RESEARCH QUESTION 3

How do learners' rights to safety affect disciplinary procedures in secondary school?

1. Do you think that the issues of learners' right to safety are given much more priority by education officials relative to your school?
2. Why do you think issues concerning how learners' rights to safety affecting disciplinary procedures are given priority by education officials within your school?
3. Is there historical precedent whereby issues of learners' rights to safety have interfered or conflicted with disciplinary procedures within your school?
4. How did the educators navigate its way in situations where there was a conflict between learners' right to safety and disciplinary procedures?
5. Have teachers been conscientized enough on how to address issues of learners' right to safety and disciplinary procedures at the classroom level before drawing the educators' attention?
6. Are some of the challenges concerning how learners' rights to safety affect disciplinary procedures document to assist in mitigating future occurrences within your school?

THANK YOU VERY MUCH FOR YOUR CONTRIBUTIONS IN THIS STUDY!!

ANNEXURE B: PERMISSION LETTER TO THE HOD

University of Zululand, Private Bag X 1001, KwaDlangezwa, 3886
W: www.unizulu.ac.za.

31 March 2021

To: Dr. EV Nzama
Head of Department (HOD)
KZN Department of education
247 Burger Street
Anton Lembede Building
Pietermaritzburg
3201

Dear Dr. Nzama

REQUEST FOR PERMISSION TO CONDUCT ACADEMIC RESEARCH STUDY USING THREE SECONDARY SCHOOLS IN UMLAZI DISTRICT

My name is Ngogi Emmanuel Mahaye and I am a student in the Department of Social science Education at the University of Zululand, KwaDlangezwa campus. I am conducting a Master's Degree study in Education with title **"Educators' perceptions of how learners' rights to safety affect disciplinary procedures in secondary schools in Umbumbulu Circuit (Umlazi District)**. The purpose of this proposed study is: To investigate the perceptions of educators on disciplinary procedures that affect learners' rights to safety at secondary schools in Umbumbulu Circuit. This research will contribute to academic knowledge on the subject of the research in reducing the rate of violence in the educational system of the district.

I am hereby seeking your consent to approach educators in some selected schools in Umbumbulu Circuit to provide data for this research project in index.

All ethical principles are guaranteed in all respect and participants have the right to pull out of this study at any given time.

If you require any further information, please make use of the contact details provided.

Faithfully yours

Ngogi Emmanuel Mahaye
University of Zululand (Student Researcher)
Mobile: 082 583 2172/ 082 726 3466

E-mail: mahayengogi5@gmail.com.

ANNEXURE C: APPROVAL LETTER FROM THE HOD



KWAZULU-NATAL PROVINCE
EDUCATION
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE HEAD OF DEPARTMENT

Private Bag X9137, PIETERMARITZBURG, 3200
Anton Lembede Building, 247 Burger Street, Pietermaritzburg, 3201
Tel: 033 392 1051

Email: Phindile.duma@kzndoe.gov.za

Enquiries: Mrs B.T. Ntuli

Ref.:2/4/8/7315

Mr N.E. Mahaye
100 Brown Avenue
DURBAN
4001

Dear Mr Mahaye

PERMISSION TO CONDUCT RESEARCH IN THE KZN DoE INSTITUTIONS

Your application to conduct research entitled: **"EDUCATOR'S PERCEPTIONS OF HOW LEARNERS' RIGHTS TO SAFETY AFFECT DISCIPLINARY PROCEDURES IN SECONDARY SCHOOLS IN THE UMBUMBULU CIRCUIT:"**, in the KwaZulu-Natal Department of Education institutions has been approved. The conditions of the approval are as follows:

1. The researcher will make all the arrangements concerning the research and interviews.
2. The researcher must ensure that Educator and learning programmes are not interrupted.
3. Interviews are not conducted during the time of writing examinations in schools.
4. Learners, Educators, Schools and Institutions are not identifiable in any way from the results of the research.
5. A copy of this letter is submitted to District Managers, Principals and Heads of Institutions where the Intended research and interviews are to be conducted.
6. The period of investigation is limited to the period from **15 July 2022 to 31 March 2025**.
7. Your research and interviews will be limited to the schools you have proposed and approved by the Head of Department. Please note that Principals, Educators, Departmental Officials and Learners are under no obligation to participate or assist you in your investigation.
8. Should you wish to extend the period of your survey at the school(s), please contact Miss Phindile Duma at the contact numbers above.
9. Upon completion of the research, a brief summary of the findings, recommendations or a full report/dissertation/thesis must be submitted to the research office of the Department. Please address it to The Office of the HOD, Private Bag X9137, Pietermaritzburg, 3200.
10. Please note that your research and interviews will be limited to schools and institutions in KwaZulu-Natal Department of Education.

Mr GN Ngcobo
Head of Department: Education
Date: 15 July 2022

ANNEXURE D: ETHICAL CLEARANCE LETTER FROM UZREC



**UNIVERSITY OF ZULULAND RESEARCH
ETHICS COMMITTEE**
(Reg No: UZREC 171110-030)



ETHICAL CLEARANCE CERTIFICATE

Certificate Number	UZREC 171110-030 PGM 2022/24		
Project Title	Educator's perceptions of how learners' rights to safety affect disciplinary procedures in secondary schools in the Umbumbulu Circuit		
Principal Researcher/ Investigator	N.E Mahaye		
Supervisor and Co-supervisor	Prof AP Kutame	Dr G Kapueja	
Department	Educational Foundations and Management		
Faculty	Education		
Type of Risk	Medium Risk - Data collection from people		
Nature of Project	Honours/4 th Year	Master's	☒ Doctoral
			Departmental

The University of Zululand's Research Ethics Committee (UZREC) hereby gives ethical approval in respect of the undertakings contained in the above-mentioned project. The Researcher may therefore commence with data collection from the date of this Certificate, using the certificate number indicated above.

SPECIAL CONDITIONS:

- (1) This certificate is valid for 1 year from the date of issue.
- (2) Principal researcher must provide an annual report to the UZREC in the prescribed format (due date- 18 August 2023)
- (3) The UZREC must be informed immediately of any material change in the conditions or undertakings mentioned in the documents that were presented to the meeting.
- (4) Under the Protection of Personal Information Act, 66 of 2013 ("POPIA"), researchers have a general legal duty to protect the information they process. They must ensure the security and protection of any personal information processed through the research and provide a compliant and consistent approach to data protection. The information collected via interviews must be for research purposes only. No personal information such as opinions, views, and academic background may be linked to the respondents' identity or shared with anyone for marketing purposes or otherwise.

The UZREC wishes the researcher well in conducting research.



Prof. Nokuthula Kunene
Chairperson: University Research Ethics Committee
Deputy Vice-Chancellor: Research & Innovation
16 August 2022

CHAIRPERSON
UNIVERSITY OF ZULULAND RESEARCH
ETHICS COMMITTEE (UZREC)
REG NO: UZREC 171110-30

2022 -08- 16

RESEARCH & INNOVATION OFFICE

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Email: research@uz.ac.za

ANNEXTURE E: EDITOR'S CERTIFICATE

**Dr Catherine Hutchings
Freelance Editorial Services**

**51 Bathurst Road
Kenilworth
7708
Cape Town
Western Cape
South Africa**

**Telephone/Fax: + 27 21 7618522
Mobile: + 27 82 9702219
E-mail: catherinehutchings@gmail.com**

To whom it may concern.

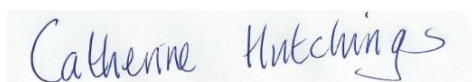
I hereby confirm that I edited the thesis:

**EDUCATORS' PERCEPTIONS OF HOW LEARNERS' RIGHTS TO SAFETY
AFFECT DISCIPLINARY PROCEDURES IN SECONDARY SCHOOLS IN
THE UMBUMBULU CIRCUIT, KWAZULU NATAL**

By Ngogi Emmanuel Mahaye

in December 2022.

I wish this candidate well in their endeavours.

A handwritten signature in blue ink that reads "Catherine Hutchings". The signature is written in a cursive, flowing style.

Dr Catherine Hutchings