




## Exploring Educators' Perception on learner's right affecting discipline in Secondary Schools

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### ABSTRACT

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

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## Introduction

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

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

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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).

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.

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.

## Literature Review

### Theoretical and Conceptual Background

This section 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 section 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.

### 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).

### **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).

### **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.

### **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.

## **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.

### **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).

### **Causes of Learner Misbehaviour**

#### **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).

### **Summary**

Above section presented the review of literature from various sources relevant to this study. This section 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.

**Table 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.

## Discussion

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.

### 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, Luhailima 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.

#### **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 emphasizing 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.

## Conclusions

### *Summary of the Findings*

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

*Research question: 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. The 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.

### *Sampling*

In selecting educators for the study on exploring their perception on learners' rights affecting discipline in secondary schools, several criteria were taken into consideration. Firstly, the educators chosen were those who had a significant amount of experience in teaching at the secondary level. This is because their expertise and firsthand knowledge of the challenges and dynamics in secondary schools would be valuable in providing insights into their perceptions on learners' rights and its impact on discipline.

Secondly, a diverse range of educators from different schools and backgrounds were selected to ensure a comprehensive understanding of the topic. Educators from various geographical areas, different types of schools (public, private, and charter), and with varying levels of student diversity were included in order to capture a broad range of perspectives. This helps to ensure that the findings from the study are not limited to a specific context or subset of educators, but rather represent a more comprehensive understanding of the topic.

Additionally, educators who had shown a keen interest in student welfare and discipline were specifically chosen. This included educators who had previously been involved in initiatives or programs that focused on promoting positive behavior, restorative justice, or alternative discipline approaches. By selecting educators who had demonstrated a commitment to creating a positive and inclusive school environment, their insights would provide a nuanced understanding of how learners' rights impact disciplinary practices.



Furthermore, educators who were willing to participate in the study and were able to allocate sufficient time for interviews or questionnaires were also considered. Their active involvement and willingness to share their perspectives on the topic were crucial in ensuring the success of the research. These criteria were employed to ensure that the educators selected for the study had the necessary expertise, diversity, interest, and availability to effectively contribute to the exploration of their perceptions on learners' rights affecting discipline in secondary schools.

### *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:

- i. 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.
- ii. 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
- iii. 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.

### *Implications*

The findings have several implications for disciplinary procedures in secondary schools:

- i. The need for improved understanding: Educators should be provided with comprehensive training and ongoing professional development to enhance their understanding of relevant laws, policies, and disciplinary procedures.
- ii. Clarity in legislation: Policymakers should review and clarify legislation to address perceived contradictions and provide clearer guidance to educators on how to balance learners' rights and disciplinary actions.
- iii. Collaboration and support: Educational institutions should foster collaboration among educators by providing platforms for knowledge-sharing and establishing support networks to assist in navigating challenging disciplinary situations.
- iv. Communicating rights and responsibilities: Schools should prioritize effective communication and guidance to ensure that educators are aware of their rights and responsibilities in disciplinary situations.
- v. Promoting restorative approaches: Emphasizing restorative justice practices and proactive measures can help prevent disciplinary issues and create a positive school culture that supports both learners' rights and educators' safety.

Based on the challenges highlighted in the study, the following recommendations can be made:

- i. Develop comprehensive training programs: Educational institutions and authorities should design training programs that focus on educating educators about relevant laws, policies, and disciplinary procedures to ensure a consistent and informed approach.
- ii. Strengthen professional development opportunities: Continuous professional development opportunities should be provided to educators, offering workshops, seminars, and access to experts in education law and policy.
- iii. Establish clear guidelines and support systems: Policymakers should provide clear guidelines to educators on how to balance learners' rights and disciplinary actions, along with establishing support systems that offer guidance and clarification.

- iv. Encourage partnerships: Educational institutions can collaborate with legal experts and organizations specializing in education law to provide guidance and resources that support educators in effectively navigating disciplinary situations.
- v. Foster a positive and inclusive school culture: Schools should invest in social-emotional learning programs and restorative justice approaches to prevent disciplinary issues and create a safe and inclusive environment for all stakeholders.

By implementing these recommendations, policymakers, educational institutions, and educators can address the challenges identified in the study and promote a balanced approach to disciplinary procedures that respects learners' rights while ensuring a safe and conducive learning environment.

The findings of the study on educators' perceptions of learners' rights and their impact on disciplinary procedures have important practical implications for teacher training and professional development. By addressing the challenges identified, education authorities and institutions can enhance educators' understanding of relevant laws and policies, thus improving their ability to navigate disciplinary situations effectively and promote a safe and inclusive learning environment. Here are some potential strategies and solutions:

- i. Enhance curriculum and teacher education programs: Education authorities can revise teacher education curricula to emphasize the importance of learners' rights, disciplinary procedures, and relevant laws and policies. This could include providing comprehensive training on the legal framework and principles that govern disciplinary actions in schools.
- ii. Provide professional development opportunities: Continuous professional development programs can be designed to support educators in enhancing their understanding of learners' rights and disciplinary practices. These programs can include workshops, seminars, and presentations by experts in the field of education law and policy.
- iii. Foster collaboration and knowledge sharing: Encourage educators to collaborate and share best practices regarding disciplinary procedures and handling cases involving learners' rights. This can be done through peer support networks, online platforms, or professional learning communities, where educators can learn from each other's experiences and develop effective strategies.
- iv. Strengthen communication and guidance channels: Education authorities can establish clear communication channels to provide guidance and support to educators when implementing disciplinary measures. This can include regular updates on changes in laws and policies, as well as access to legal experts or support personnel who can provide clarification on complex disciplinary situations.
- v. Foster a positive school culture: Creating a positive and inclusive school culture can contribute to effective disciplinary practices. Schools can implement proactive measures to prevent disciplinary issues, such as social-emotional learning programs, student support services, and restorative justice approaches. Educators can be trained to recognize the underlying causes of challenging behavior and adopt preventive strategies.
- vi. Establish partnerships with legal experts: Schools can collaborate with legal professionals and organizations specializing in education law to provide training sessions and resources for educators. This can help educators become more informed about their rights and responsibilities in disciplinary situations and ensure compliance with relevant laws and policies.

By implementing these strategies, education systems can empower educators with the necessary knowledge and skills to effectively handle disciplinary situations while respecting learners' rights. This can lead to safer learning environments and improved outcomes for both learners and educators.

### *Limitations*

While conducting research on exploring educators' perception on learners' rights affecting discipline in secondary schools, there could be several limitations that need to be acknowledged. These limitations may impact the generalizability and reliability of the study's findings. Some of these limitations include:

- i. Sample Bias: The sample of educators chosen may not fully represent the entire population of secondary school educators. There may be a bias towards educators who are more interested or knowledgeable about learners' rights and discipline. This may limit the generalizability of the findings to a broader population of educators.
- ii. Self-Report Bias: The data collected for the study may rely heavily on self-report measures, such as surveys or interviews, which are subject to bias. Educators may provide socially desirable responses or may not accurately recall or report their perceptions and experiences. This bias can affect the validity and reliability of the data collected.
- iii. Subjectivity and Interpretation: Perceptions on learners' rights affecting discipline can be subjective and open to interpretation. Different educators may have different interpretations of learners' rights and how they impact disciplinary practices. This subjectivity can introduce bias and limit the consistency of findings.

- iv. Limited Perspectives: While efforts may be made to include a diverse range of educators, it is still possible that certain perspectives may be underrepresented. Including educators from various backgrounds, schools, and regions can help mitigate this limitation but may not capture every possible viewpoint.
- v. Context-specific findings: The findings of the study may be context-specific and may not be generalizable to all secondary schools. The culture, policies, and practices of each school may vary, which could influence educators' perceptions and experiences with learners' rights and disciplinary issues.
- vi. Time Constraints: The study may be limited by time constraints, which may prevent in-depth exploration of educators' perceptions on the topic. Given the complexities and nuances associated with learners' rights and discipline, a more extensive research design may be needed to capture a comprehensive understanding.

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