

Teacher Unions, School Governing Bodies, and the Regulation of Educator Appointments in South African Schools

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Since the devolution of school management, South African school governing bodies have been tasked with various management functions, with the apex being the recruitment and promotion of staff members. Coupled with this is the additional pressure of unions to deploy cadres to various vacancies at schools. There are policies and legislation that stipulate the processes that must be followed when filling these vacancies. This study examines the extent to which relevant policies and legislation govern the appointment and promotion process, and identifies the additional factors used to determine which candidates are considered successful. By employing a mixed-methods approach, data were collected through semi-structured interviews and surveys. Participants included educators, departmental heads, deputy principals, principals, and union representatives from schools across three provinces in South Africa. The findings reveal perceptions of corruption, bribery, and political interference. School governing bodies are often not adequately equipped to fulfil their roles due to limited training, thereby rendering them vulnerable to corruption. Educator union influence, predominantly through comradeship networks, further undermines the transparency of the appointment and promotion process. There is, thereby, an urgent need for revised policy enforcement, ethical accountability, and capacitation of governance structures to improve the delivery of quality education.

Introduction

The decentralisation of the South African education system has brought democratic and participatory school governance to the fore. The aim of decentralising education, coupled with the devolution of decision-making powers, was primarily based on the assumption that the quality of teaching and learning would improve significantly. All aspects of school governance are now focused on equity and redress, which serve as the cornerstones of democratic governance in South Africa. Education policies and legislation that drive the mandate of equity and redress have also conceptualised and institutionalised a decentralised approach across all spheres of the education context. Teise and Barnett (2021) postulate that decentralisation generally improves the effectiveness and efficiency of education by responding to communities' needs, values, and expectations. However, there remains much uncertainty in ascertaining whether decentralisation is indeed homogeneous in its response to improving the effectiveness and efficiency of the educational endeavour.

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The appointment and promotion of educators in South Africa have long been a contentious issue in the devolution of powers. Prior to the establishment and implementation of the South African Schools Act (Act No. 84 of 1996), educators were appointed by an Education Superintendent. Under the pre-apartheid education department, educators' appointments were based on academic assessment ratings, relevant qualifications, and years of teaching experience (Nxumalo, Gamede, and Uleanya, 2021). Since the post-dispensation of the education system in South Africa, the appointment and promotion procedure was amended as follows:

1. School Governing Bodies were authorised to control the recruitment and selection of candidates for the appointment and promotion of educators at schools, and
2. The Department of Education (DoE) was authorised to facilitate the induction and appointment of successful candidates (DoE, 1996).
3. The School Governing Bodies (SGBs) placed themselves in a position to demonstrate specific political, religious, cultural and racial considerations which command the selection of their successful candidates (DoE, 1996).

Section 20 (1) (i) of the South African Schools Act (SASA) stipulates that the SGB make recommendations regarding the appointment and promotion of educators in schools. The process begins with the Department of Basic Education (DBE) advertising the vacant post, followed by sifting, shortlisting, and interviews conducted by a panel selected from the SGB, referred to as the Interview Committee (IC). Thereafter, the successful candidate's recommendation is the outcome. It is based on the SGB's recommendation that the Head of Department (HoD) appoint the successful candidate. The contentious aspect of this procedure is that the HoD cannot refuse to appoint the candidate recommended by the SGB unless valid reasons justify the refusal (Dwangu and Mahlangu, 2022). Despite the establishment of procedures, there remain contestations in the appointment and promotion of educators. Research provides relevant evidence that the policies and practices of educator recruitment do not align. The appointment process of educators in South African schools is seen as fraught with fraud and corruption (Dwangu and Mahlangu, 2022). The contestations are largely due to three factors: school governing bodies being incapable of upholding new and challenging legislation (Mestry, 2017), the powerful and political influence of the unions (DoE, 2016), and corruption and nepotism as major factors responsible for the dissatisfaction of other stakeholders (Ahiaku, 2019). A study conducted by Mahlangu (2019) reveals that weak authorities, aggressive unions, and compliant principals and teachers eager to benefit from union membership and advancement are factors that hinder the achievement of quality education by undermining professionalism. Mahlangu (2019) further states that these factors may contribute to the capture of education.

The filling of vacant posts in South African schools has been a controversial issue since the emergence of the democratic government in 1994. Despite the assurance that decentralisation will, in fact, increase the efficiency and quality of education (Makara, 2018), it is evident that decentralisation provides schools with greater decision-making power (Lee and Samuel, 2020). As a result, tensions have risen

between decentralised spheres of governance, particularly between the central and provincial Departments of Education and school-level governance structures (Teise and Barnett, 2021).

Various legislation and policies have been established to regulate the process of educator recruitment; yet, discrepancies remain in the way these policies are implemented, largely due to the capacity of those in positions of authority to make such decisions. In this regard, Ahiaku (2019) notes a notable lack of adherence to the Department of Education's current legislation and policies that facilitate the appointment and promotion of educators. This perception concurs with Zengele (2013), who states that anarchy, intimidation and nepotism have characterised the filling of promotional posts in South Africa since 1994. One reason for the significant lack of adherence to legislation and policy is the limited capacity of school governing members to implement them. This is supported by Mahlangu (2019), who states that undue influence is enabled by SGBs' incapacity and the limited understanding of the appointment process at community levels. Various scholars also attest that school governing body members lack the relevant knowledge and skills required to perform their assigned duties under SASA (Setlhodi, 2020). In accordance with Setlhodi (2020), Dube and Tsotetsi (2020) also affirm a lack of capacity and the requisite competency among school governing body members to perform their duties. This is particularly the case with the parent component of the SGB whose members are either illiterate or non-literate (Dwangu and Mahlangu, 2022).

Additionally, the Department of Basic Education acknowledges that most selection and appointment processes are undoubtedly riddled with cadre deployment by teacher unions, in which appointing authorities are mandated to appoint or promote a cadre regardless of qualifications and experience (DBE, 2016). Another disturbing aspect of the process was revealed by a study conducted by Mahlangu (2019), which found that posts are being sold for cash and that these parties operate in networks. Dube and Tsotetsi (2020) further postulate that the appointment and promotion process in South Africa has, over the years, become politicised and unionised to the extent that it is contextualised within comradeship narratives. A study conducted by Khumalo (2021) provides a detailed perception of the reality of the situation. He states that the practice of selling posts, whether through the exchange of money or other favours, such as sexual favours, is widespread, though underreported. Under-reporting can be attributed to the fact that the seller and the buyer of the post operate in secrecy and, in some instances, under intimidation (Khumalo, 2021).

Current trends and practices also inform issues of contestation, including educator appointments and promotions. Aiaku (2019) also opines that, to a large extent, grievances arising from appointments and promotions are due to suspected manipulation and alleged favouritism by appointment authorities. Aiaku (2019) also notes that in some cases, these issues lead to physical confrontations and eventually, murder because other candidates may be under the assumption that he or she is also suitably qualified to be placed in the position. An article in BusinessTech states that: "A report by the National Education Evaluation and Development Unit (NEEDU), released in 2015, assessing rural literacy found extensive union involvement in

corrupt teacher hiring and promotion processes. The report noted examples of this in Kwa-Zulu Natal, where principal and deputy principal positions were routinely sold for between R30,000 and R45,000,” (BusinessTech, 2023). These statistics highlight the extent to which corruption has infiltrated the education system. It is not restricted to post-level one teaching posts, but the level of corruption progresses as the post level increases.

It must be noted that all educational policy and legislation are aimed at championing quality education and ensuring that the African child receives the highest standard of education that the South African DoE can offer. The appointment and promotion of teachers directly influence the quality of education delivered to learners in the classroom. In this regard, Manual 7 (Understanding School Governance DoE, n.d, 10) states that:

The cost of attracting and developing the right people is very high. It is therefore essential for schools to exercise great care when hiring staff. If the wrong people are selected, it can become a very costly mistake, and labour laws make it very difficult to dismiss an employee without giving fair reasons.

The wrongful appointment and promotion of educators come at a high cost to the quality of education delivered to students. It also deprives skilled and qualified educators who are eligible to apply for these positions. A study conducted by Mngomezulu, Lawrence and Mabusela (2021) reveals that the responsibility of empowering the next generation so that they can face the global challenges and transform society for a sustainable future lies heavily on teachers; however, it is obvious that the SGB members are not aware of the qualities required of a competent teacher. It is due to corruption, a lack of capacity among those responsible for the recruitment process, and nepotism that career mobility in South African schools is severely hampered.

Theoretical Framework

This study is grounded in Enactment Theory. Enactment, according to Weick (1988), represents the perception that when people act, they bring events and structures into existence and then set them in action. The enactment process is two-pronged. First, preconceptions are used to set aside portions of the field of experience for further attention; that is, perception is focused on predetermined stimuli. Second, people act within the context of these experiences, guided by preconceptions, in ways that reinforce them.

Proponent of the Enactment Theory, Stephen Ball, influenced the study of educational policies, which was grounded in theoretical approaches and became widely disseminated across various research projects in Brazil and other countries in the late 1980s. In later years, Ball and his collaborators (Maguire et al., 2010a; 2010b; 2012; Maguire et al., 2011a; 2011b; 2011c; Maguire et al., 2011) developed a theory of enactment. The results of a study on schools as centres of policy enactment, undertaken by Ball and his collaborators, were presented in his book, *How Schools Do Policy* (Ball, Maquire, and Braun, 2012). The findings revealed that:

Enactment is not a moment but a process framed by institutional factors involving a range of actors (p. 14).

It involves interpretation as much as translation, bringing together contextual, historic, and psychosocial dynamics into a relation with texts and imperatives to produce action and activities that are policy (p. 71).

Through the discourse of theory of enactment, Ball, Maquire and Braun (2012) posit that there are three segments of the policy process: the material (physical aspects of the school, depending on the context), the interpretive (the problem of meaning), and the discursive. Within this context, none of the three is sufficient on its own to capture, understand, or represent the process of policy implementation. Rather, they are analysed separately but understood in an interrelated manner with constructive tension.

Enactment Theory is based on the premise that policies must be understood as discursive strategies strategically directed towards producing the student, the educator, and the purpose of education. The enactment of policies related to educator appointments and promotions is congruent with strategic aims that advance the purpose of education.

Literature Review

Decentralisation of the South African Education System

According to Currie & De Waal (2006), the Constitution brought about a number of fundamental changes:

For the first time in South Africa's history, the franchise and associated political and civil rights were accorded to all citizens irrespective of their race.

The doctrine of parliamentary sovereignty was replaced by the doctrine of constitutional supremacy. A Bill of Rights was established to safeguard human rights, thereby ending centuries of state-sanctioned abuse. The courts were given the power to declare invalid any law or conduct inconsistent with the Bill of Rights and the Constitution.

The strong central government of the past was replaced by a system of government in which legislative and executive power was divided among national, provincial and local spheres of government.

Ainley and McKenzie (2000) underscore that the decentralisation of decision-making, increased local authority, and enhanced school autonomy have been common features of recent changes in the organisation of public education in countries such as South Africa. Since 1994, South Africa's decentralised education system has encompassed three spheres of governance. These include the national, provincial and local governments. All three spheres are interrelated yet exist interdependently and are synchronously responsible for education governance (RSA, 1996, Schedule 4).

The Department of Basic Education (DBE) is primarily responsible for the development of national policies, to fund education, to set national standards, to monitor compliance with national policy and legislative frameworks and, if need be,

to intervene when constitutional or statutory obligations are not fulfilled (Teise and Kiel, 2019). Provincial Departments of Education (PEDs) are responsible for financing, controlling, and managing provincial schools, as well as developing relevant policies. Although provinces are autonomous, they exercise their powers within the regulatory framework set by the DBE. At the school level, school governing bodies with considerable devolved powers govern schools through context-specific policies that serve the needs of the school community (Teise and Kiel, 2019).

The Education White Paper 2 (DoE, 1996b) states that ‘governance policy for public schools is based on the core values of democracy’, which include representation of all stakeholder groups, participation, tolerance, rational discussion and collective decision-making (Davids, 2022). By affording meaningful power and responsibility to parents and other stakeholders on the SGB, the South African Schools Act (DoE, 1996a) has given effect to the principles of democratising schooling (CEPD, 2002). Indeed, the importance of the provision for the establishment of SGBs lies not only in an understanding of the school and its community (or communities) as an ecology, but also in the capacity of that ecology to cultivate and enact the democratic mandate of the state (Davids, 2002).

The literature reveals that decentralisation has a corroborative effect on stakeholder accountability (Wallis and Oates, 1988), on the responsiveness and transparency of the system, and on mitigating information asymmetries, as well as fostering civic engagement and addressing the context-specific needs of participants (Alderman, 2002; Manor, 1999). The negative aspects of decentralization are formulated and empirically found to include institutionalization of pre-existing social divisions and local prejudices (Treisman, 2007), heightening structural incoherence, affecting financial sustainability (Montero and Samuels, 2004), encouraging nepotism and preference of the interests of local elite (Bardhan and Mookherjee, 2006), giving space for corruption (Reinikka and Svensson, 2001) etc. This possibly leads to undesirable outcomes (Treisman, 2007).

In examining the effect of decentralisation, it is also imperative, at this juncture, to consider the top-down approach and analyse it within a policy framework. In the case of educator appointments and promotions, the government is largely responsible for the policy directives that regulate these processes. Research suggests that, in its elitist posture, the government governs an ill-informed public, as seen in the case of SGB members who now have *carte blanche* over crucial education matters, such as educator recruitment. In view of this, Jansen (2001:223) argues that the South African education system is negatively influenced by politicians and bureaucrats who are often misinformed about the conditions of our schools but would rather enforce policies.

Policy and Legislation Regulating the Appointment and Promotion of Educators

Section 37 South African Schools Act (84 of 1996)

Section 37 of SASA stipulates a pivotal yet contentious role of governing bodies in recruiting the most suitably qualified educator for their schools. It is worth

noting that the capacity of school communities has a substantial impact on governing bodies' ability to implement such subventions, with implications for the principles of equity, redress, and equality (Beckmann, 2009).

Section 20(1)(i) South African Schools Act (84 of 1996)

Section 20(1)(i) of SASA comprises an important provision for the recruitment of educators as staff members. This section provides provisions regarding the rights of the SGB. It is stated that the SGB must recommend the appointment of educators at the school to the Head of Department, subject to the Employment of Educators Act (Act 76 of 1998) and the Labour Relations Act (Act 66 of 1995). Subsection (1) establishes that the provincial Head of Department (HoD) serves as the employer of all educators. It further stipulates that SGB must recommend to the HoD the employment of such educators at schools. It is worth noting that the power held by SGBs regarding appointments, apart from making recommendations that must be given attention in accordance with the provisions of common law and labour law (Beckmann, 2009).

Sections 20(6-11) South African Schools Act (84 of 1996)

In accordance with the Education Laws Amendment Act, No. 100 of 1997 (RSA, 1997) and the additional provisions and conditions found in subsections 20(6) - (11) of the South African Schools Act:

Subsection 20(6) stipulates that an educator employed in a post established in terms of subsection (4) must comply with the requirements set for employment in public schools in terms of this Act, the Labour Relations Act, 1995 (Act 66 of 1995), and any other applicable law.

Subsection 20(7) stipulates that educators appointed additionally to the official staff complement must be registered with the South African Council for Educators (SACE) in terms of the South African Council for Educators Act, No 31 of 2000. Among others, this Council oversees the professional conduct of educators.

Subsection (8) stipulates that the staff contemplated in subsections (4) and (5) must be employed in compliance with the basic values and principles referred to in section 195 of the Constitution, and the factors to be taken into account when making appointments include, but are not limited to - (a) the ability of the candidate; (b) the principle of equity; (c) the need to redress past injustices; and (d) the need for representivity.

Section 6(3)(b) South African Schools Act (84 of 1996)

Section 6(3)(b) of SASA (as amended in 2006 by the Education Laws Amendment Act, No. 16 of 2006, RSA 2006) has the following provisions for the appointment of educators:

- (i) the democratic values and principles referred to in section 7(1);
- (ii) any procedure collectively agreed upon or determined by the Minister for the appointment, promotion or transfer of educators;

- (iii) any requirement collectively agreed upon or determined by the Minister for the appointment, promotion or transfer of educators which the candidate must meet;
- (iv) a procedure whereby it is established that the candidate is registered or qualifies for registration as an educator with the South African Council for Educators; and
- (v) procedures that would ensure that the recommendation is not obtained through undue influence on the members of the governing body. This subsection should not concern governing bodies overly as it merely confirms that the recommendation of staff by SGBs is subject to the Constitution and other law.

Subsection 6(3) (c) stipulates that the governing body must submit, in order of preference to the Head of Department (HoD), a list of:

- (i) at least three names of recommended candidates; or
- (ii) fewer than three candidates in consultation with the Head of Department.

Upon submitting a list of successful candidates, subsection 6(3)(e) states that if the governing body has not met the requirements as outlined in paragraph subsection 6(3) (b), the HoD must decline the recommendation. A contravention of subsection 6(3)(b) entails a violation of constitutional principles and non-adherence to the law. Subsection 6(3)(f) (after amendment in 2006) provides that, despite the order of preference in paragraph (c), the HoD may appoint any suitable candidate on the list, which could result in SGBs *de facto* losing all power regarding the recommendation and appointment of teaching staff (Beckmann, 2009).

The Role of School Governing Bodies and Teacher Unions in the Appointment and Promotion of Candidates

Incapacity of SGB Members

With the promulgation of the South African Schools Act 84 of 1996 (hereafter referred to as the Schools Act), education in South Africa was effectively decentralised. School communities were given the responsibility for public school governance. Parents, teachers, non-teaching staff, and learners (in secondary schools) are democratically elected onto the SGB (Buys et al., 2020). Research suggests that, despite the intention of a decentralised governance system that includes stakeholder participation, many negative challenges have arisen.

The amalgamation of the Employment of Educators Act (76 of 1998), the Labour Relations Act (66 of 1995), the Employment Equity Act (55 of 1998) and the South African schools Act (84 of 1996) provides that the provincial Head of Department (HoD) and the SGB of schools are responsible for directing the recommendation of successful candidates for posts. Despite relevant policies and legislation being established, there is still room for misinterpretation and gaps in

policy implementation, as many school governing body members are not suitably qualified to implement policies.

The obligation to recruit competent teachers in schools requires the SGB to be acquainted with legislation and government policies relating to personnel and the labour force. Regrettably, most parents who serve as SGB chairpersons are uneducated (Heystek, 2010), thereby compelling them to rely on the school principal and teachers for effective leadership and guidance in most decision-making situations (Karlsson, 2002). In view of this, Sithole (2011) and Xaba (2011) lament that uneducated SGB chairpersons, who are not trained and can barely communicate in any language other than their local language, may pose a significant challenge to achieving quality education for a sustainable future.

According to a report by Corruption Watch (2018), within the first six months of 2018, 10.8% of the cases of corruption received showed a continuing trend of principals, SGB members and staff members ‘conspiring and colluding to rob schools of funds and resources or to flout procurement and employment processes, with the sole goal of creating favourable conditions for acquaintances, friends and relatives who seek procurement deals and employment opportunities. In some instances, SGB members partner with union members who have caucused prior to the shortlisting and interview processes. It also raises the question of whether the shortlisted individuals are, in fact, known to the IC members. The abuse of power by SGB members has implications not only for the basic functioning of a school in terms of teaching and learning but also for the role of SGBs in a democracy (Davids, 2020).

Recruitment by Comradeship

Bramoullé and Goyal (2016) define comradeship as “the act of offering jobs, contracts and resources to members of one’s own social group in preference to others, who are outside the group.” Dude and Tsotetsi (2020) further state that the term “comradeship” refers to a specific group of teachers, principals, and departmental officials who identify as “comrades” because they tend to share the same political and ideological stance within their union and political party.

To transform the education system so that all aspects of school governance are fully democratic, regulations governing teacher unions' involvement in educator recruitment and promotion have been introduced. However, teacher unions' involvement in the recruitment process has become a contentious issue. A study conducted by Dube and Tsotetsi (2020) reveals that the appointment of principals in South Africa has, over the years, become politicised and unionised to the extent that it is contextualised within comradeship narratives, thereby negating the competencies and qualifications required to champion quality education. It is also noteworthy that caucusing is a regular practice hosted by union members before the shortlisting and interview processes to fulfil the union's mandate.

The SGB is responsible for establishing an Interview Committee (IC) and may recommend individuals to serve as co-opted members of the IC. This position is typically reserved for individuals with a vested interest in the school and who can make significant contributions to the selection and recruitment of top candidates for

the positions. Dube and Tsotetsi (2020) state that the interview committee normally comprises two SGB members, three principals, a circuit manager, and union representatives from Combined Trade Unions of Autonomous Teachers' Unions (CTU-ATU) and the South African Democratic Teachers Union (SADTU) (appointed as observers). In their argument, Dube and Tsotetsi (2020:2) assert that the co-opting of IC members marks the point at which manipulation begins, thereby opening the door to comradeship, which is contrary to the mandate of some co-opted members, who are limited to observer status.

The Education Labour Relations Council, Limpopo Chamber (2008:1) state the following roles in relation to the recruitment process:

“Union representatives must be observers of the process mentioned above. Observers may not be directly involved in the process of shortlisting and interviewing, but will ensure that approved procedures and practices are adhered to in a fair, consistent and uniform manner. An observer has the right to intervene in the procedure if he/she deem that agreed-upon procedures are being infringed upon. If this happens, an observer must indicate to the chairperson that he/she wish to intervene. It is expected that the observer shall observe the following: a) Avoid discussing any question(s) in the presence of the interviewee. b) Discussions concerning the interview must take place after the interviewee has left the room. Observers must sign the declaration of confidentiality and uphold the code of secrecy. An observer must first attempt to resolve any concerns with the Interview Committee (IC). Should they fail to reach consensus, the observer must inform the IC that he/she is lodging a grievance.”

Despite the roles of union observers, research suggests that unions provide them with a mandate specifying which candidates should be shortlisted and chosen as the preferred candidate. The politics of othering is a term that encompasses not only the many expressions of prejudice based on group identities but also the propagation of group-based inequality and marginality (Powell and Menendian, 2017). The study by Dube and Tsotetsi (2020) finds that appointing candidates based on comradeship promotes corruption and creates a politics of othering and belonging. Due to this comradeship, many educators feel the need to be loyal to unions, thereby advancing their careers rather than improving the quality of education.

The interference of trade unions in recruitment has been in the spotlight in the media for a substantial amount of time:

Rogue members of the South African Democratic Teachers' Union (SADTU) have captured the KwaZulu-Natal education department, with officials in the Basic Education Minister's office indicating that the system is now on the verge of collapse. Investigators appointed by Motshekga to probe the jobs-for-cash racket run by union officials have found that SADTU members have infiltrated that department and run a complex patronage system. Moreover, SADTU members have been found to have violated the system in the provincial education departments of Gauteng, North West, Eastern Cape, Mpumalanga and Limpopo (City Press, 2015).

Media coverage presents a realistic portrayal of the infiltration of unionism and camaraderie in many provinces. There is also a growing body of evidence suggesting that, in recent times, the only way to ensure career mobility is to be entangled in unionism and comradeship.

Research Objectives

To achieve the aim of this study, the following objectives were pursued:

1. To examine the extent to which national and provincial education policies and legislative frameworks regulate the appointment and promotion of educators across three provinces in South Africa.
2. To analyse the roles and capacities of School Governing Bodies (SGBs) in managing the appointment and promotion of educators in selected schools across KwaZulu-Natal, the Free State, and the Western Cape.
3. To explore the involvement and influence of teacher unions in the appointment and promotion processes of educators across the three provinces.
4. To identify and evaluate external factors such as political interference, personal affiliations, or community pressures that shape educator appointment and promotion practices within these provincial contexts.

Methods of Research

Research Approach

For this study, a qualitative approach was chosen to explore educators' beliefs, observations, perceptions, and real-life experiences regarding appointments and promotions.

Data Collection, Techniques and Instruments

This study employed a mixed-methods approach, integrating both qualitative and quantitative data collection techniques to gain a comprehensive understanding of the research problem. Qualitative research aims to collect primary, first-hand textual data and analyse it using specific interpretive methods. It is particularly effective when exploring a phenomenon for which limited information is available (Taherdoost, 2022, p. 54). To this end, semi-structured interviews were employed, allowing for in-depth exploration of participants' experiences while providing the flexibility to probe emerging themes. The semi-structured interview schedule consisted of six dimensions: (1) fairness and transparency, (2) union involvement, (3) political interference, (4) SGB capacity, (5) merit-based selection, and (6) recommendations for improvement. The guide included 12 open-ended questions developed in alignment with the research objectives and reviewed by two experts in educational management for content validity. In complement to the qualitative data, surveys were administered to collect quantifiable information across a broader participant base. The use of surveys supported triangulation of findings and

enhanced the reliability of the research by allowing comparison and integration of different data sources. Together, semi-structured interviews and surveys enabled a richer, more nuanced understanding of the research topic.

Research Sites

The researchers selected schools from the same districts across three provinces in South Africa to ensure commonality in terms of input and for logistical reasons. These provinces included KwaZulu-Natal, the Free State and the Western Cape. Feasibility and suitability of the sites were important to the researchers, and permission and access to these sites were granted (McMillan and Schumacher, 2001; Maree, 2012). The study intentionally included schools from urban, peri-urban, and rural districts to capture differences in governance capacity and union influence across varying socio-economic and geographic contexts.

Population

The population comprised educators, departmental heads, deputy principals, principals, and trade union representatives involved in educator appointment processes across three South African provinces (KwaZulu-Natal, Free State, and Western Cape). Each group provided diverse insights into how governance and union dynamics shape appointments.

Sample

Participants were selected by means of non-probability sampling. The sample for qualitative data comprises one educator, one departmental head, one deputy principal, one principal, and one trade union representative from twenty schools per province, as they have firsthand accounts of appointments and promotions at various post levels.

Data Analysis

In line with the mixed-methods design of this study, both qualitative and quantitative data analysis techniques were employed to ensure a comprehensive interpretation of the findings. Qualitative data analysis involved organising, accounting for, and explaining the data, essentially making sense of participants' understandings and interpretations of their experiences. This process entailed identifying patterns, themes, categories, and regularities in accordance with participants' definitions of their situations (Cohen et al., 2018). Verbatim transcriptions were created from the semi-structured interview data, which were subsequently coded using the qualitative analysis software, NVivo. A combination of inductive coding and predetermined themes, derived from the research objectives, guided the analytical process to ensure alignment between data and the study's aims. Parallel to this, quantitative data gathered through surveys were analysed using descriptive and, where appropriate, inferential statistical methods. This dual approach enabled triangulation of findings, enriching the overall analysis and providing depth and breadth in understanding the research problem. To minimise bias, data

triangulation was employed by comparing survey and interview findings across respondent categories. Member checking was conducted with selected participants to verify the accuracy of interpretation, and reflective field notes were maintained to ensure the researchers' reflexivity.

Research Ethics

Before commencing the interviews, the researchers obtained permission from the Research Ethics Committee at the Cape Peninsula University of Technology (CPUT). After receiving ethical clearance, the researchers sought permission to conduct research from the Department of Education in each province. Upon receiving permission, participants were contacted by telephone to arrange appointments prior to visiting the selected schools. Upon arrival, the researchers briefed the participants on the study's purpose. Participants were then asked to sign the permission form, acknowledging that the research was being conducted in their respective schools.

Participants received copies of the consent forms to read and sign. The consent forms provided information regarding all aspects of the research, including its nature and extent. The researchers allowed participants to read the informed consent letters, and participants were given access to the permission letters issued by the gatekeepers. The letters served as proof that permission would not have been granted if any unethical practices were involved. Participants were informed that their participation in the study is entirely voluntary and that they may withdraw at any time. The researchers also informed participants that hard copies of their answers would be stored in a locked cabinet and that all electronic information would be stored on a password-protected computer and on the CPUT data repository site.

Delimitation of the Study

This study was delimited to public schools in three provinces: KwaZulu-Natal, the Free State, and the Western Cape. Only educators at post levels 1 to 3 and union representatives directly involved in the appointment process were included. The study excluded independent schools and national-level departmental officials.

Results

Figure 1. Participant Responses to Question 1

School governing bodies play a significant role in ensuring a fair and transparent appointment and promotion process.

51 responses

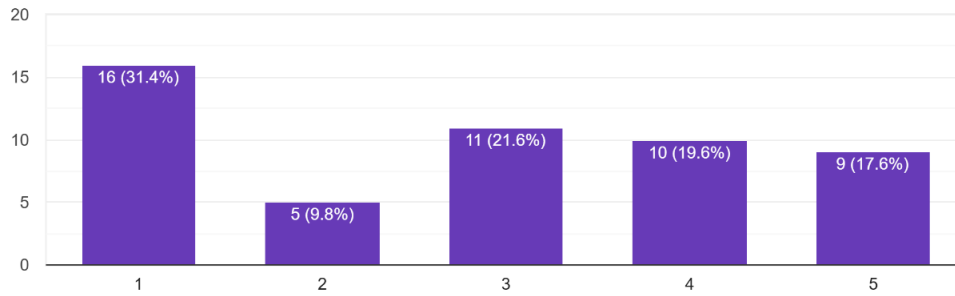


Figure 2. Participant Responses to Question 2

Political or personal affiliations sometimes influence the appointment and promotion of educators.

51 responses

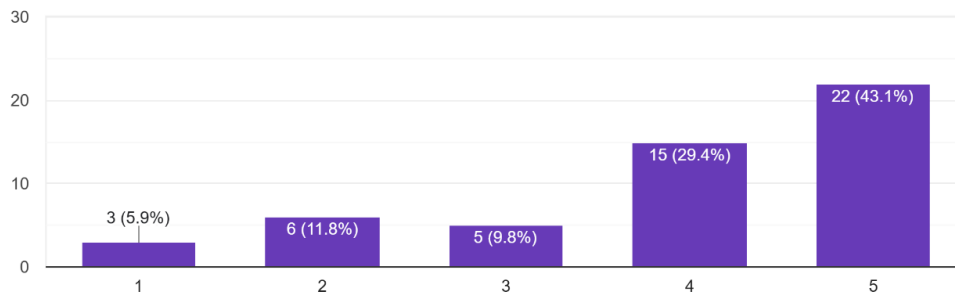
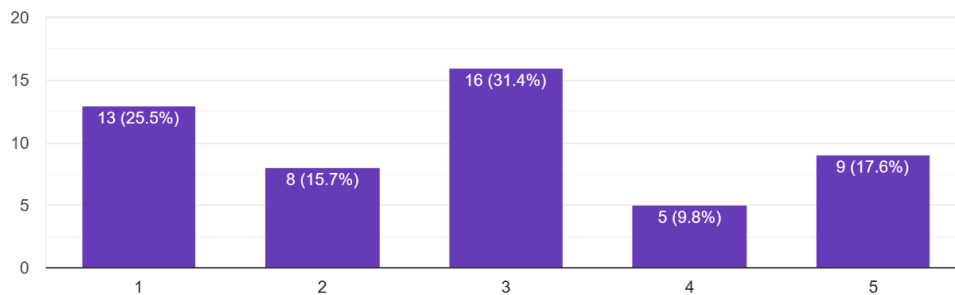


Figure 3. Participant Responses to Question 3

Teacher unions have a strong influence on the appointment and promotion of educators in my school.

51 responses



Survey responses from participants revealed varying perceptions regarding the fairness and influence of different stakeholders in the appointment and promotion processes of educators. Only 29.4% of respondents agreed that appointments strictly adhere to national policies and legislation, indicating a perceived gap between policy and practice. Similarly, a low proportion of participants believed that school governing bodies ensure fair and transparent processes, with 31.4% strongly disagreeing and 21.6% disagreeing. Conversely, teacher unions were perceived to exert strong influence in these processes, with 31.4% of respondents rating this influence as moderate and 17.6% as high. The highest levels of agreement were observed regarding the influence of political or personal affiliations on appointments, with 43.1% strongly agreeing and 29.4% agreeing, highlighting concerns about nepotism and patronage in the recruitment process. Collectively, these findings reflect educators' perceptions that appointment processes are often compromised by external pressures, limited procedural transparency, and inconsistent adherence to policy.

Principals, deputy principals, departmental heads, and educators consistently reported that bribery, corruption, and nepotism were prevalent in the appointment and promotion processes of educators across schools. Their accounts highlighted the manipulation of interviews, the selling of posts, and undue influence by both internal and external stakeholders. In contrast, trade union representatives maintained that their role in the process was limited to observing the fairness and compliance of procedures, asserting that they did not directly participate in decision-making or candidate selection.

Theme 1: Perceived Unfairness and Nepotism

Participants across the three provinces were asked the question: *In your experience, what challenges do schools face in ensuring fair and transparent educator appointments and promotions?* They are of the view that there are many irregularities in appointment practices and procedures, citing nepotism, bribery, favouritism, and predetermined outcomes of the interview process. The responses below reflect an overall perception that the system is largely compromised.

Candidates are already head-hunted for posts.

School governing bodies hold the process, but unions have a massive influence on the final appointment

The appointment of educators to promotional posts is unfair, as it often depends on bribery rather than on educators' competency.

Assessment instruments contain a level of subjectivity, which can create biases that may disadvantage certain individuals.

The above responses align with research that suggests educators' appointments are seen as “fraught with fraud and corruption” (Dwangu & Mahlangu, 2022:213) and are often driven by political influences and internal and personal networks.

Theme 2: Lack of Meritocracy and Transparency

Many respondents also expressed concern about a general lack of standardised, merit-based procedures for the appointment and promotion of educators. The question posed to participants was: *How do you perceive the balance of power between school governing bodies and teacher unions in the appointment process?* This also seems evident across the board, regardless of the post level for which one is applying. Some participants also noted that unqualified members of the governing body were responsible for promoting individuals who lacked the necessary qualifications.

Schools face pressure from departmental officials and teacher unions. Divisions in School Governing Bodies also impact fairness and transparency.

Uneducated parents. Usually, people with little or no qualifications or experience are appointed and are unable to perform their duties.

Corruption and nepotism are significant issues, and policies are often misleading managers because they lack the necessary education to understand them or choose to misinterpret them.

The research conducted by (Ahiaku, 2019; Setlhodi, 2020) confirms this disjuncture between South African legislation and its execution thereof, subsequently exposing how weak policy implementation leads to non-merit-based outcomes, which is largely to the detriment of those who duly deserve to be promoted.

Theme 3: Power Imbalances between SGBs and Unions

Participants also observed undue influence by union representatives and departmental officials. The data further suggests that dominance in appointment decisions prevails before, during, and after the interview process, often overshadowing the school governance structures. The question asked was: *In your opinion, what are the main factors that regulate the appointment and promotion of educators?* The data highlights the influence of trade unions in determining the successful candidate for the position.

Sometimes, some educators have more power to promote other educators.

Unions declare disputes with school processes. Departmental officials' interference, favouritism, and political interference.

Some members of the SGB find it challenging to separate their emotions, which results in unfair processes.

The studies by Dube and Tsotetsi (2020) and Mahlangu (2019) examine comradeship, the influence of trade unions on the appointment and promotion of educators, and patronage systems that compromise institutional integrity and fairness across schools in South Africa. The findings are further in line with the Volmink Report (Department of Basic Education, 2016), titled *“Report of the Ministerial Task Team Appointed by the Minister of Basic Education to Investigate Allegations into the Selling of Posts of Educators by Members of Teachers' Unions and Departmental*

Officials.” The task team was commissioned in response to widespread allegations of corruption and unethical practices in the recruitment and promotion of educators in schools across South Africa. The report revealed evidence of systemic manipulation, particularly involving members of teacher trade unions who exerted dominance and influence over the appointment processes. The report further revealed that trade union members often manipulated interview procedures in collaboration with school governing bodies and departmental officials who favoured or bargained with certain candidates.

Theme 4: Concerns Regarding SGB Involvement

Data from the question: *How do you perceive the balance of power between school governing bodies and teacher unions in the appointment process?* further reveal the widely debated criticism of SGB roles in educator appointments, especially regarding their susceptibility to manipulation or corruption. One participant stated:

Appointments and promotions are paid for in many circumstances; internal promotions are paid to principals and the governing body, while external posts are paid to department senior officials.

The governing body has too much power. If you pay them, then they are willing to appoint you.

They have too many unnecessary problems, promote friends to their family, and love bribes.

According to Setlhodi (2020) and Beckmann (2009), school governing bodies often lack the relevant training and the capacity to execute their roles effectively. This, therefore, increases the risk of mismanagement in the appointment and promotion of educators. What is also concerning is that the participant above illuminates the perpetuating culture of corruption and patronage. The above assertion reinforces the findings of the Volmink Report (Department of Basic Education, 2016), which uncovered systemic evidence of posts being sold across various provinces.

Theme 5: Recommendations for Improvement

Participants were asked: *What changes would you suggest to improve the current educator appointment and promotion process?* They were of the view that there is an urgent need to reform the system. Recommendations included establishing more transparent procedures, stricter, higher qualification requirements for promotions, and departmental oversight of the interview process.

The Department of Education should have a panel to ensure the appointment process. The entire process should be transparent. The entire faculty should be consulted. Promotion should be based on performance; an educator who produces good quality results and has leadership and management qualifications should be promoted.

The study supports participants' recommendations, arguing that stricter policy enforcement and clearer procedural guidelines will help illuminate bribery and corruption (Wills, 2015; Beckmann, 2009).

Theme 6: Integrity and Honesty

When asked about how they feel about applying for promotions, participants stated that there is a need for ethical integrity in the appointment process.

Nothing is fair. It is about who you know and who knows you.

Fair and transparent appointments... putting the needs of the learners and school first.

I am a fully qualified commerce educator with many years of experience. My post was given to a female from Languages, who last taught business studies 10 years ago. She cannot communicate with the learners, and her qualifications were never revealed. This has made me despondent, and I hate my job. This breaks good, dedicated, sincere workers.

I was the acting departmental head. My school, SGB, appointed an isiZulu educator from the languages department to manage the Commerce department. It broke me as an educator, and now I hate teaching.

Research conducted by Mngomezulu et al. (2021) highlights that the integrity of the appointments and promotions process has a direct and crucial impact on the quality of education and, subsequently, learner outcomes. Furthermore, the perception that posts are being sold by trade union members and governing body members, or allocated to unmerited candidates, has had a profoundly demoralising effect on educators. The above responses reflect a growing mistrust in the integrity of appointment processes and procedures, which ultimately discourage commitment and progression among educators who feel marginalised by these processes.

Discussion

The purpose of this study was to examine educators' lived experiences at various post levels regarding the appointment and promotion processes in South African schools. The data from surveys and interviews revealed recurring concerns and perceptions, which were thematically analysed and triangulated with findings from the literature.

Perceived Unfairness and Nepotism

Participants expressed extensive concerns about unfair appointment methods, including financial or personal influence, nepotism, and pre-selection of applicants. Participants' views demonstrate frustration with "The appointment of educators depends on bribery, not on competency" and "Candidates are already headhunted for posts." The data are consistent with the literature, which emphasises that the appointment of educators remains tainted by anomalies, patronage, and misbehaviour despite decentralisation reforms (Dwangu and Mahlangu, 2022; Mahlangu, 2019). The claimed

"jobs-for-cash" schemes and post-sales (BusinessTech, 2023) further substantiate the pervasiveness of unethical behaviours that compromise the integrity of the appointment and promotion system.

Lack of Meritocracy and Transparency

Many participants expressed dissatisfaction with the lack of precise, merit-based standards. This finding aligns with Ahiaku's (2019) findings, which suggest that subjective factors often have a greater influence on nominations than current regulations. According to Enactment Theory (Ball et al., 2012), this illustrates how local power dynamics, rather than standardised processes, are used to interpret and implement policies.

Power Imbalances Between SGBs and Teacher Unions

The substantial influence of teacher unions and the power imbalance between unions and school governing bodies (SGBs) were recurring themes in participants' replies. These experiences reflect research showing that trade unions have infiltrated provincial departments and that comradeship politics often drive appointments (Dube and Tsotetsi, 2020; Mahlangu, 2019). Another example of how unions can influence outcomes despite legal protections is the manipulation of union observer responsibilities, as outlined in the ELRC guidelines (2008).

Concerns Regarding SGB Involvement

Although SGBs are required by law to suggest educators for appointments (SASA, 1996), questions have been raised about their ability and vulnerability to manipulation. "Appointments and promotions are paid for... internal promotions are paid to principals and the governing body," said one respondent. Literature supports this concern, noting that many SGB members lack the requisite knowledge to enact policy effectively, particularly among parent members who may be illiterate or unfamiliar with recruitment frameworks (Setlhodi, 2020; Heystek, 2010).

Recommendations for Improvement

Participants made a number of recommendations. These recommendations align with Wills (2015), who advocated for stricter qualification requirements and more transparent progression pathways. The proposal for acting periods to evaluate performance also reflects efforts to implement competency-based evaluations as part of the reform.

Integrity and Honesty

Participants conveyed the need for professionalism grounded in moral and ethical leadership. Their views expressed a moral critique of the existing system in brief but also highlighted the impactful demands for reform. The need for integrity

in educational leadership and decision-making was acknowledged. These views emphasise the crucial role of these processes and respond to the call to rebuild trust through moral behaviour and a dedication to putting learners' needs first.

Conclusion

The results of this study demonstrate a notable discrepancy between lived practice and legislation in educator appointments, which is corroborated by data and analysis of policy literature. Participants' views highlight a systemic need for governance reform, including concerns about nepotism, power disparities, and a lack of transparency and credibility. Although the goal of democratic decentralisation of education was to empower communities, the results of this study indicate that these reforms may unintentionally worsen inequality and lower the standard of instruction in South African schools if they are not supported by capacity-building, moral responsibility, and more stringent oversight of the appointment and recruitment process.

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