

1 **Teacher Unions, School Governing Bodies, and the** 2 **Regulation of Educator Appointments in South African** 3 **Schools** 4

5 Since the devolution of school management, South African school governing
6 bodies have been tasked with various management functions, and at the apex
7 is the recruitment and promotion of staff members. Coupled with this is the
8 additional pressure of unions to deploy cadres to various vacancies at schools.
9 There are policies and legislation that stipulate the processes that need to be
10 followed regarding filling these vacancies. This study explores the extent to
11 which the relevant policies and legislation regulate the appointment and
12 promotion process and identifies which other factors are used to determine
13 which candidates should be considered successful. By employing a mixed-
14 methods approach, data were collected by means of semi-structured
15 interviews and surveys. Participants included educators, principals, and union
16 representatives across three provinces in South African schools. The findings
17 reveal perceptions of corruption, bribery, and political interference. School
18 governing bodies are not capacitated to fulfil their roles due to limited training,
19 thereby rendering them vulnerable to corruption. Educator union influence,
20 predominantly through comradeship networks, further undermines the
21 transparency of the appointment and promotion process. There is, thereby, an
22 urgent need for revised policy enforcement, ethical accountability, and
23 capacitation of governance structures to improve the delivery of quality
24 education.

25 26 27 **Introduction** 28

29 The decentralization of the South African education system has brought to
30 the fore, democratic and participative school governance. The aim of decentralizing
31 education coupled with the devolution of decision-making powers, was
32 predominantly based on the assumption that the quality of teaching and learning
33 would significantly improve. All aspects of school governance is now aimed at
34 equity and redress which serve as the cornerstones of democratic South African
35 governance. Education policies and legislation driving the mandate of equity and
36 redress have also conceptualised and institutionalised a decentralised approach
37 to all spheres of the education context. Teise and Barnett (2021:211) postulate
38 that it is generally assumed that decentralisation improves the effectiveness and
39 efficiency of education by responding to the needs, values, and expectations of
40 communities. However, there remains much uncertainty in ascertaining whether
41 decentralisation is in fact homogenous with response to improving the
42 effectiveness and efficiency of the educational endeavour.

43 A bone of contention for a substantial amount of time, regarding the
44 devolution of powers, is the appointment and promotion of educators in South
45 Africa. Prior to the establishment and implementation of the South African
46 Schools Act (Act, No. 84 of 1996), educators were appointed by an Education
47 Superintendent. Under the pre-apartheid education department, educators'

1 appointments were based on appropriate academic assessment ratings, relevant
2 qualifications and number of years of teaching experience (Nxumalo, Gamede
3 and Uleanya, 2021). Since the post-dispensation of the education system in
4 South Africa, the appointment and promotion procedure was amended as
5 follows:

- 6
- 7 1. School Governing Bodies were authorized to control the recruitment and
8 selection of candidates for the appointment and promotion of educators at
9 schools, and
- 10 2. The Department of Education (DoE) was authorized to facilitate the
11 induction and appointment of successful candidates (DoE, 1996).
- 12 3. The School Governing Bodies (SGBs) placed themselves in a position to
13 demonstrate specific political, religious, cultural and racial considerations
14 which command the selection of their successful candidates (DoE, 1996).
- 15

16 Section 20 (1) (i) of the South African Schools Act (SASA) has stipulations
17 for the SGB to make recommendations regarding the appointment and
18 promotion of educators in schools. The process begins with the Department of
19 Basic Education (DBE) advertising the vacant post, followed by the sifting, the
20 shortlisting process and the interviews which are conducted by a panel selected
21 from the SGB, referred to as the Interview Committee (IC). Thereafter, the
22 recommendation of the successful candidate is the outcome. It is based on the
23 recommendation of the SGB, that the Head of Department (HOD) makes the
24 appointment of the successful candidate. The contentious part of this procedure
25 is that under no circumstances can the HOD not appoint the candidate
26 recommended by the SGB unless there are valid reasons for not appointing the
27 recommended candidate (Dwangu and Mahlangu, 2022:212). Despite the
28 establishment of procedures, there remains contestations in the appointment and
29 promotion of educators. Research provides relevant evidence to conclude that
30 the policies and practices of educator recruitment do not match. The appointment
31 process of educators in South African schools is seen as fraught with fraud and
32 corruption (Dwangu and Mahlangu, 2022:213). The contestations are largely
33 due to three factors; school governing bodies being incapable of upholding new
34 challenging legislation (Mestry, 2017), powerful and political influence of the
35 unions (DoE, 2016) and corruption and nepotism as major factors being
36 responsible for the dissatisfaction of other stakeholders (Ahiaku, 2019). A study
37 conducted by Mahlangu (2019:113) reveals that weak authorities, aggressive
38 unions, compliant principals and teachers eager to benefit from union
39 membership and advancement are a combination of factors that defeat the
40 achievement of quality education by attacking the values of professionalism.
41 Mahlangu (2019:113) further states that these factors may contribute to
42 education capture.

43 The filling of vacant posts in South African schools has been a controversial
44 issue since the emergence of the democratic government in 1994. Despite the
45 assurance that decentralisation will in fact contribute to the increase in the
46 efficiency and the quality of education (Makara, 2018), it is evident that

1 decentralisation provides schools with more decision-making power (Lee &
2 Samuel, 2020). As a result of this, tensions have risen between decentralised
3 spheres of governance, particularly between the central and provincial
4 Departments of Education and school-level governance structures (Teise and
5 Barnett, 2021).

6 Various legislation and policies have been established to regulate the
7 process of educator recruitment, yet there remains discrepancies in the way in
8 which these policies are implemented, largely due to the capacity of those who
9 are placed in positions of authority to make such decisions. In this regard, Ahiaku
10 (2019) affirms that there is an obvious of lack of adherence to the current
11 legislation and policies that have been established by the department of
12 education to facilitate the appointment and promotion of educators. This
13 perception concurs with Zengele (2013:18) who states that anarchy, intimidation
14 and nepotism have characterised the filling of promotional posts in South Africa
15 since 1994. One of the reasons contributing largely to the lack of legislation and
16 policy adherence is due to the lack of capacity of school governing members to
17 implement relevant policy and legislation. This is supported by Mahlangu (2019:
18 114) who states that undue influence is made possible by the incapacity of SGBs
19 and community levels of understanding of the appointment process. Various
20 scholars also attest that it is evident that school governing body members lack
21 the relevant knowledge and skills that are required to perform duties assigned to
22 them in terms of SASA (Setlhodi, 2020). In accordance with Setlhodi (2020),
23 Dube and Tsotetsi (2020) also affirm a lack of capacity as well as the requisite
24 competency for school governing body members to perform their duties. This is
25 particularly the case with the parent component of the SGB whose members are
26 either illiterate or non-literate (Dwangu and Mahlangu, 2022:213).

27 Also concerning, the Department of Basic Education acknowledges that
28 most selection and appointment processes are undoubtedly riddled with cadre
29 deployment by teacher unions where appointing authorities were given a
30 mandate to appoint or promote a cadre regardless of qualification and experience
31 (DBE, 2016). Another disturbing constituent of the process was revealed by a
32 study conducted by Mahlangu (2019:115) which reveals that posts are being sold
33 for cash and these parties operate in networks. Dube and Tsotetsi (2020) further
34 postulates that the appointment and promotion process in South Africa has, over
35 the years, become politicised and unionised to the extent that it is contextualised
36 within comradeship narratives. A study conducted by Khumalo (2021) provides
37 a detailed perception of the reality of the situation. He states that the practice of
38 selling posts whether through the exchange of money or other favours such as
39 sexual favours is wide-spread though under-reported. The under-reporting can
40 be attributed to the fact that the seller and the buyer of the post operate in high
41 secrecy and in some instances with intimidation (Khumalo, 2021:8).

42 Current trends and practices also informs of issues of contestation, educator
43 appointment and promotions being one of them. Aiaku (2019) also opines that
44 to a large degree, the grievances as a result of appointment and promotions is
45 due to suspected manipulation and alleged favouritism of appointment
46 authorities. Aiaku (2019) also notes that in some cases, these issues lead to

1 physical confrontations and eventually, murder because other candidates may be
 2 under the assumption that he or she is also suitably qualified to be placed in the
 3 position. An article in *Businesstech* states that: “A report by the National
 4 Education Evaluation and Development Unit (NEEDU), released in 2015,
 5 assessing rural literacy found extensive union involvement in corrupt teacher
 6 hiring and promotion processes. The report noted examples of this in Kwa-Zulu
 7 Natal, where principal and deputy principal positions were routinely sold for
 8 between R30,000 and R45,000,” (*Businesstech*, 2023). These statistics highlight
 9 the extent to which corruption has infiltrated the education system. It is not
 10 restricted to post level one teaching posts but, the level of corruption progresses
 11 as the post level increases.

12 It must be noted that all educational policy and legislation is aimed at
 13 championing quality education such that the African child is prioritised to
 14 receive the best standard of education that the South African DoE can offer. The
 15 appointment and promotion of teachers has a direct influence of the quality of
 16 education delivered to learners in the classroom. In this regard, Manual 7
 17 (Understanding School Governance DoE, n.d: 10) states that:

18
 19 *The cost of attracting and developing the right people is very high. It is therefore*
 20 *important for the schools to apply their minds very carefully when employing staff.*
 21 *If the wrong people are selected, it can become a very costly mistake and labour*
 22 *laws make it very difficult to dismiss an employee without giving fair reasons.*
 23

24 With the wrongful appointments and promotion of educators, comes a heavy
 25 cost to pay with regard to the quality of education being delivered to students. It
 26 also takes away from the skilled and qualified educators who eligible to apply
 27 for these positions. A study conducted by Mngomezulu, Lawrence and Mabusela
 28 (2021) reveals that the responsibility of empowering the next generation so that
 29 they can face the global challenges and transform society for a sustainable future
 30 lies heavily on teachers, however it is obvious that the SGB members are not
 31 aware of the qualities required of a competent teacher. It is due to elements of
 32 corruption, lack of capacity of those in charge of the recruitment process and
 33 nepotism that career mobility in South African schools is severely hampered.
 34
 35

36 **Theoretical Framework**

37
 38 Various authors (Hughes, Davis and Imenda, 2019; Adom, Hussein and
 39 Agyem, 2018; and Osanloo and Grant, 2016) opine that the theoretical
 40 framework informs a researcher of the understanding of the kind of literature to
 41 collect, the problem statement, the significance of the study, the data collection
 42 and analysis, as well the discussion of the findings.

43 This study is grounded in Enactment Theory. Enactment, according to
 44 Weick (1988) represents the perception that when people act, they bring events
 45 and structures into existence and then set them in action. The enactment process
 46 is two-pronged. First, preconceptions are used to set aside portions of the field
 47 of experience for further attention, that is, perception is focused on

1 predetermined stimuli. Second, people act within the context of these portions
2 of experience guided by preconceptions in such a way as to reinforce these
3 preconceptions.

4 Proponent of the Enactment Theory, Stephen Ball, influenced the study of
5 educational policies which was based on theoretical approaches and became
6 widely spread in the late 1980's across various research projects in Brazil and
7 other countries. In later years, Ball and his collaborators (Maguire, Ball & Braun,
8 2010a, 2010b, 2012; Maguire, Ball, Braun, & Hoskins, 2011a, 2011b, 2011c;
9 Maguire, Hoskins, Ball, & Braun, 2011), developed a theory of enactment. The
10 result of a study based on schools being the centre of policy enactment which
11 was undertaken by Ball and his collaborators, was presented in his book called
12 *How Schools do Policy* (Ball, Maquire and Braun, 2012). The findings revealed
13 that:

14
15 *enactment is not a moment but a process framed by institutional factors involving*
16 *a range of actors* (p. 14).

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

20
21 Through the discourse of theory of enactment, Ball, Maquire and Braun
22 (2012) posit that there are three segments of the policy process: the material
23 (physical aspects of the school, depending on the context), the interpretive (the
24 problem of meaning), and the discursive. Within this context, none of the three
25 are alone sufficient to capture, understand, and represent the process of putting
26 policy into action. Rather, they are analysed separately but at the same time
27 understood in an interrelated manner with constructive tension.

28 Enactment Theory, which serves as this study's theoretical framework, is
29 based on the premise that policies must be understood to be discursive strategies
30 strategically directed towards producing the student, the educator and, and the
31 purpose of education. The enactment of policies pertaining to educator
32 appointments and promotion is congruent with strategic aims directed towards
33 attaining the purpose of education.

34 35 36 **Literature Review**

37 38 **Decentralisation of the South African education system**

39
40 According to Currie & De Waal, (2006:2) the Constitution brought about a
41 number of fundamental changes:

42
43 *For the first time in South Africa's history, the franchise and associated political*
44 *and civil rights were accorded to all citizens irrespective of their race.*

45 *The doctrine of parliamentary sovereignty was replaced by the doctrine of*
46 *constitutional supremacy. A Bill of Rights was put in place to safeguard human*
47 *rights, ending centuries of state-sanctioned abuse. The courts were given the power*

1 *to declare invalid any law or conduct inconsistent with the Bill of Rights and the*
2 *Constitution.*

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

6
7 Ainley and McKenzie (2000:139) underscore that decentralisation of
8 decision-making, increasing local authority and enhanced autonomy of schools
9 have been common features of recent changes in the organisation of public
10 education in countries such as South Africa. Since 1994, the decentralised
11 education system of South Africa encompasses three spheres of governance.
12 These include the national, provincial and local government. All three spheres
13 are interrelated yet exist interdependently and are synchronously responsible for
14 education governance (RSA, 1996, Schedule 4).

15 The Department of Basic Education (DBE) is primarily responsible for the
16 development of national policies, to fund education, to set national standards, to
17 monitor compliance with national policy and legislative frameworks and, if need
18 be, to intervene when constitutional or statutory obligations are not fulfilled
19 (Teise and Kiel, 2019:215). Provincial Departments of Education (PEDs) are
20 responsible for financing, controlling and managing provincial schools and for
21 developing relevant policies. Although provinces are autonomous, they exercise
22 their powers within the regulatory framework set by the DBE. At school level,
23 school governing bodies with considerable devolved powers govern schools
24 through context-specific policies that serve the needs of the school community
25 (Teise & Kiel, 2019:215).

26 The Education White Paper 2 (DoE, 1996b:16) states that ‘governance
27 policy for public schools is based on the core values of democracy’, which
28 include representation of all stakeholder groups, participation, tolerance, rational
29 discussion and collective decision-making (Davids, 2022:3). By affording
30 meaningful power and responsibility to parents and other stakeholders on the
31 SGB, the SA Schools Act (DoE, 1996a) has given effect to the principles of the
32 democratisation of schooling (CEPD, 2002: 134). Indeed, the importance of the
33 provision for the establishment of SGBs is vested not only in an understanding
34 of the school and its community (or communities) as an ecology but also in the
35 capacity of that ecology to cultivate and enact the democratic mandate of the
36 state (Davids, 2002:3).

37 Literature reveals that decentralization has a corroborative effect on
38 stakeholder accountability (Wallis & Oates, 1988), responsiveness and transparency
39 of the system, mitigating information asymmetries, civic engagement and
40 addressing context specific needs of participants (Alderman, 2002; Manor,
41 1999). The negative aspects of decentralization are formulated and empirically
42 found to include institutionalization of pre-existing social divisions and local
43 prejudices (Treisman, 2007), heightening structural incoherence, affecting
44 financial sustainability (Montero & Samuels, 2004), encouraging nepotism and
45 preference of the interests of local elite (Bardhan & Mookherjee, 2006), giving
46 space for corruption (Reinikka & Svensson, 2001) etc. Thus, possibly leading to
47 undesirable outcomes (Treisman, 2007).

1 In examining the effect of decentralisation, it is also imperative at this
2 juncture, to look at the top-bottom approach and approach it with a policy arena
3 analysis. In the case of educator appointment and promotions, the government is
4 largely responsible for the policy directives that regulate these processes.
5 Research suggests that the government in their elitist positioning merely governs
6 an ill-informed public, as in the case of the SGB members who now have carte
7 blanche of such crucial education matters such as educator recruitment. In view
8 of this, Jansen (2001:223) argues that the South African education system is
9 negatively influenced by politicians and bureaucrats who are often misinformed
10 about the conditions of our schools but would rather enforce policies.

11
12 Policy and legislation regulating the appointment and promotion of educators

13 14 15 **Section 37 South African Schools Act (84 of 1996)**

16
17 Section 37 of SASA, has stipulations for a pivotal yet contentious role of
18 governing bodies' in recruiting the most suitably qualified educator for their
19 schools. It must be noted that the capacity of school school communities have a
20 substantial impact on the ability of governing bodies to implement such
21 subventions, and this also has implications for the principles of equity, redress
22 and equality (Beckmann, 2009).

23 24 25 **Section 20(1)(i) South African Schools Act (84 of 1996)**

26
27 Section 20(1)(i) of SASA comprises an important provision for the
28 recruitment of educators as staff members. Under this section, provision
29 regarding the rights of the SGB is provided for. It is stated that the SGB must
30 recommend the appointment of educators at the school to the Head of
31 Department, subject to the Employment of Educators Act (Act 76 of 1998) and
32 the Labour Relations Act (Act 66 of 1995). Subsection (1) establishes that the
33 provincial Head of Department (HOD) serves as the employer of all educators.
34 It further stipulates that SGB must make recommendations to the HOD to
35 employ such educators at schools. It must be noted that the power held by SGB's
36 regarding appointments, apart from making recommendations that must be given
37 attention in accordance with the provisions of common law and labour law
38 (Beckmann, 2009:133).

39 40 41 **Sections 20(6-11) South African Schools Act (84 of 1996)**

42
43 In accordance with the Education Laws Amendment Act, No 100 of 1997
44 (RSA 1997) and the additional provisions and conditions found in subsections
45 20(6) - (11) of the South African schools Act:

46

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

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

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

15 16 17 **Section 6(3)(b) South African Schools Act (84 of 1996)**

18
19 Section 6(3)(b) of SASA (as amended in 2006 by the Education Laws
20 Amendment Act, No 16 of 2006, RSA 2006) has the following provisions for
21 the appointment of educators:

- 22
23 (i) *the democratic values and principles referred to in section 7(1);*
24 (ii) *(ii) any procedure collectively agreed upon or determined by the*
25 *Minister for the appointment, promotion or transfer of educators;*
26 (iii) *(iii) any requirement collectively agreed upon or determined by the*
27 *Minister for the appointment, promotion or transfer of educators*
28 *which the candidate must meet;*
29 (iv) *(iv) a procedure whereby it is established that the candidate is*
30 *registered or qualifies for registration as an educator with the South*
31 *African Council for Educators; and*
32 (v) *(v) procedures that would ensure that the recommendation is not*
33 *obtained through undue influence on the members of the governing*
34 *body. This subsection should not concern governing bodies overly as*
35 *it merely confirms that the recommendation of staff by SGBs is*
36 *subject to the Constitution and other law.*

37
38 Subsection 6(3) (c) stipulates that the governing body must submit, in order
39 of preference to the Head of Department (HoD), a list of:

- 40
41 (i) *at least three names of recommended candidates; or*
42 (ii) *fewer than three candidates in consultation with the Head of Department.*

43
44 Upon submitting a list of successful candidates, subsection 6(3)(e) states
45 that if the governing body has not met the requirements as outlined in paragraph
46 subsection 6(3) (b), the HoD must decline the recommendation. A contravention
47 of subsection 6(3)(b) entails a violation of constitutional principles and non-
48 adherence to the law. Subsection 6(3)(f) (after amendment in 2006) provides

1 that, despite the order of preference in paragraph (c), the HoD may appoint any
 2 suitable candidate on the list, which could result in SGBs *de facto* losing all
 3 power regarding the recommendation and appointment of teaching staff
 4 (Beckmann, 2009: 137).

7 **The Role of school governing bodies and teacher unions in the** 8 **appointment and promotion of candidates**

9 **Incapacity of SGB members**

11
 12 With the promulgation of the South African Schools Act 84 of 1996
 13 (hereafter referred to as the Schools Act), education in South Africa was
 14 effectively decentralised. School communities were given the responsibility for
 15 public school governance. Parents, teachers, non-teaching staff and learners (in
 16 secondary schools) are democratically elected onto the SGB (Buys, du Plessis
 17 and Mestry, 2020:1). Research suggests that despite the intention of a
 18 decentralised system of governance including the participation of various
 19 stakeholders, many negative challenges have resulted.

20 The amalgamation of the Employment of Educators Act (76 of 1998), the
 21 Labour Relations Act (66 of 1995), the Employment Equity Act (55 of 1998)
 22 and the South African schools Act (84 of 1996) provides that the provincial Head
 23 of Department (HoD) and the SGB of schools are responsible for directing the
 24 recommendation of successful candidates for posts. Despite the relevant policies
 25 and legislation being established, there is still room for misinterpretation and
 26 gaps in policy implementation due to many school governing body members not
 27 being suitably qualified for policy implementation.

28 The obligations of recruiting competent teachers in schools requires the
 29 SGB to be acquainted with legislation and government policies relating to
 30 personnel and the labour force. Regrettably, most parents who are the
 31 chairpersons of SGBs are uneducated (Heystek, 2010: 110), thereby compelling
 32 them to rely on the school principal and teachers for effective leadership and
 33 guidance in most decision-making situations (Karlsson, 2002: 335). In view of
 34 this, Sithole (2011: 529) and Xaba (2011: 201) lament that uneducated
 35 chairpersons of the SGBs who are not trained and can barely communicate in
 36 any languages other than their local language may be a disaster to the
 37 achievement of quality education for a sustainable future.

38 According to a report by Corruption Watch (2018: 13), within the first six
 39 months of 2018, 10.8% of the cases of corruption received showed a continuing
 40 trend of principals, SGB members and staff members ‘conspiring and colluding
 41 to rob schools of funds and resources or to flout procurement and employment
 42 processes, with the sole goal of creating favourable conditions for acquaintances,
 43 friends and relatives who seek procurement deals and employment opportunities.
 44 In some instances, SGB members are even in partnership with union members,
 45 having caucused prior to the shortlisting and interview processes. It also brings
 46 to the fore the question of whether those who are shortlisted are particularly those

1 known by the IC members. The abuse of power by SGB members holds
 2 particular implications not only for the basic functioning of a school in terms of
 3 teaching of learning but also places the role of SGBs at risk in terms of their own
 4 function in a democracy (Davids, 2020:7).

6 **Recruitment by comradeship**

8 Bramoullé & Goyal (2016:16) define comradeship is defined as “the act of
 9 offering jobs, contracts and resources to members of one’s own social group in
 10 preference to others, who are outside the group.” Dude and Tsotetsi (2020:2)
 11 further state that the term comradeship refers to a certain group of teachers,
 12 principals and departmental officials who refer to themselves as “comrades”,
 13 because they tend to share the same political and ideological stance in their union
 14 and political party.

15 In an effort to transform the education system such that all aspects of school
 16 governance is fully democratic, the inclusion of teacher unions in educator
 17 recruitment and promotions has been regulated. However, the involvement of
 18 teacher unions in the recruitment process has become a bone of contention. A
 19 study conducted by Dube and Tsotetsi (2020:1) reveals that the appointment of
 20 principals in South Africa has, over the years, become politicised and unionised
 21 to the extent that it is contextualised within comradeship narratives, thereby
 22 negating the competency and qualifications that are required to champion quality
 23 education. It is also noteworthy to mention that caucusing is a regular occurrence
 24 hosted by union members before shortlisting and interview processed in order to
 25 fulfil the mandate directed by the union.

26 The SGB is responsible for establishing an Interview Committee and they
 27 are also able to make recommendations for various people to join the IC by
 28 serving as co-opted members. This position is usually reserved for those who
 29 have a vested interest in the school and can contribute significantly to the
 30 selection and recruitment of the best individuals for the positions. Dube and
 31 Tsotetsi (2020) state that the interview committee normally comprises two SGB
 32 members, three principals, a circuit manager, and union representatives from
 33 Combined Trade Unions of Autonomous Teachers’ Unions (CTU-ATU) and the
 34 South African Democratic Teachers Union (SADTU) (appointed as observers).
 35 In their argument, Dube and Tsotetsi (2020:2) assert that the co-opting of IC
 36 members is the point where manipulation starts, thereby opening the door to
 37 comradeship, which is contrary to the mandate of some co-opted members, who
 38 are limited to being observers.

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

41
 42 *“Union representatives must be observers of the process mentioned above.*
 43 *Observers may not be directly involved in the process of shortlisting and*
 44 *interviewing, but will ensure that approved procedures and practices are adhered*
 45 *to in a fair, consistent and uniform manner.*
 46 *An observer has the right to intervene in the procedure if he/she deems that agreed-*
 47 *upon procedures are being infringed upon.*

1 *If this happens, an observer must indicate to the chairperson that he/she wishes to*
 2 *intervene. It is expected that the observer shall observe the following: a) Avoid*
 3 *discussing any question(s) in the presence of the interviewee. b) Discussions*
 4 *concerning the interview must take place after the interviewee has left the room.*

5 *Observers must sign the declaration of confidentiality and uphold the code of*
 6 *secrecy.*

7 *An observer must, first, attempt to resolve any concern with the Interview*
 8 *Committee (IC). Should they fail to reach consensus, the observer must inform the*
 9 *IC that he/she is lodging a grievance.”*

10
 11 Despite the aforementioned roles of union observers, research suggests that
 12 union observers are provided a mandate from the unions of which candidate
 13 should be successfully shortlisted and chosen as the preferred candidate. Politics
 14 of othering is a term that not only encompasses the many expressions of
 15 prejudice based on group identities, but also propagates group-based inequality
 16 and marginality (Powell & Menendian, 2016:17). The finding of the study
 17 conducted by Dube and Tsotsetsi (2020:6) reveals that appointing candidates
 18 according to comradeship promotes corruption and creates politics of othering
 19 and belonging. Due to this comradeship, many educators feel the need to be loyal
 20 to unions such that they may advance their careers, rather than to improve and
 21 advance the quality of education.

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

24
 25 *Rogue members of the South African Democratic Teachers’ Union (Sadtu) have*
 26 *captured the KwaZulu-Natal education department, which officials in the Basic*
 27 *Education Minister office indicating that the system is now on the verge of collapse.*
 28 *Investigators appointed by Motshekga to probe the jobs-for-cash racket run by*
 29 *union officials have found that Sadtu members have infiltrated that department and*
 30 *run a complex patronage system. Moreover, Sadtu members have been found to*
 31 *have violated the system in the provincial education departments of Gauteng,*
 32 *North West, Eastern Cape, Mpumalanga and Limpopo (City Press, 2015).*

33 Media coverage paints a realistic picture of the infiltration on unionism and
 34 comradeship in many provinces. There is also a growing body of evidence that
 35 suggest that in recent times, the only way to ensure career mobility is to be
 36 entangled in unionism and comradeship.

37 38 39 **Methods of research**

40 41 **Research approach**

42
 43 For the purpose of this study, a qualitative approach was chosen to be able
 44 to explore the beliefs, observations, perceptions and real-life experiences of
 45 educators with regard to appointments and promotions.

1 **Data collection, techniques and instruments**

2

3 This study adopted a mixed methods approach, integrating both qualitative
4 and quantitative data collection techniques to gain a comprehensive understanding
5 of the research problem. Qualitative research aims to collect primary, first-hand
6 textual data and analyse it using specific interpretive methods. It is particularly
7 effective when exploring a phenomenon for which limited information is
8 available (Taherdoost, 2022, p. 54). To this end, semi-structured interviews were
9 employed, allowing for in-depth exploration of participants' experiences while
10 providing the flexibility to probe emerging themes. This method is commonly
11 used in social sciences due to its balance between structure and openness (Ruslin,
12 Mashuri, Rasak, Alhabsyi, & Syam, 2022). In complement to the qualitative
13 data, surveys were administered to collect quantifiable information across a
14 broader participant base. The use of surveys supported the triangulation of
15 findings and enhanced the reliability of the research by allowing for the
16 comparison and integration of different forms of data. Together, the use of semi-
17 structured interviews and surveys enabled a richer and more nuanced
18 understanding of the research topic.

19

20 **Research Sites**

21

22 The researcher selected schools from the same districts across three
23 provinces in South Africa to ensure commonality in terms of input and for
24 logistical reasons. These provinces included KwaZulu-Natal, The Free State and
25 the Western Cape. Feasibility and suitability of the sites were important to the
26 researcher, and permission and access to these sites was granted (McMillan and
27 Schumacher, 2001; Maree, 2012).

28

29 **Population**

30

31 The population is a general field consisting of subjects/objects with certain
32 qualities and characteristics determined by the reviewer to be studied and then
33 conclusions drawn (Sugiyono, 2019). The population for this study comprised
34 one educator, one deputy principal/principal and one trade union representative
35 from twenty schools each across the three provinces.

36

37 **Sample**

38

39 Participants were selected by means of non-probability sampling. One
40 principal, one deputy principal one departmental head (DH) and one educator
41 from twenty schools per province will comprise the sample for qualitative data,
42 as they have a first-hand account of appointments and promotions at various post
43 levels.

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1 Data analysis

2

3 In line with the mixed methods design of this study, both qualitative and
4 quantitative data analysis techniques were employed to ensure a comprehensive
5 interpretation of the findings. Qualitative data analysis involved organising,
6 accounting for, and explaining the data—essentially making sense of
7 participants’ understandings and interpretations of their experiences. This
8 process entailed identifying patterns, themes, categories, and regularities, in
9 accordance with participants’ definitions of their situations (Cohen, Manion, &
10 Morrison, 2018). Verbatim transcriptions were created from the semi-structured
11 interview data, which were subsequently coded using the qualitative analysis
12 software, NVivo. A combination of inductive coding and predetermined themes,
13 derived from the research objectives, guided the analytical process to ensure
14 alignment between data and the study’s aims. Parallel to this, quantitative data
15 gathered through surveys were analysed using descriptive and, where
16 appropriate, inferential statistical methods. This dual approach allowed for the
17 triangulation of findings, enriching the overall analysis and providing both depth
18 and breadth in understanding the research problem.

19

20 Research ethics

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22 Before the commencement of the interviews, the researcher sought
23 permission from the Research Ethics Committee at the Cape Peninsula
24 University of Technology. After receiving ethical clearance, the researcher
25 sought permission to conduct research from the Department of Education across
26 the provinces. Upon receiving permission, participants were telephonically
27 contacted to arrange appointments, prior to visiting the selected schools. Upon
28 arrival, the researcher briefed the participants on the purpose of the study being
29 conducted. Participants were then asked to sign the permission form in
30 acknowledgement of the research being conducted in their respective schools.

31 Participants received copies of the consent forms to read and sign. The
32 consent forms indicated information regarding all aspects of the research and the
33 nature and extent of the research. The researcher allowed participants to read the
34 letters of informed consent and participants were allowed to have access to the
35 permission letters granted by the gatekeepers. The letters will serve as proof that
36 permission would not have been granted if any unethical practices were
37 involved. Participants were informed that their participation in the study is
38 entirely voluntary and that they will be free to withdraw from the study at any
39 time. The researcher also told participants that the researcher stored hard copies
40 of their answers in a locked cabinet, and that all electronic information will be
41 stored on a password protected computer.

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Results

Theme 1: Perceived Unfairness and Nepotism

Participants across the three provinces 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 indicated below, are reflective of 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 in the final appointment

The appointment of educators in promotional posts is not fair as it only depends on bribery, not on the competency of the educators.

Assessment instruments contain a level of subjectivity, creating biases that may disadvantage certain individuals...

The above responses align with research that suggests that educator appointment is 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 of the respondents also noted concern over a general lack of standardised and merit-based procedures for the appointment and promotion of educators. This also seems evident across the board, regardless of the post level applied for. Some participants also noted that unqualified governing body members were responsible for promoting those who did not have the appropriate qualifications to be promoted.

Setting of criteria.

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 cannot perform their duties.

Corruption and nepotism are an issue and policies are misleading managers as they are not educated enough to understand them or choose to wrongfully interpret 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 speaks to the dominance in appointment decisions before, during and after the interview process, often overpowering the school governance structures. This brings to the fore 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, political interference.

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

The studies conducted by Dube & Tsotetsi (2020) and Mahlangu (2019) discuss comradeship and the influence of trade unions in 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 rampant allegations of corruption and unethical practices and procedures 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 the undue manipulation of interview procedures by trade union members was often done in collaboration with school governing bodies and departmental officials who favoured or bargained with certain candidates.

Theme 4: Concerns Regarding SGB Involvement

Data further reveal the largely debated criticism of SGB roles in educator appointments, especially with regard to 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 much unnecessary problem and they promote friends their family and they love bribes.

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

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Theme 5: Recommendations for Improvement

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Participants were of the view that there is an urgent need to reform the system. Recommendations included the establishment of more transparent procedures, stricter and higher qualification requirements for promotion, and departmental oversight over the interview procedure.

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*The Department of Education should have a panel to ensure appointments.
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 with leadership and management qualifications should be
promoted.*

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The study supports these recommendations made by participants by arguing that stricter policy enforcement and clearer procedural guidelines in the process will illuminate bribery and corruption (Wills, 2015; Beckmann, 2009).

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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 black female from Languages, who last taught business studies 10
years ago. 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 educator from
the languages dept isiZulu to manage the Commerce department. It broke me as
an educator and I hate teaching now.*

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.

1 Furthermore, the perception that posts are being sold by trade unions and
2 governing body members or allocated to unmerited candidates has had a
3 profoundly demoralizing effect on the morale of educators. The above responses
4 reflect a growing mistrust in the integrity of appointment processes and
5 procedures, which ultimately discourages commitment and progression among
6 educators who feel marginalised by this process,
7
8

9 **Discussion**

10
11 The purpose of this study was to examine the lived experiences of educators
12 of varying post levels, regarding the appointment and promotion process in
13 South African schools. The data generated from surveys and interviews revealed
14 recurring concerns and perceptions that were thematically analysed and
15 triangulated with findings from the literature.
16

17 **Perceived Unfairness and Nepotism**

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20 Participants voiced extensive concerns about unfair appointment methods,
21 which include financial or personal influence, nepotism, and applicant pre-
22 selection. Participants views demonstrate frustration of "The appointment of
23 educators... depends on bribery, not on competency" and "Candidates are already
24 head hunted for posts." The data are consistent with the literature, which
25 emphasizes that appointments of educators remain tainted by anomalies,
26 patronage, and misbehavior despite decentralization reforms (Dwangu &
27 Mahlangu, 2022; Mahlangu, 2019). The claimed "jobs-for-cash" schemes and
28 post sales (Businesstech, 2023) further substantiate the pervasiveness of
29 unethical behaviors that compromise the integrity of the appointment and
30 promotion system.
31

32 **Lack of Meritocracy and Transparency**

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34
35 Many of the participants views expressed discontent with the lack of precise,
36 merit-based standards. This finding is in line with Ahiaku's (2019) findings that
37 subjective factors frequently have a greater influence on nominations than
38 current regulations. According to Enactment Theory (Ball et al., 2012), this
39 illustrates how local power dynamics, as opposed to standardized processes, are
40 used to interpret and implement policies.
41

42 **Power Imbalances Between SGBs and Teacher Unions**

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45 The substantial influence that teacher unions have and the power
46 disparity between unions and school governing bodies (SGBs) were recurring

1 themes in participant replies. These experiences reflect research showing that
2 trade unions have infiltrated provincial departments and that comradeship
3 politics often drive appointments (Dube & Tsotetsi, 2020; Mahlangu, 2019).
4 Another example of how unions can affect results in spite of legal protections is
5 the manipulation of union observer responsibilities, as outlined in the ELRC
6 guidelines (2008).

9 **Concerns Regarding SGB Involvement**

10
11 Although SGBs are required by law to suggest educators for appointments
12 (SASA, 1996), questions have been raised about their ability and vulnerability
13 to manipulation. "Appointments and promotions are paid for... internal
14 promotions are paid to principals and the governing body," said one respondent.
15 Literature supports this concern, noting that many SGB members lack the
16 requisite knowledge to enact policy effectively, particularly among parent
17 members who may be illiterate or unfamiliar with recruitment frameworks
18 (Setlhodi, 2020; Heystek, 2010).

21 **Recommendations for Improvement**

22
23 Participants made a number of recommendations. These recommendations
24 align with Wills (2015), who advocated for stricter qualification requirements
25 and more transparent progression pathways, and the proposal for acting periods
26 to evaluate performance also reflects efforts to implement competency-based
27 evaluations as part of reform.

30 **Integrity and Honesty**

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32 Participants did convey the need for professionalism based on moral and
33 ethical leadership. Their views expressed a moral critique of the existing system
34 in brief but also highlighted the impactful demands for reform. The mention of
35 the need for integrity in educational leadership and decision-making was noted.
36 These views emphasize how crucial these processes are and speaks the call to
37 rebuild trust via moral behavior and a dedication to putting the needs of learners
38 first.

40 **Conclusion**

41
42 The results of this study demonstrate a notable discrepancy between lived
43 practice and legislation in educator appointments, which is corroborated by data
44 and analysis of policy literature. A systematic need for governance reform is
45 illuminated by participants' views regarding nepotism, power disparities, and a
46 lack of openness and credibility. Although the goal of democratic decentralization of

1 education was to empower communities, the results of this study indicate that
 2 these reforms may unintentionally worsen inequality and lower the standard of
 3 instruction in South African schools if they are not supported by capacity-
 4 building, moral responsibility, and more stringent oversight of the appointment
 5 and recruitment process.

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