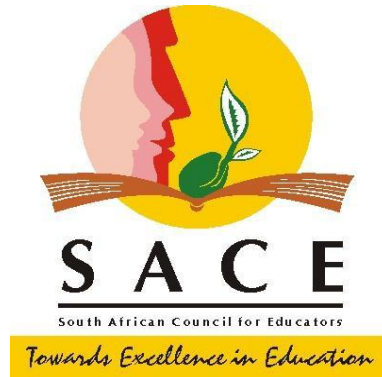


# FINAL REPORT ON RESEARCH TRENDS ANALYSIS OF A 5 YEAR REVIEW STUDY ON DISCIPLINARY CASES REPORTED TO SACE



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## ACRONYMS

ACRONYMS	DESCRIPTION
CPTD	Continuing Professional Teacher Development
DBE	Department of Basic Education
DHET	Department of Higher Education and Training
DoE	Department of Education
EC	Eastern Cape
EEA	Educators Employment Act
ISPFTEDSA	Integrated Strategic Planning Framework for Teacher Education & Dev. in SA
ETDP SETA	Education, Training & Development Practices Sector Education and Training Authority
FET	Further Education & Training
FS	Free State
GET	General Education and Training
GP	Gauteng Province
HoD	Head of Department
HR	Human Resource
IQMS	Integrated Quality Management Systems
KZN	Kwa Zulu Natal
LP	Limpopo
MP	Mpumalanga
NAPTOSA	National Professional Teacher's Association of South Africa
NC	Northern Cape
NSC	National Senior Certificate
NEPA	National Education Policy Act
NW	North West
PD	Professional Development
PEU	Professional Educators Union
PED	Provincial Education Department
PFMA	Public Finance Management Act
PGP	Professional Growth Plan
SACE	South African Council for Educators
SASA	South African Schools Act

SADTU	South African Democratic Teachers Union
SDA	Skills Development Act
SGB	School Governing Body
SMT	School Management Team
SPMDS	Staff Performance Management and Development System
TED	Teacher Education Development
WC	Western Cape
WSE	Whole School Evaluation



## EXECUTIVE SUMMARY

The South African Council for Educators (SACE) serves as a statutory body for professional educators, which has an overall responsibility to regulate, support and develop the teaching profession fraternity in South Africa. In advancing this noble obligation SACE has embarked on a research study to review the disciplinary cases over a period of five years to determine the impact of this scourge. This research was conducted as a sequel to the previous study which only focused on a two year study trend from 2008 to 2009. The current study is based on a five year trend analysis; the previous two year research study is also incorporated in this study and serves as an integral part of the entire 5 year research study analysis. SACE supplied the research organization with all the relevant documents, information and files that captured the various reported incidents from the various education departments across all the 9 provinces of South Africa on the reported disciplinary cases.

SACE as a co-founder of AFTRA (Africa Forum of Teachers Regulatory Authorities) strongly believes that its members should display professionalism that is above reproach and ethical at all times with unquestionable integrity. In an effort to accurately regulate and articulate this, SACE has also embarked on programmes like CPTD (Continuous Professional Teacher Development) that advocate and create awareness on professional behaviour and development of its members. Hence, it was imperative to conduct a comprehensive follow-up research study that will inform SACE and stakeholders with a vested interest in education on the severity of disciplinary cases and the extensiveness of this problem, in order to address this matter appropriately, including possible interventions and strategies to be implemented as a way forward.

A comprehensive and exhaustive list was compiled on the frequency and occurrence of these disciplinary cases and the duration it took to resolve them. Other factors were also taken into consideration in terms of the offenders' age, gender and the leading provinces on reported cases. This was done to monitor the geographical spread of these cases and the possible sanctions meted out by the relevant authorities. The gathered information was divided into key sections and components such as dominant provinces and the type of schools involved; the role and position of the perpetrator.

These comprised the provincial departments, district location, quintile status of the school, type of school in terms of whether the school is a public or private institution; and whether the school is located within the rural, urban or township areas.

The final research outcomes should be used as a guide to inform all the relevant stakeholders about the importance of sustainable interventions and solutions in the application of short-term, medium-term and long-term strategies in investigating such misdemeanors. The findings and recommendations should indicate the areas of where SACE should also assist by informing the DBE and DHET where to intervene and apply appropriate sanctions based on legal and profound policies

# **1. OVERVIEW OF THE RESEARCH TRENDS ANALYSIS OF A 5 YEAR REVIEW STUDY ON DISCIPLINARY CASES REPORTED TO SACE**

## **1.1 INTRODUCTION**

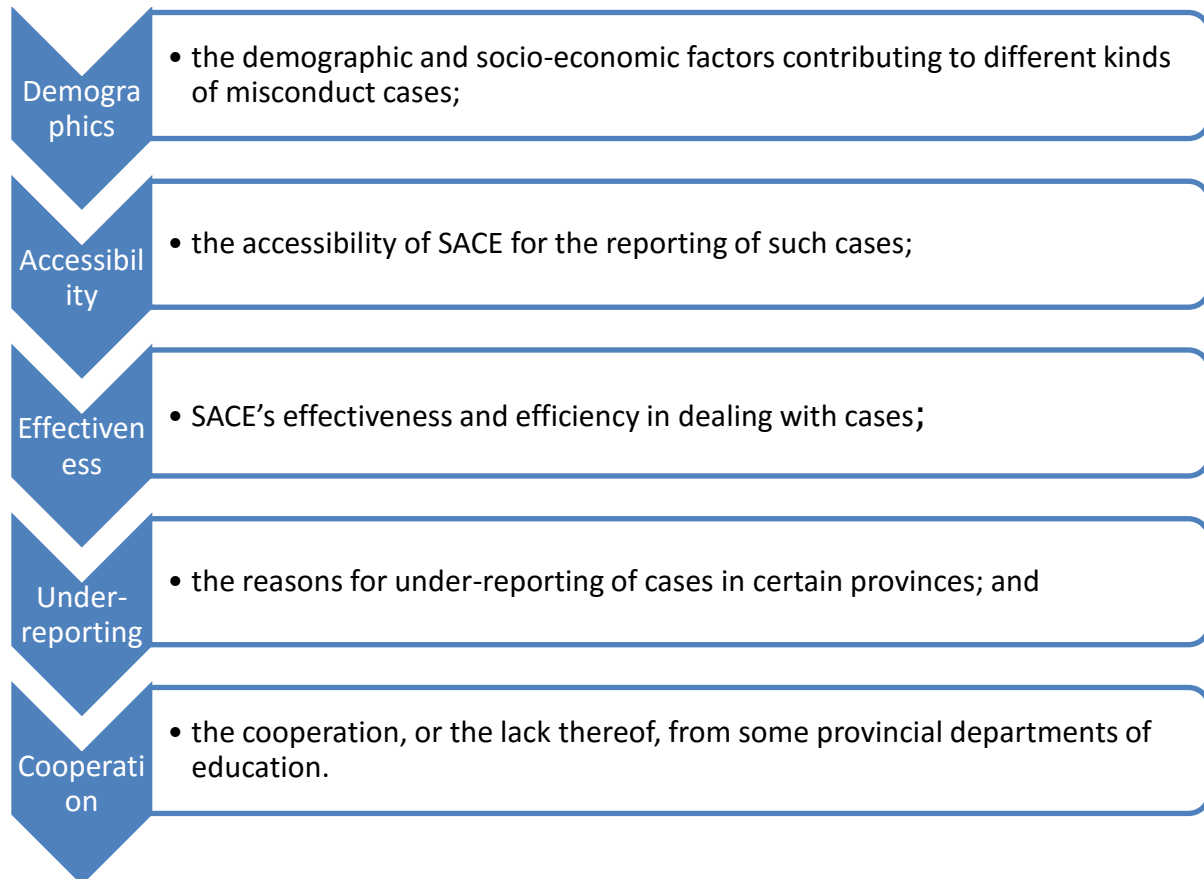
SACE has appointed Mabatimi Management Services (MMS) to facilitate a process of analyzing the research trends over a five-year period and to review study on disciplinary cases reported to SACE across all the nine provinces where these disciplinary cases were reported. The aim of the project is to enable SACE to understand the reasons why these cases are committed and whether the sanctions applied fit the transgression.

The initial process entailed the following:

- Incorporating the 2008-2009 report on disciplinary cases,
- Presenting preliminary findings of a detailed analysis of the review of the disciplinary cases referred to SACE,
- Presenting the overall findings and recommendations, and a final report including input from SACE.

The main purpose of the research was to analyze the disciplinary cases reported to SACE and the disciplinary sanctions applied thereafter, by including the duration taken in the completion of these cases by SACE. The research outcomes must further contribute to CPTD strategies and interventions that enhance SACE's capacity of dealing appropriately and promptly with the reported disciplinary cases.

The analysis on disciplinary cases reported to SACE must provide the following;



The study further investigates the challenges of various schooling institutional types and locations, in terms of rural, township and urban spread.

## **1.2 LEGISLATIVE AND POLICY FRAMEWORK**

The following legislation and policies were insightful and informative in conducting this research report:

The South African Schools Act (SASA), 1996 (Act 84 of 1996);

Bill of Human Rights Act (Republic of South Africa, 1996)

The National Education Policy Act (NEPA), 1996 (Act 27 of 1996);

The South Africa Constitution of 1996 (Republic of South Africa, 1996);

Prevention of Family Violence Act (133 of 1993);

Employment Equity (EEA) Act 66 of 1995;  
Employment of Educators Act, 1998 (Act 76 of 1998);  
South African Council for Educators Act (Act 31 of 2000);  
Basic Education Laws Amendment Act (Act 15 of 2011);  
Public Service Act 103 of 1996;  
Labour Relations Act 66 of 1995;  
The Criminal Law (Sexual Offenses and Related Matters) Amendment Act 29; and  
Criminal Law (Sexual Offenses and Related Matters) Amendment (Act 32 of 2007).

### **1.3 LITERATURE REVIEW**

The literature review process took cognizance of the available information on disciplinary educational reports, policy documents, periodicals, journals and literature on educator/teacher disciplinary processes and initiatives; most of these policies were aimed at enforcing and instilling discipline and served as guidelines to educator disciplinary measures and processes.

The main reason for this research was to monitor and evaluate the level of disciplinary measures undertaken by schools/ institutions when these disciplinary cases are reported and the speed or delay at which these disciplinary cases were reported and resolved. The research was further aimed at determining the level of schools/institutions in shaping, designing and complying with the disciplinary procedures for educators/lecturers in the schooling and college sector to be totally in line with the Constitution of South Africa and all the relevant laws that govern education. The initial research process was largely conducted through applying a desktop research and quantitative method approach.

#### **1.3.1 Global outlook in teacher disciplinary challenges**

Lack of teacher accountability in India has its roots in teachers' own vehement demands for a centralized education system which shelters them from disciplinary action by local managers and communities. School principals lament that they have no powers over teachers nor do other officials as the erring teachers are often supported by powerful teacher associations. (<http://www.gprg.org/themes/t3-humcap-inst-well/pol-ind-edu/teach-pol-edu.htm>) accessed on the 24/08/2015.

Teacher absenteeism is one of the most serious forms of corruption in education. While there are many valid reasons for a teacher to be away from the classroom, some absences are clearly illegitimate, such as when teachers 'moonlight' – working elsewhere when they should be teaching. Even official absences may be the cause of inefficiency or corruption upstream. In many cases officials rely on teachers for election campaigning. Regardless of the reason, the system is failing the child when there are high levels of teacher absences. Even non-corrupt absences take a toll on student learning. (<http://blogs.worldbank.org/education/hidden-cost-corruption-teacher-absenteeism-and-loss-schools>) accessed on the 24/08/2015.

In 2012, Prof. Heystek interviewed 40 school principals in the Western Cape and Mpumalanga. In these one-on-one interviews, a recurring theme was the power struggles between principals and teachers, with the unions having a significant influence. The principals are supposed to be accountable for the performance of their schools but say they lack the authority to make the teachers work better. The unions also protect the teachers against disciplinary action. There was a marked lack of trust between the principals and the teachers.

In similar interviews with Finnish principals, Prof. Heystek had very different results. What he picked up was that the concept of trust was the critical success factor at Finnish schools. Yes, they have money. However, trust and respect between the parents and teachers, the principals and teachers, and the learners and teachers, was strongly in evidence.

(<http://www.biznews.com/thought-leaders/2015/01/13/jan-heystek-how-to-fix-sa-education/>)

The aim of SACE through Teacher Development initiatives and interventions was to look at the challenges facing the schools and colleges in terms of educator disciplinary matters and taking an appropriate action in terms of the short-term, medium term and long term strategies to improve the reporting and information collection in order to resolve the reported disciplinary cases.

The key participants in this process included the teacher unions, the South African Council for Educators (SACE), the Department of Basic Education (DBE) and the (DHET) including the justice system and other agencies, in some cases as well as investigations that are reported to these departments and authoritative bodies.

During 2014 in South Africa there were 425 090 educators in the education system whilst in 2012 there were 425 167 educators, and this shows a decline of 77 educators. Refer to the table below indicating the number of educators in 2014.

**Table 1: Total number of Educators provincially in 2014**

<b>Name of Province</b>	<b>No of educators</b>
<b>Kwa Zulu-Natal</b>	95 560
<b>Gauteng</b>	77 265
<b>Eastern Cape</b>	64 258
<b>Limpopo</b>	57 256
<b>Western Cape</b>	35 931
<b>Mpumalanga</b>	35 000
<b>North West</b>	26 086
<b>Free State</b>	24 552
<b>Northern Cape</b>	9 182
<b>Total</b>	<b>425 090</b>

The province that has the most number of educators in 2014 is KwaZulu-Natal (95 560), followed by Gauteng (77 265), thereafter the Eastern Cape (64 258), Limpopo (57 256), Western Cape (35 931), and Mpumalanga (35 000), North West (26 086), Free State (24 552) and the least was the Northern Cape (9 182). The above-mentioned statistics are crucial in comparing the number of educators who are subjected to disciplinary procedures and processes due to alleged offenses they have committed. There is a strong belief that the Professional Development of teachers will improve and enhance the integrity and character of educators and boost their performance in delivering education.

## **1.4 SACE DISCIPLINARY REPORTS**

SACE compiles files and cases of disciplinary reports referred to them by various individuals, bodies and provincial departments of education.

Registration with the South African Council for Educators (SACE) is compulsory for all educators, including those teaching at independent schools. All educators are therefore subject to SACE's code of professional ethics and an educator's name may be removed from the register when he/she is found guilty of a breach of the code.

Although the educator's professional relationship with SACE must be distinguished from his/her employment relationship with the H.o.D, these relationships mutually influence each other, for example, an educator who is removed from the SACE register may not be employed as an educator by any employer ( <http://dspace.nmmu.ac.za:8080/jspui/bitstream/10948/1567/1/MFUNDO>). [Accessed: on the 15/08/2015].

These disciplinary reports are dealt with following the legal requirements amongst others, Section 17 of the Employment of Educators Act 28, which prohibits educators from committing sexual or any other form of harassment, which by implication prohibits them from having sexual relations with learners. If any educator is found to have transgressed this prohibition, such an educator is guilty of misconduct in terms of the Act and liable to suspension (Employment of Educators Act 76 of 1998).

## **1.5 SACE PREVIOUS RESEARCH STUDY DEVELOPMENTS**

SACE has embarked on a similar research study earlier on, which was conducted in 2008 and 2009 in order to determine the disciplinary trends in comparison with other countries. The previous research study was entitled "Report on disciplinary cases referred to the South African Council for Educators in 2008 and 2009 and their policy implications in the context of international professional practice". The study examined the supplied data for reported misconduct cases in relation to SACE's brief or mandate as a professional body including comparison with similar organizations in other countries globally.



## 1.6 MATTERS FOR CONSIDERATION

Based on the current 5 year trend study, the following details were very important for consideration in probing and investigating the study broadly and encompassing both the quantitative and qualitative study in a mixed method research approach.

### QUANTITATIVE DATA - SACE

#### Case File Data

- \* Year
- \* Location
- \* School profile
- \* Accused
- \* Misconduct case
- \* Disciplinary hearing
- \* Investigation process
- \* Turnaround time
- \* Outcome of the case
- \* Sanction
- \* Complainant
- \* Parties involved

### QUALITATIVE DATA -

#### In-depth interviews

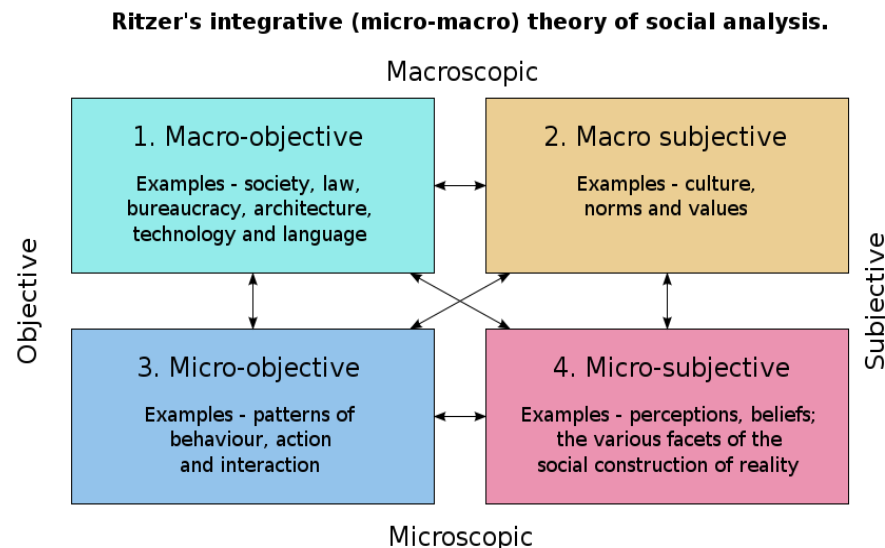
- \* linkages between different kinds of misconduct and demographic & socio-economic factors
- \* the reasons for under-reporting in certain provinces
- \* the effectiveness and efficiency in dealing with cases
- \* the reasons for the delays in processing cases
- \* the cooperation, or the lack thereof, from some provincial departments of education
- \* gaps in SACE's data collection system

## 2. RESEARCH METHODS AND DESIGN

### 2.1 RESEARCH METHODOLOGY

The Research methodology applied in this study was both qualitative and quantitative. The initial research method applied in the research was quantitative, which aimed at investigating the Disciplinary cases reported to SACE over a period of 5 years.

The layers of protocol and delegation had an impact on the dissemination of the policies and regulations. The macro-level is regarded as the objective group where the policy had been adopted by a collective consensus (bureaucracy). Whilst subjective at the micro-level, it was at the individual level where interpretation and ambiguity emanate and create tensions and contestations based on perceptions and beliefs.



**Figure 1: Ritzer's micro-macro levels of social analysis**

The research included the qualitative research method based on the model by Ritzer known as micro-macro level of social analysis. Qualitative research refers to any data collection technique or data analysis procedure that generates non-numerical data (Saunders, *et al.*, 2009). Qualitative research seeks to achieve an in-depth understanding of a situation. It is designed to tell the researcher how (process) and why (meaning) things happen as they do (Cooper & Schindler, 2011). The researchers concurred to use both the qualitative research and quantitative research method because this enabled the researchers to unearth and consolidate the underlying and emerging factors.

## **2.2 RESEARCH DESIGN**

The research design may be regarded as a framework or blueprint for conducting a research project, or as a conduit through which conditions for collecting and analyzing data are synthesized. According to Babbie (2008), it is a strategy or scientific inquiry aimed at finding something. Its aim is to plan and structure a research project in such a way that the validity of the research findings are maximized (Mouton & Marais, 1991). The implicit purpose of the research design is to detail the procedures for obtaining the required information to structure and solve the research problem.

## **2.3 THE EMPIRICAL INVESTIGATION PROCESS**

The empirical investigation process can be broken down as follows:

- **Unit of analysis**

The targeted unit of analysis was the SACE reported disciplinary cases of educators, principals, HoD's, SGB and officials (district, regional offices and union officials) in the different provinces within the DBE and DHET schools/colleges. The perceptions of the respondents were important within the sector, and the sample was opened to broader participants.

- **Demographic details**

Participants included their gender, age; position occupied and involved a number of people who were 'alleged' to have committed the misdemeanor/offense.

- **Research group**

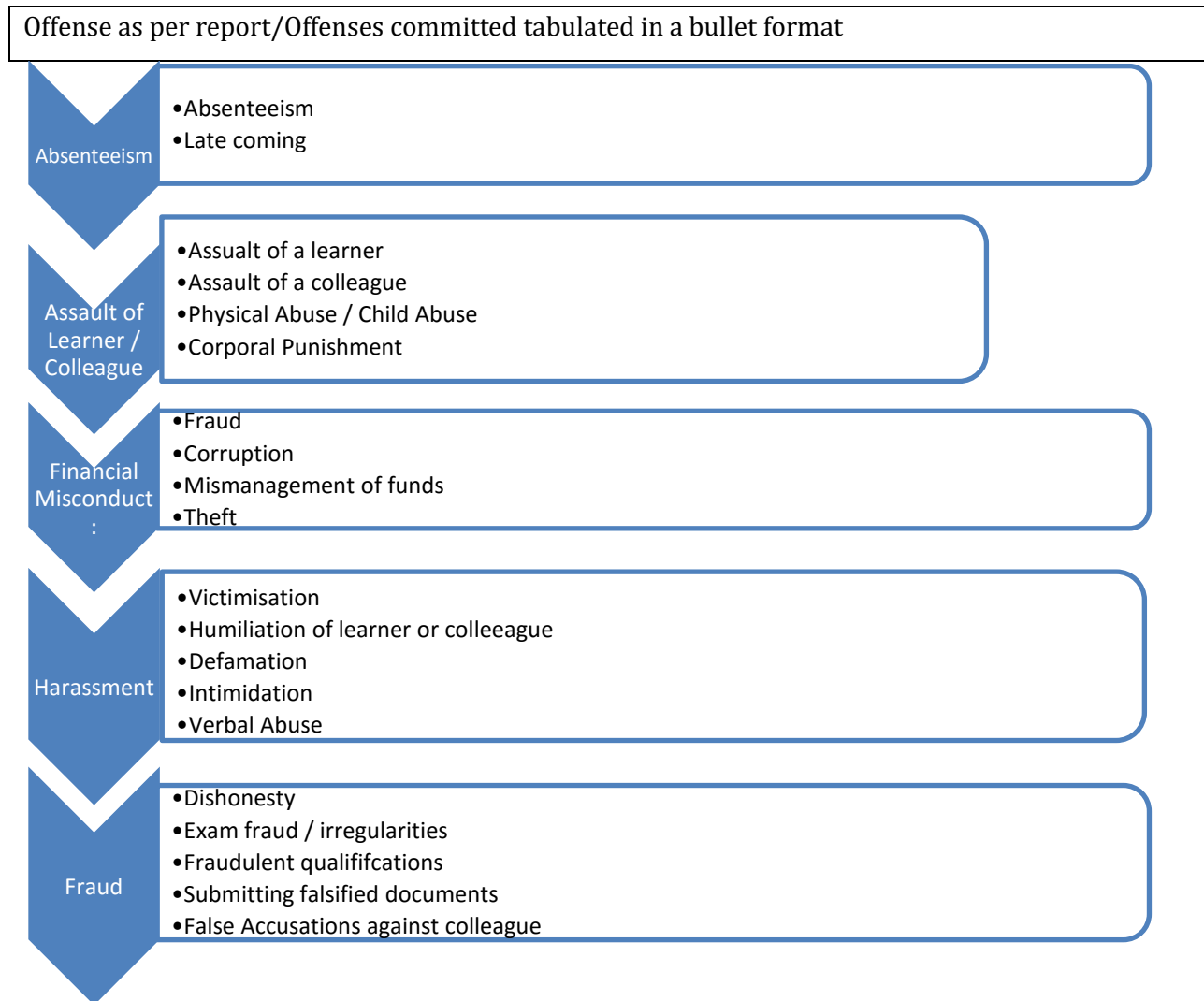
The research group unit analysis was the SACE reported disciplinary cases of educators, principals, HoD's, SGB and officials (district, regional offices and union officials).

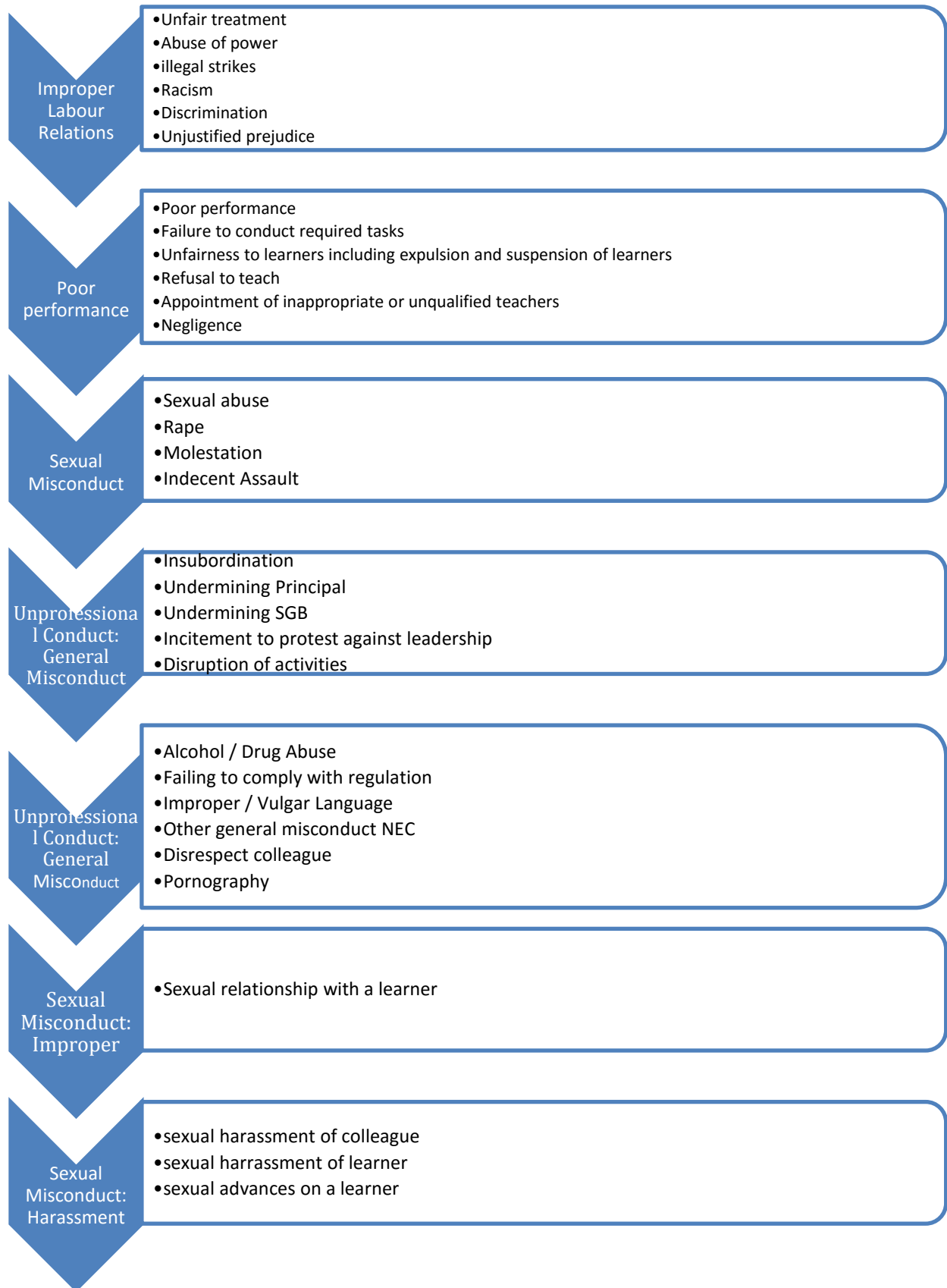
## **2.4 SURVEY LIST DESIGN**

The design of the empirical investigation was based on a supplied excel spreadsheet and information on files under SACE control where this information was compiled and monitored. The supplied files had information about the offenders who were reported to SACE for disciplinary measures over the years; although the research study focusses on a period of five years. The list and themes related to Disciplinary cases reported to SACE over more years. The research results were analyzed and prioritized according to the coded themes based on most accused participants; who in this case were

educators, HoD's, Principals, SGB's and district officials.

The emerging themes were divided according to the following categories;





## **2.5 RELIABILITY AND VALIDITY OF THE SUPPLIED INFORMATION**

In determining the reliability and validity factor of the research study information, it is important to briefly explain these two concepts separately, including how they relate or add value to this research.

### **2.5.1 Reliability**

Reliability refers to the consistency and the dependability of the measures (Rose & Sullivan, 1996) and the accuracy and precision of a measuring or assessment instrument (Kerlinger, 1986). A way of measuring reliability is the 'split-half method' (Babbie, 2008).

### **2.5.2 Validity**

The validity of the research instrument may be determined as content validity, concurrent validity, construct validity or face validity. This study uses content and constructs validity, discussed in turn here. If the assessment is valid it may also be reliable (Field, 2009).

## **2.6 THE PROVINCIAL REPORTING PROFILE OF DISCIPLINARY CASES**

The offenses were mostly committed and currently take place within the nine provinces in South Africa and this is the jurisdiction of SACE. The frequency level of reporting differs from province to province; the research aims to investigate this phenomenon in order to enable SACE an opportunity to implement sustainable support systems between local schools/colleges, regions, districts and provinces. The role of SACE is unambiguous and mandatory in interacting and offering the necessary support to the schooling/college sector.

All the provinces report their cases from different provincial education departments (PED's) to different statutory bodies including DBE and DHET, who refer these cases to SACE for further investigation and application of the appropriate sanction where applicable and necessary. Refer to the table below.

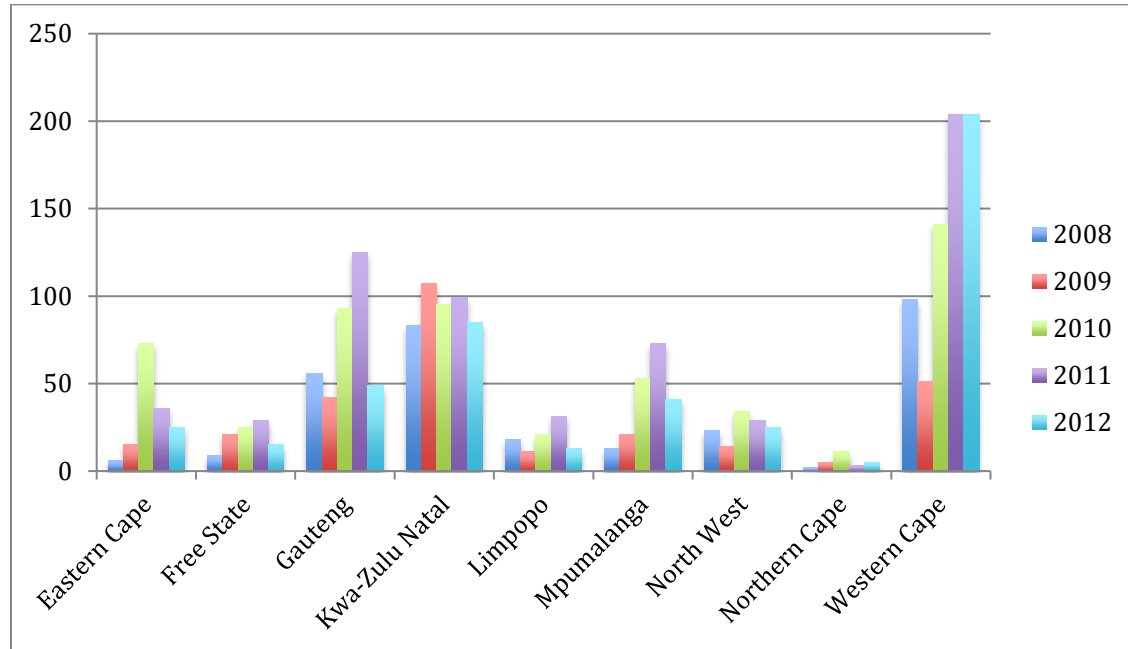
**Table 2: Number of Reported Disciplinary cases by provinces 2008-2012**

Provinces	2008		2009		2010		2011		2012	
	N	%	N	%	N	%	N	%	N	%
<b>Eastern Cape</b>	6	2%	15	5%	73	13%	36	6%	25	5%
<b>Free State</b>	9	3%	21	7%	25	5%	29	5%	15	3%
<b>Gauteng</b>	56	18%	42	15%	93	17%	125	20%	49	11%
<b>Kwa-Zulu Natal</b>	83	27%	107	37%	95	17%	99	16%	85	18%
<b>Limpopo</b>	18	6%	11	4%	21	4%	31	5%	13	3%
<b>Mpumalanga</b>	13	4%	21	7%	53	10%	73	12%	41	9%
<b>North West</b>	23	7%	14	5%	34	6%	29	5%	25	5%
<b>Northern Cape</b>	2	1%	5	2%	11	2%	3	0%	5	1%
<b>Western Cape</b>	98	32%	51	18%	141	26%	204	32%	204	44%
<b>(blank)</b>		0%		0%		0%		0%		0%
<b>Grand Total</b>	<b>308</b>	<b>100%</b>	<b>287</b>	<b>100%</b>	<b>546</b>	<b>100%</b>	<b>629</b>	<b>100%</b>	<b>462</b>	<b>100%</b>

Table 2 shows an erratic picture of reported disciplinary cases in most provinces over the period of 5 years. In 2008 there were 308 disciplinary cases reported with the Western Cape leading with a total of 98 cases reported which was translated to 32%, followed by Kwa-Zulu Natal with a total of 83 cases reported which translated to 27%, the third was Gauteng with a total of 56 cases which was translated to 18%. North West, Limpopo and Mpumalanga reported respectively a total of 23, 18 and 13 cases which translated to 7%, 6% and 4%. Whilst the least reported disciplinary cases were in the Free State, Eastern Cape and Northern Cape reported respectively a total of 9, 6 and 2 cases which in percentage translated to 3%, 2% and 1%.

Refer to the figure below for the number of disciplinary cases per province.

Figure 2: Number of Reported Disciplinary cases by provinces 2008-2012



In 2011 the highest number of cases totaled 629 reported disciplinary cases with the Western Cape leading with 32%, followed by Gauteng with 20% and Kwa Zulu Natal with 16%. The trend is the same with the rest of the provinces. The trends are that 2009 was the least year of reported disciplinary cases which totaled 287 transgressions, followed by 2008 with 308 transgressions. Whilst from 2010 there was a steady increase of transgressions which totaled 546 reported disciplinary cases, followed by 2011 with the highest number of transgressions over the 5 year period of 629 cases. However, in 2012 there was a sharp decline of 462 transgressions reported.

Figure 2 graphically illustrates the reported disciplinary cases to SACE from 2008-2012 provincially.



### **3. ANALYSIS OF QUANTITATIVE RESEARCH FINDINGS**

#### **3.1 THE ANALYSIS AND INTERPRETATION OF THE EMPIRICAL DATA**

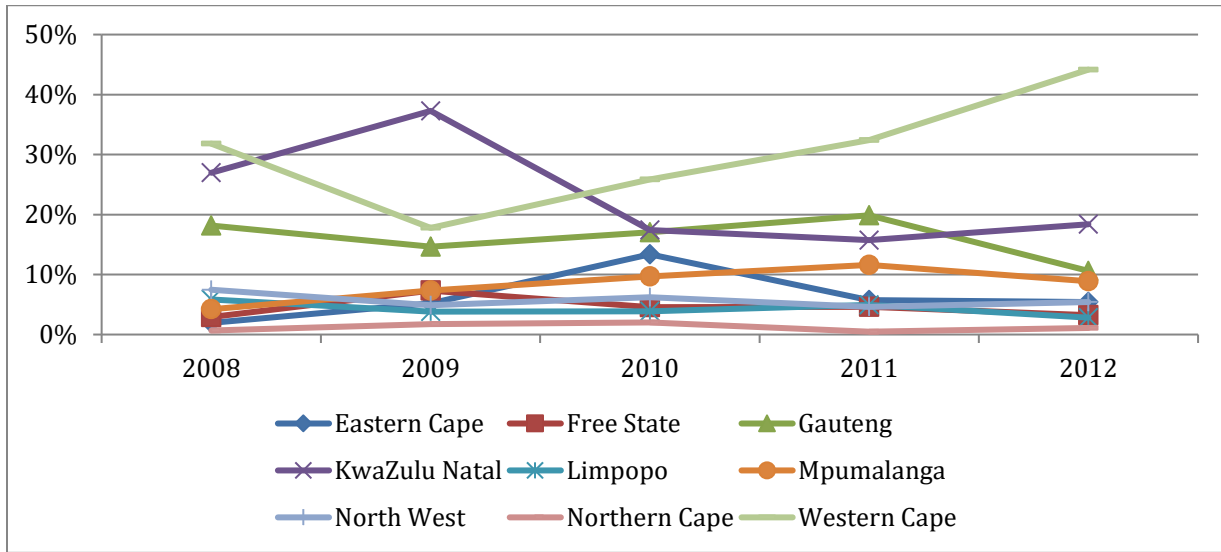
Chapter Two highlighted the research design and methodology undertaken. This partly included the research process followed to solicit the relevant information, the design of the survey and disciplinary cases investigated by SACE and the sanctions meted out to the transgressors and the coded themes and items aligned to the review of Reported Disciplinary cases to SACE from 2008 to 2012.

#### **3.2 PROVINCIAL TRENDS ON REPORTED CASES**

The number of reported disciplinary cases to SACE is insignificant if compared to the number of the total number of educators in the system, however, the gravity and sensitivity of these disciplinary cases cannot be undermined or reduced to minuscule cases. In 2012 the total number of educators in the system was 425 167 against the number of reported disciplinary cases to SACE which was 462 in total and in percentage translated to 0.10%, which seems to be a very insignificant number reported disciplinary cases to SACE when compared to the total number of educators in the education system. However, there is a slight increase when compared to the earlier two year study which recorded 0.06%.

The 5 year research study indicates a growing trend in the number of reported disciplinary cases to SACE. This might be attributed to the level of awareness by the alleged victims and mechanisms in place to process the cases as well as the capture of the supplied information. This situation demands from SACE savvy intervention strategies in order to resolve these cases speedily and decisively. The graphic illustration of these trends is indicated in the figure below.

**Figure 3 Number of Reported Disciplinary cases provincially**



The graph in Figure 3 shows that the Western Cape has a significant increase on the number of reported disciplinary cases, followed by Kwa Zulu Natal and Gauteng provinces respectively.

### 3.3 TYPE OF INSTITUTIONS/SCHOOLS OF CASES SURVEYED

The institutional type is very important to understand where most of these disciplinary cases occur. They serve as areas where intervention strategies must be applied. The cases that were surveyed were based on a number of different institutional types namely:

- ABET
- High schools
- Intermediate/Combined schools
- Other /unspecified
- Pre-Primary schools
- Primary Schools and
- Special Needs Schools
- Technical schools

### 3.4 INSTITUTIONAL/SCHOOL TYPE (PUBLIC ORDINARY SCHOOLS)

The survey was conducted based on reported disciplinary cases based in schools/colleges and other institutional types. There were in total 2233 institutional types reported to SACE over the 5-year period. The total number of schools in South Africa in 2012 was 25 826 (School Realities, 2014 statistics). The reported institutional types constitute 8.6% of total institutional types excluding the colleges or TVET institutions. The number of reported institutions is insignificant compared to the total number of public ordinary schools, which translates to 91.4%.

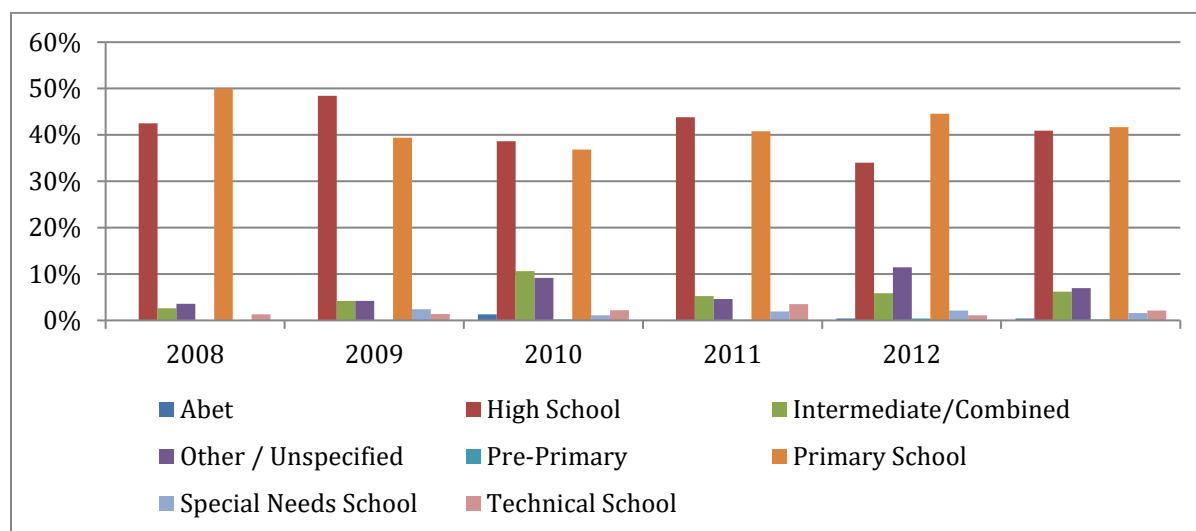
**Table 3: Institutional/School type of Reported Disciplinary cases from 2008-2012**

Institutional/School Type	2008	2009	2010	2011	2012	Grand Total
<b>Abet</b>			7		2	9
<b>High School</b>	131	139	211	276	157	914
<b>Intermediate/Combined</b>	8	12	58	33	27	138
<b>Other / Unspecified</b>	11	12	50	29	53	155
<b>Pre-Primary</b>			1	1	2	4
<b>Primary School</b>	154	113	201	257	206	931
<b>Special Needs School</b>		7	6	12	10	35
<b>Technical School</b>	4	4	12	22	5	47
<b>Grand Total</b>	<b>308</b>	<b>287</b>	<b>546</b>	<b>630</b>	<b>462</b>	<b>2233</b>

Table 3 shows that the most reported disciplinary cases to SACE were in the primary school section with a total of 931 reported disciplinary cases, followed by the high school section with 914 reported cases, whilst 155 reported cases were regarded as unspecified or other. The intermediate and combined schools were rated third with 138 reported disciplinary cases. Technical schools reported 47 disciplinary cases, followed by Special Needs Schools with 35 reported disciplinary cases and the least were ABET and Pre-Primary schools with 9 and 4 reported cases respectively.

The figure below indicates the graphic representation of the reported disciplinary cases per institutional type.

**Figure 3: The graphic illustration of Reported Disciplinary institutional types**



Primary schools comprise 42% of reported disciplinary cases, which is a significantly high number of reported transgressors, followed by high schools with 41% of reported disciplinary cases, which is also a very high number. The trends indicate that from 2008 to 2012 there was a slight decline because it was 50% in 2008 and 45% in primary schools, whereas there is a significant decline in high schools in comparison to primary schools, it was 43% in 2008 and 34% in 2012.

### 3.5 NUMBER OF ACCUSED ON CASES SURVEYED

The number of accused persons or people of reported disciplinary cases to SACE differed significantly with individuals leading in the 5 year period trend. In 2008 and 2009 they totaled 259 and 248 respectively, whilst from 2010 to 2012 there was a significant increase which totaled 520, 598 and 442 in that 3 year period. In terms of percentage in 2008 and 2009 it was 84% and 86%, whilst in 2010 and 2011 it doubled the 2008 and 2009 numbers and in percentage was 95%. However, in 2012 there was a decline in terms of total cases reported over the five-year period.

Reported cases with two or more persons involved were significant in 2008 and 2009, which totaled 22 and 30 respectively and in percentage 7% and 10% whilst in 2010 it was zero percent. In 2011 and 2012 totaled 7 and 3 respectively and whilst in percent it was 1%. Multiple and unknown also had an insignificant number of between 1% and 3% from 2010 to 2012. Refer to the table below.

**Table 4: Number of Accused Reported Disciplinary cases**

Number of Accused	2008		2009		2010		2011		2012	
	N	%	N	%	N	%	N	%	N	%
<b>1</b>	259	84%	248	86%	520	95%	598	95%	442	96%
<b>2</b>	22	7%	30	10%		0%	7	1%	3	1%
<b>3</b>	15	5%		0%		0%	4	1%	1	0%
<b>4</b>	4	1%	4	1%		0%	1	0%		0%
<b>5</b>		0%	5	2%		0%	1	0%		0%
<b>6</b>		0%		0%		0%	1	0%		0%
<b>8</b>	8	3%		0%		0%	1	0%		0%
<b>9</b>		0%		0%		0%		0%	1	0%
<b>14</b>		0%		0%		0%	1	0%		0%
<b>23</b>		0%		0%	1	0%		0%		0%
<b>Multiple (number unknown)</b>		0%		0%	12	2%	10	2%	2	0%
<b>Unknown</b>		0%		0%	13	2%	6	1%	13	3%
<b>Grand Total</b>	<b>308</b>	<b>100%</b>	<b>287</b>	<b>100%</b>	<b>546</b>	<b>100%</b>	<b>630</b>	<b>100%</b>	<b>462</b>	<b>100%</b>

### **3.6 GENDER OF ACCUSED REPORTED DISCIPLINARY CASES**

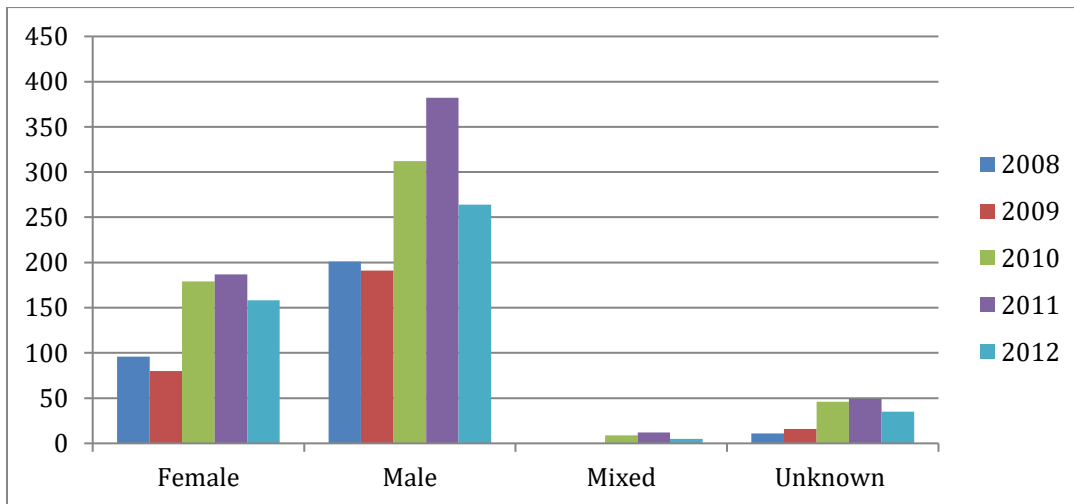
According to the survey data in the table below, the males are the leading perpetrators in the 5 year trend period with 2011 indicated as the highest number of reported disciplinary cases for both genders totaling 382 cases for males and 187 for females. Over the 5year period males reported cases totaled 1350 cases whilst females reported a little over half of the number over the same period which totaled 700 cases.

**Table 5: Gender of Accused Reported Disciplinary cases**

Gender of Accused	2008	2009	2010	2011	2012	Grand Total
<b>Female</b>	96	80	179	187	158	700
<b>Male</b>	201	191	312	382	264	1350
<b>Mixed</b>			9	12	5	26
<b>Unknown</b>	11	16	46	49	35	157
<b>Grand Total</b>	<b>308</b>	<b>287</b>	<b>546</b>	<b>630</b>	<b>462</b>	<b>2233</b>

Figure 4 of the gender of accused reported disciplinary cases which succinctly show that males emerge as main leading offenders in the 5 year trend. They are followed by females. Although they are in most instances 50% less than males in the 5 year period. This shows that males are the predominant transgressors and perpetrators in the schooling/college sector.

**Figure 4: Gender of Accused Reported Disciplinary cases**



The graph in Figure 4 clearly depicts the skew of the accused reported disciplinary cases to SACE. 2011 is leading in terms of all the offenders, followed by 2010 and thereafter 2012. The least reported disciplinary cases to SACE are in 2008 and 2009 respectively.

Table 6 depicts the gender of reported disciplinary cases provincially. In 2008 Western Cape was leading with the total number of both genders which totaled 96 with males leading in a total of 77

males and women 19 reported disciplinary cases. In 2012 the Western Cape was still leading 134 males and 60 females reported, which translated to 51% and 38% respectively. Followed by the KwaZulu-Natal in 2008 with 48 female and 32 males of reported cases with a different skew whereby female transgressors are more than males which is not a norm. In 2012 the skew changed to 37 females and 42 males but still the second leading province. Gauteng was third in 2008 with 44 males and 10 females; in 2012 there were 21 females against 20 males which showed a changed pattern of females becoming the leading transgressors. Eastern Cape and the Northern Cape reported the least number of reported disciplinary cases.

### 3.7 GENDER OF ACCUSED BY PROVINCES

Table 6: Gender of accused provincially

Province	2008				2009				2010				2011				2012			
	Female		Male		Female		Male		Female		Male		Female		Male		Female		Male	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>Eastern Cape</b>		0%	5	2%	5	6%	10	5%	12	7%	50	16%	7	4%	25	7%	6	4%	16	6%
<b>Free State</b>	4	4%	5	2%	3	4%	17	9%	7	4%	16	5%	4	2%	24	6%	6	4%	8	3%
<b>Gauteng</b>	10	10%	44	22%	10	13%	30	16%	34	19%	52	17%	51	27%	65	17%	21	13%	20	8%
<b>Kwa-Zulu Natal</b>	48	50%	32	16%	43	54%	54	28%	41	23%	46	15%	42	23%	47	12%	37	23%	42	16%
<b>Limpopo</b>	4	4%	14	7%	3	4%	8	4%	3	2%	15	5%	4	2%	17	4%	3	2%	9	3%
<b>Mpumalanga</b>	4	4%	8	4%	4	5%	16	8%	16	9%	29	9%	19	10%	47	12%	12	8%	21	8%
<b>North West</b>	7	7%	14	7%	2	3%	10	5%	12	7%	18	6%	3	2%	21	5%	13	8%	12	5%
<b>Northern Cape</b>		0%	2	1%		0%	5	3%	1	1%	4	1%		0%	2	1%		0%	2	1%
<b>Western Cape</b>	19	20%	77	38%	10	13%	41	21%	53	30%	82	26%	56	30%	134	35%	60	38%	134	51%
<b>Grand Total</b>	<b>96</b>	<b>100%</b>	<b>201</b>	<b>100%</b>	<b>80</b>	<b>100%</b>	<b>191</b>	<b>100%</b>	<b>179</b>	<b>100%</b>	<b>312</b>	<b>100%</b>	<b>186</b>	<b>100%</b>	<b>382</b>	<b>100%</b>	<b>158</b>	<b>100%</b>	<b>264</b>	<b>100%</b>



### 3.8 AGE OF THE ACCUSED

The age range of the accused is highly significant in the 45-54 year olds indicating the elderly and experienced perpetrators totaled 278 cases, followed by the 35-44 year olds still significantly high with 253 reported cases, followed by 55-64 year olds reported cases totaling 94 cases. However, the age of the not specified is significantly high; it shows an anomaly of how the information was collected without determining the age of the transgressor and perpetrator.

**Table 7: Age of the accused from 2008-2012**

Age range of accused	2008	2009	2010	2011	2012	Grand Total
<b>&lt;24</b>	2	2	1	2		3
<b>25-34</b>	13	7	15	14	10	39
<b>35-44</b>	63	52	98	114	41	253
<b>45-54</b>	45	52	98	96	84	278
<b>55-64</b>	18	14	51	23	20	94
<b>65+</b>			1	14	28	43
<b>Not Specified</b>	167	160	282	367	279	928
<b>Grand Total</b>	<b>308</b>	<b>287</b>	<b>546</b>	<b>630</b>	<b>462</b>	<b>1638</b>

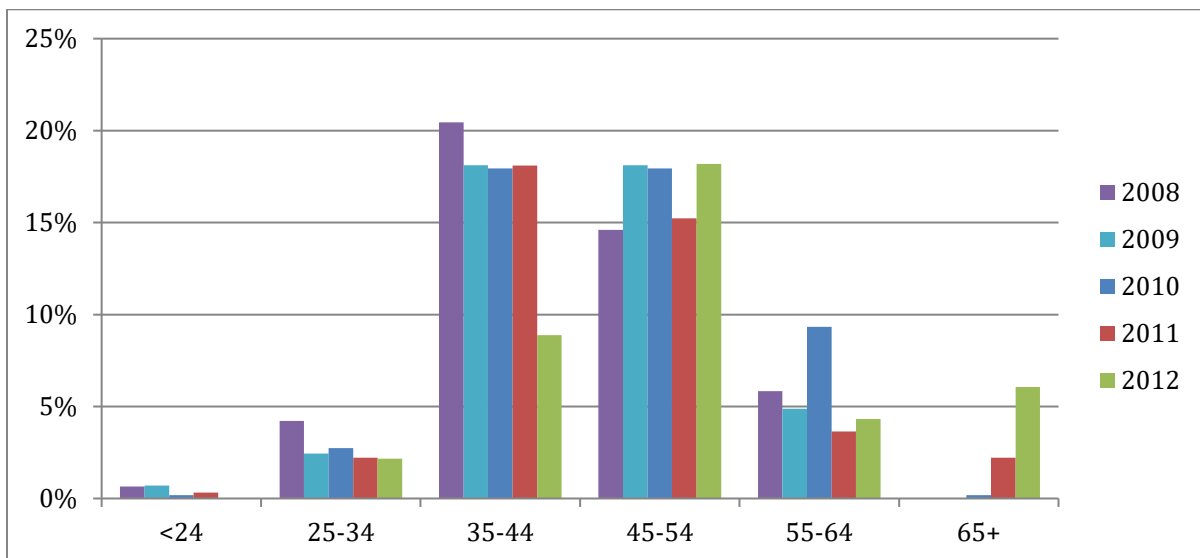
Table 8 shows the age percentage range of the accused over the 5 year period and confirms that 57% of the accused age was not specified. This can be attributed to systemic error on how such sensitive and crucial information was not recorded. However, the leading age range is 45-54 which translates to 17% of the accused, followed by the 35-44 age cohorts who translate to 15%. The other ages show insignificant numbers of between 2% and 6 %.

**Table 8: Percentage age of the accused**

Age Percentage range	2008	2009	2010	2011	2012	Grand Total
<24	1%	1%	0%	0%	0%	0%
25-34	4%	2%	3%	2%	2%	2%
35-44	20%	18%	18%	18%	9%	15%
45-54	15%	18%	18%	15%	18%	17%
55-64	6%	5%	9%	4%	4%	6%
65+	0%	0%	0%	2%	6%	3%
<b>Not Specified</b>	54%	56%	52%	58%	60%	57%
Grand Total	100%	100%	100%	100%	100%	100%

Figure 5 graphically depicts the age range of the accused over a period of 5 years and the developing age trends.

**Figure 5: Age of the accused graphically 2008-2012.**



Find below the offenses type by age category over the period under review.

**Table 9: Offenses type by Age category**

Offense	<24	25-34	35-44	45-54	55-64	65+	Not Specified	Grand Total
<b>Absenteeism (including late coming)</b>		1	24	18	9	3	49	104
<b>Assault of Learner / Colleague (includes corporal punishment)</b>	1	20	112	143	62	23	229	590
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>		10	49	62	9	9	113	252
<b>Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)</b>		4	12	10	1		38	65
<b>Harassment, Victimization, intimidation, humiliation of learner of colleague</b>	1		13	12	3	3	185	217
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>			9	9	5		79	102
<b>Other N.E.C or Not Stated</b>	1		17	21	18		99	156
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>			9	14	3	1	53	80

<b>Sexual Misconduct: Assault / Abuse / Rape</b>		6	24	17	6	1	41	95
<b>Sexual Misconduct: Harassment</b>	1	4	18	23	2	1	40	89
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>	3	11	28	6	1		93	142
<b>Unprofessional Conduct: General Misconduct</b>		3	41	30	5	2	194	275
<b>Unprofessional Conduct: Insobordination</b>			12	10	2		42	66
<b>Grand Total</b>	<b>7</b>	<b>59</b>	<b>368</b>	<b>375</b>	<b>126</b>	<b>43</b>	<b>1255</b>	<b>2233</b>

The table indicates that most offenses occurred under the non-specified as the age of those were not captured in the data. This was followed by the 45-54 age cohort with 375 offenses. The highest number of offenses for this group was the Assault of Learner / Colleague (includes corporal punishment) (143), followed by Financial Misconduct: Fraud / Mismanagement (includes theft) (62). The 35-44 age group follows the 45-54 age group with 368 offenses. The highest no of offenses was Assault of Learner / Colleague (includes corporal punishment) (112), this was followed by Financial Misconduct: Fraud / Mismanagement (includes theft) (49). The lowest offenses per age group was committed by the under 24 category (7), followed by the over 65 (43) and 24-34 age cohort (59).

**3.9 POSITION OF ACCUSED**

The position of the accused is a very important factor in the disciplinary cases reported to SACE as it depicts the severity of the problem as educators are considered to be upholders of the law, and show exemplary behaviour in their respective communities. In 2010 the highest number of reported cases for educators was 329 which accounted for 60% of the total cases reported. The second was 2011, which was at 315 which accounted for 50% of the total disciplinary cases reported. The third was 2008 with 230 educators which accounted for 75% of the total number of disciplinary cases reported. The principals and deputies were second after the educators; the highest number of cases reported was in 2009 which translated to 26% of the total cases reported. Other management which included department and union officials was third with the highest number of reported cases was in 2009 with

12 cases reported which translated to 4% of the total number of the cases reported.

**Table 10: Position of the accused**

Position of Accused	2008		2009		2010		2011		2012	
	N	%	N	%	N	%	N	%	N	%
<b>Educator (including temporary)</b>	23	75%	18	63%	32	60%	31	50%	22	49%
<b>Head of Department (including Acting)</b>	3	1%	6	2%	6	1%	4	1%	6	1%
<b>Learner(s)</b>		0%	2	1%		0%		0%		0%
<b>Non-academic Staff</b>	1	0%	5	2%	2	0%	1	0%	1	0%
<b>Not Specified</b>	1	0%	3	1%	12	23%	23	38%	17	38%
<b>Other management (including department and union officials)</b>	8	3%	12	4%	5	1%	3	0%	3	1%
<b>Principal / Deputy (including Acting)</b>	65	21%	76	26%	76	14%	61	10%	45	10%
<b>SGB/Member</b>		0%	1	0%		0%	1	0%		0%
<b>Various</b>		0%		0%		0%	6	1%	4	1%
<b>Grand Total</b>	<b>30</b>	<b>100</b>	<b>28</b>	<b>100</b>	<b>54</b>	<b>100</b>	<b>63</b>	<b>100</b>	<b>46</b>	<b>100</b>
	<b>8</b>	<b>%</b>	<b>7</b>	<b>%</b>	<b>6</b>	<b>%</b>	<b>0</b>	<b>%</b>	<b>2</b>	<b>%</b>

Table 10 further shows that the educators are the leading dominant accused in terms of position ranging from 75% in 2008 to 49% in 2012. They are followed by principals and deputies with 21% in 2008 to 10% in 2012; this indicates a decline in reported disciplinary cases to SACE, the highest reporting for educators was in 2008 with 75%. The reported cases for principals and deputies were in 2009 with 26% of disciplinary cases reported to SACE. This is a significant number of reported incidents based on the position of the transgressors. There has been a drastic increase on the number of unspecified persons from 0% in 2008 to 38% in 2011 and 2012. The learners, SGB and non-academic staff reported cases were insignificant.

Below is a table that indicated the type of offenses per position over the five year period.

**Table 11: Offenses type per position**

Offense	Educa tor (inclu ding tempo rary)	Head of Depar tment (inclu ding Acting )	Lear ner( s)	Non- acade mic Staff	Not Spec ified	Other managem ent (including departmen t and union officials)	Princip al / Deputy (includi ng Acting)	SGB/ Mem ber	Vari ous	Grand Total
<b>Absenteeism (including late coming)</b>	78	1			23		2			104
<b>Assault of Learner / Colleague (includes corporal punishment)</b>	371	2	1	1	167	1	47			590
<b>Financial Misconduct: Fraud / Mismanagem ent (includes theft)</b>	137		1	1	61		50	1	1	252
<b>Fraud (including exam fraud, fraudulent qualificatio ns and 'dishonesty').</b>	45				12		8			65

<b>Excludes financial fraud)</b>										
<b>Harassment, Victimization, intimidation, humiliation of learner of colleague</b>	93	5			53	5	59	1	1	217
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>	23	2		4	16	20	36		1	102
<b>Other N.E.C or Not Stated</b>	92	1		1	43	1	17		1	156
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>	35	3			18		21		3	80
<b>Sexual Misconduct:</b>	68	1			18		8			95

<b>Assault / Abuse / Rape</b>										
<b>Sexual Misconduct: Harassment</b>	50	1		1	21	1	15			89
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>	98	1			31		10		2	142
<b>Unprofessional Conduct: General Misconduct</b>	155	4		2	67	2	45			275
<b>Unprofessional Conduct: Insubordination</b>	39	4			16	1	5		1	66
<b>Grand Total</b>	<b>1284</b>	<b>25</b>	<b>2</b>	<b>10</b>	<b>546</b>	<b>31</b>	<b>323</b>	<b>2</b>	<b>10</b>	<b>2233</b>

Table 11, above shows that most of the offenses were committed by educators (including temporary educators), 1284. This was followed by non-specified positions, 546 and Principals and Deputies (including acting). The highest no of offenses for educators is Assault of Learner / Colleague (includes corporal punishment), followed by Unprofessional Conduct: General Misconduct, 155 and Financial Misconduct: Fraud / Mismanagement (includes theft), 137.

The Principals and Deputies( including acting) highest offenses include Harassment, Victimization, intimidation, humiliation of learner of colleague, 59, followed by Financial Misconduct: Fraud / Mismanagement (includes theft), 50.



## 4. SUMMARY OF FINDINGS IN REPORTED DISCIPLINARY CASES TO SACE

### 4.1 INTRODUCTION

The main purpose of this chapter is to consolidate and integrate the findings on Reported Disciplinary cases to SACE. A summary of findings are highlighted and explored as there are a myriad of offenses and transgressions committed in all the different provinces of South Africa in the educational sector. Hence it is imperative for SACE to collate this information in order to intervene appropriately and decisively.

This section is aimed at highlighting the various offenses that have been committed in schools/colleges in all the provinces. It will include all the incumbents.

### 4.2 THE SUMMARY OF HIGHLIGHTED OFFENSES

**Table 12: number of highlighted offenses of Reported Disciplinary cases**

Number of offenses committed	2008	2009	2010	2011	2012
<b>Absenteeism (including late coming)</b>	16	8	31	28	21
<b>Assault of Learner / Colleague (includes corporal punishment)</b>	82	49	104	191	164
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>	54	51	34	61	52
<b>Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)</b>	15	11	10	15	14
<b>Harassment, Victimization, intimidation, humiliation of learner or colleague</b>	31	34	36	68	48
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>	15	42	17	12	16
<b>Other N.E.C or Not Stated</b>	1	2	110	31	12
<b>Poor Performance (including mismanagement, improper process in</b>	13	11	9	30	17

<b>promoting / expelling learners)</b>					
<b>Sexual Misconduct: Assault / Abuse / Rape</b>	8	13	31	23	20
<b>Sexual Misconduct: Harassment</b>	5	22	22	20	20
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>	19	17	28	60	18
<b>Unprofessional Conduct: General Misconduct</b>	41	17	102	67	48
<b>Unprofessional Conduct: Insubordination</b>	8	10	12	24	12
<b>Grand Total</b>	<b>308</b>	<b>287</b>	<b>546</b>	<b>630</b>	<b>462</b>

Table 12 shows the assault of learners/colleagues including corporal punishment as the leading offense committed by educators/lecturers in schools/colleges over the 5 year period. In 2008 there were 82 cases reported, however, since then there has been a significant number of cases reported with 2011 serving as the highest number of disciplinary cases reported totaling 191 which doubled the disciplinary cases reported in 2008. These reported disciplinary cases commensurate with the grand totals of all the reported cases for that particular year; which were 308 in 2008 and 630 in 2011. Although corporal punishment has been declared unlawful in schools, it seems it is still prevalent in some schools and institutions. Even in the reported assault cases in percentages have been significant over the 5 year period, in 2008 and 2009 they were 27% and 17% respectively; however, in 2010 to 2012 there has been a significant increase from 19% in 2010 to 35% in 2012.

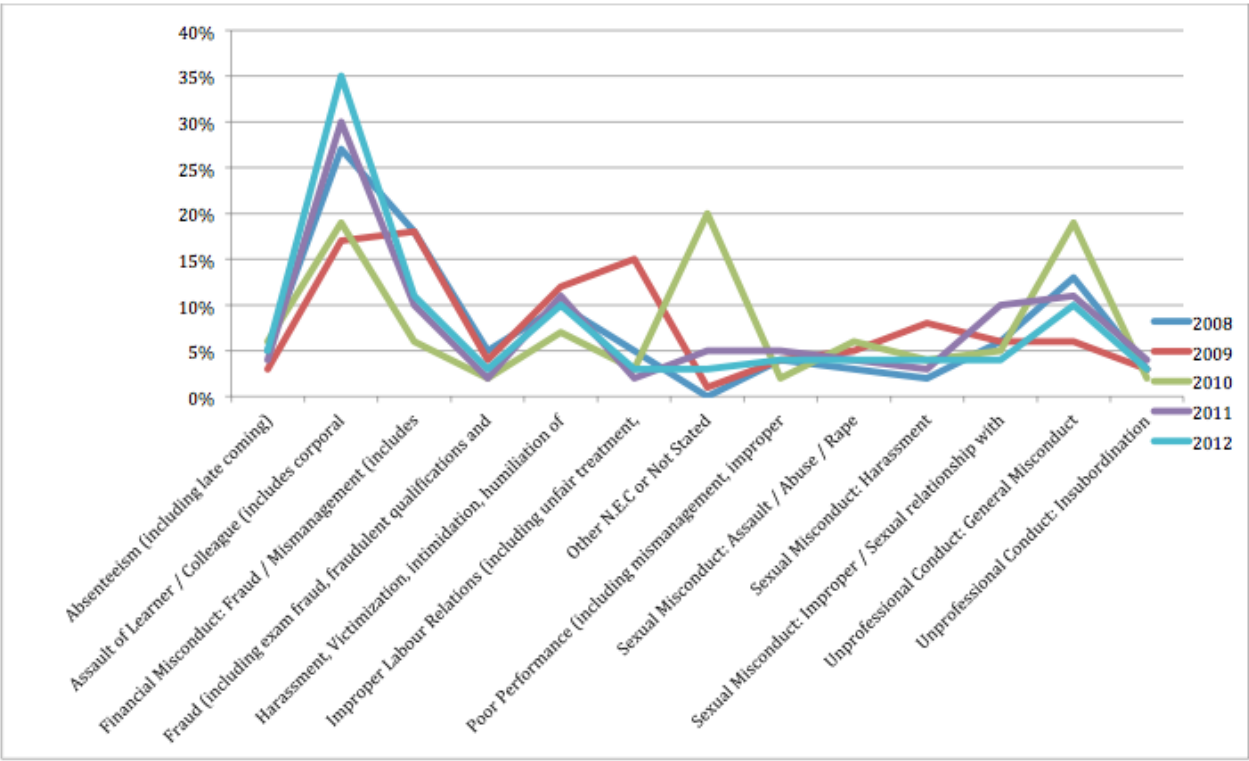
**Table 13: Percentage of offenses committed**

Percentage of offenses committed	2008	2009	2010	2011	2012
<b>Absenteeism (including late coming)</b>	5%	3%	6%	4%	5%
<b>Assault of Learner / Colleague (includes corporal punishment)</b>	27%	17%	19%	30%	35%
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>	18%	18%	6%	10%	11%
<b>Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)</b>	5%	4%	2%	2%	3%
<b>Harassment, Victimization, intimidation,</b>	10%	12%	7%	11%	10%

<b>humiliation of learner or colleague</b>					
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>	5%	15%	3%	2%	3%
<b>Other N.E.C or Not Stated</b>	0%	1%	20%	5%	3%
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>	4%	4%	2%	5%	4%
<b>Sexual Misconduct: Assault / Abuse / Rape</b>	3%	5%	6%	4%	4%
<b>Sexual Misconduct: Harassment</b>	2%	8%	4%	3%	4%
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>	6%	6%	5%	10%	4%
<b>Unprofessional Conduct: General Misconduct</b>	13%	6%	19%	11%	10%
<b>Unprofessional Conduct: Insubordination</b>	3%	3%	2%	4%	3%
<b>Grand Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

The assault of learners/colleagues is followed by financial misconduct, includes fraud. The total cases was reported as 18% in 2008 and 2009 consecutively, however, there has been a steady decline from 2010, 2011 and 2012 where it was reported as 6%, 10% and 11% respectively. Financial misconduct is followed by unprofessional conduct which is referred to as general misconduct. The cases reported in 2008 and 2009 were 13% and 6% respectively, in 2010 it was at its highest at 19% and in 2011 and 2012 there was a significant decline of 11% and 10% respectively. This means that there is a general decline in the misconduct cases of financial misconduct in the schooling/college community. The fourth was harassment, victimization, intimidation and humiliation of learner or colleague which was in 2008 to 2009 reported as 10% and 12 % respectively. There was a sharp decline of 7% in 2010, however, in 2011 and 2012 there was an increase of 11% and 10% respectively.

Figure 6: Percentage of offenses committed



The leading sexual misconduct was the one of improper sexual relationship with the learner. In 2008, 2009 and 2010 it was at 6%, 6% and 5 % respectively, however, there was a significant increase in 2011 of 10%, whilst in 2012 there was a significant decline to 4%. Educators who have improper relationships with their learners have an adverse effect on the learners’ education and it puts both parties in a vulnerable position. This was followed by another form of sexual misconduct that entails assault, abuse and rape. In 2008 to 2009 the reported cases increased steadily from 3%, 5% and 6% respectively. However, in 2011 and 2012 it declined to 4% for both years. Another form of sexual misconduct was classified as harassment which had low percentages of 2% and 4%, however, in 2009 the percentage was very high, 8%.

Improper labour relations entailed unfair treatment, discrimination and racism was reported high in 2008 and 2009 at 5% and 15% which was the highest over the 5 year period. Thereafter there was a significant decline in 2010 to 2012 to 3%, 2% and 3% respectively.

The range of least reported disciplinary cases to SACE were absenteeism which included late coming in 2008 to 2012 was reported in the 3% to 6% range over the 5 year period. This was followed by poor performance, which entailed mismanagement, improper process in promoting/expelling

learners; which was reported in a range of 2% to 4% from 2008 to 2012. The least was fraud, which included exam fraud, fraudulent qualifications and dishonesty but excluded financial fraud. In 2008 and 2009 the prevalence was at 5% and 4% respectively, and in 2010 and 2011 it was 2% with a percentage increase of 3% in 2012.

### 4.3 OFFENSES COMMITTED BY EDUCATORS

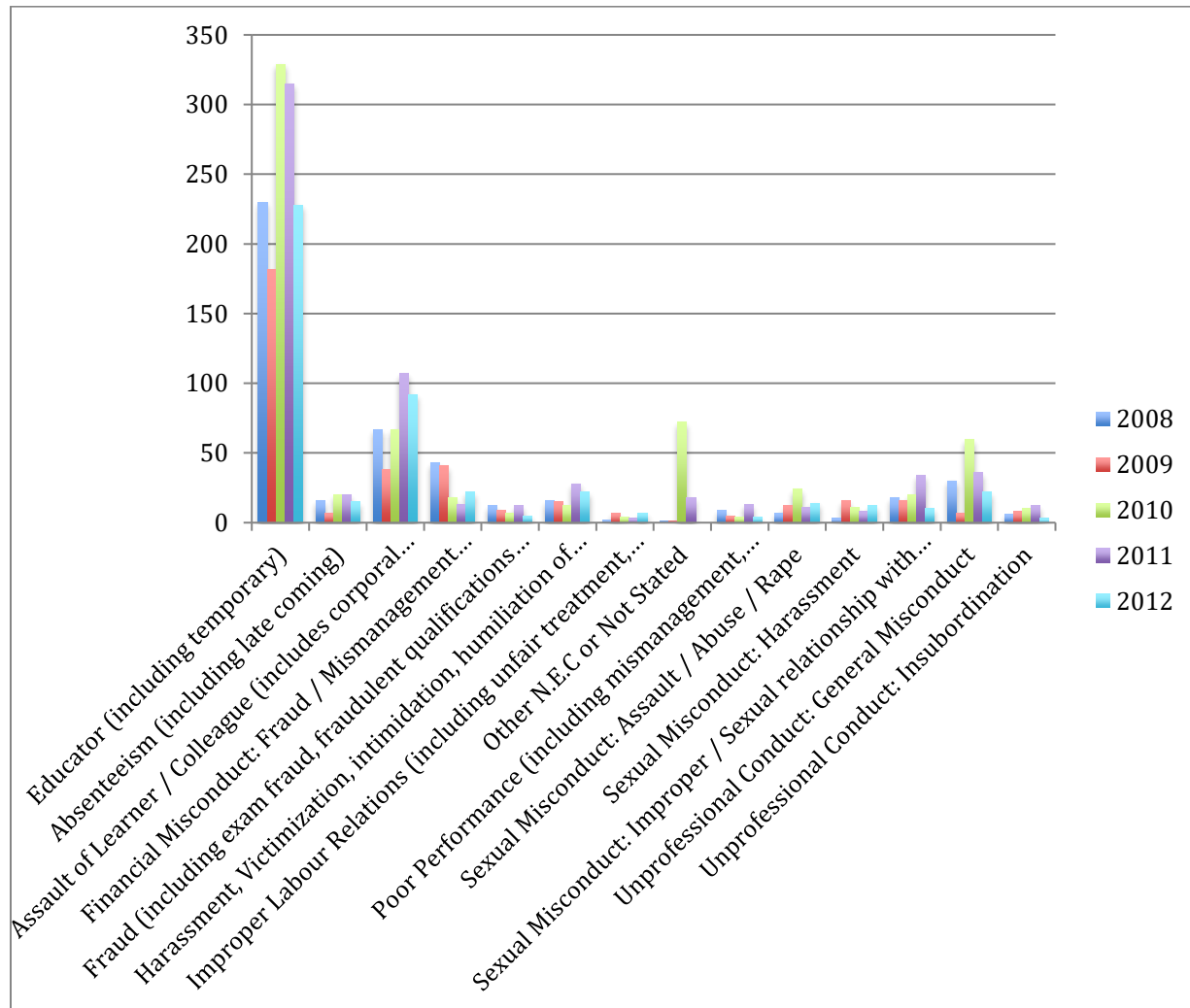
Table 14: Offenses committed by educators

Offenses	2008	2009	2010	2011	2012
<b>Educator (including temporary)</b>	<b>230</b>	<b>182</b>	<b>329</b>	<b>315</b>	<b>228</b>
<b>Absenteeism (including late coming)</b>	<b>16</b>	<b>7</b>	<b>20</b>	<b>20</b>	<b>15</b>
<b>Assault of Learner / Colleague (includes corporal punishment)</b>	<b>67</b>	<b>38</b>	<b>67</b>	<b>107</b>	<b>92</b>
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>	<b>43</b>	<b>41</b>	<b>18</b>	<b>13</b>	<b>22</b>
<b>Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)</b>	<b>12</b>	<b>9</b>	<b>7</b>	<b>12</b>	<b>5</b>
<b>Harassment, Victimization, intimidation, humiliation of learner or colleague</b>	<b>16</b>	<b>15</b>	<b>12</b>	<b>28</b>	<b>22</b>
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>	<b>2</b>	<b>7</b>	<b>4</b>	<b>3</b>	<b>7</b>
<b>Other N.E.C or Not Stated</b>	<b>1</b>	<b>1</b>	<b>72</b>	<b>18</b>	
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>	<b>9</b>	<b>5</b>	<b>4</b>	<b>13</b>	<b>4</b>
<b>Sexual Misconduct: Assault / Abuse / Rape</b>	<b>7</b>	<b>12</b>	<b>24</b>	<b>11</b>	<b>14</b>
<b>Sexual Misconduct: Harassment</b>	<b>3</b>	<b>16</b>	<b>11</b>	<b>8</b>	<b>12</b>
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>	<b>18</b>	<b>16</b>	<b>20</b>	<b>34</b>	<b>10</b>
<b>Unprofessional Conduct: General Misconduct</b>	<b>30</b>	<b>7</b>	<b>60</b>	<b>36</b>	<b>22</b>
<b>Unprofessional Conduct: Insubordination</b>	<b>6</b>	<b>8</b>	<b>10</b>	<b>12</b>	<b>3</b>

The position of the offender in the offense committed play a crucial role, it indicates the power

dynamics and the abuse of power in the reported disciplinary cases. The educators are the leading offenders according to Table 14 statistics, the highest reported number was 329 educators in 2010, followed by 315 in 2011 and the least was in 2009 with 182 cases reported.

Figure 7: Offenses committed by educators



The mere fact that educators are the main leading offenders is a matter of concern as they are at the forefront of the teaching and learning campaign and their behaviour at schools should be above reproach. . It was followed by the assault of learners including colleagues; especially that corporal punishment has been barred and banned in both the public and the private schools. The Financial misconduct which includes fraud is also a leading offence following the two above-mentioned

offenses; it has recently prompted the Gauteng MEC for education to lobby for public schools to publish their yearly financial reports for public scrutiny.

#### 4.4 OFFENSES COMMITTED BY HoDs

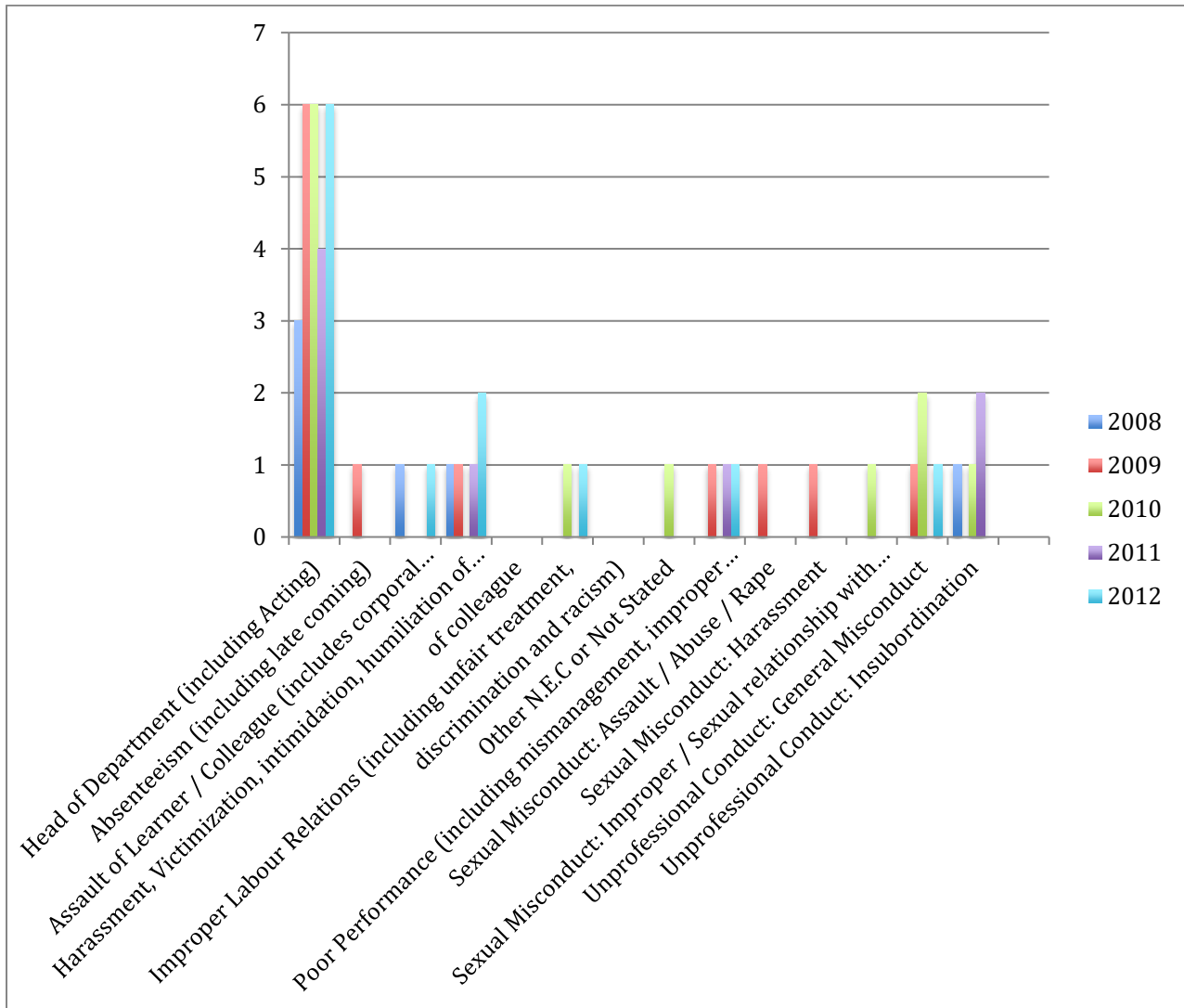
Table 15: Offenses committed by HoD's

	2008	2009	2010	2011	2012
<b>Head of Department (including Acting)</b>	3	6	6	4	6
<b>Absenteeism (including late coming)</b>		1			
<b>Assault of Learner / Colleague (includes corporal punishment)</b>	1				1
<b>Harassment, Victimization, intimidation, humiliation of learner of colleague</b>	1	1		1	2
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>			1		1
<b>Other N.E.C or Not Stated</b>			1		
<b>Poor Performance (including mismanagement, improper process in promoting/expelling learners)</b>		1		1	1
<b>Sexual Misconduct: Assault / Abuse / Rape</b>		1			
<b>Sexual Misconduct: Harassment</b>		1			
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>			1		
<b>Unprofessional Conduct: General Misconduct</b>		1	2		1
<b>Unprofessional Conduct: Insubordination</b>	1		1	2	

Few HoD's are implicated in offenses that are committed by HoD's. The offense ranges between 1 and 2 in every listed offence they are implicated in. However, it is still disconcerting to observe that HoD's are implicated in transgressions and accused of committing offenses. They are the custodians of school and institutional policies; they are expected to be exemplary.

Figure 8 below to graph illustrating the offenses committed by the HoD's.

Figure 8: Offenses committed by HoD's





#### 4.5 OFFENSES COMMITTED BY LEARNERS

Table 16: Offenses committed by learners

	2008	2009	2010	2011	2012
<b>Learner(s)</b>		2			
<b>Assault of Learner / Colleague (includes corporal punishment)</b>		1			
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>		1			

Table 16 shows that the learners were also the least reported on the reported disciplinary cases and the listed offenses were the assault of learners and financial misconduct. The under reporting might be the belief that this matter does not belong to SACE. However, it is still disturbing that learners have assaulted educators or other learners. The Financial misconduct is an offence that is linked with learner transgression.

#### 4.6 OFFENSES COMMITTED BY NON-ACADEMIC STAFF

Table 17: Offenses committed by Non-Academic staff

Year	2008	2009	2010	2011	2012
<b>Non-academic Staff</b>	1	5	2	1	1
<b>Assault of Learner / Colleague (includes corporal punishment)</b>					1
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>				1	
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>	1	3			
<b>Other N.E.C or Not Stated</b>			1		
<b>Sexual Misconduct: Harassment</b>		1			
<b>Unprofessional Conduct: General Misconduct</b>		1	1		

Table 17 shows the offenses which were committed by the staff were minimal and the transgressors

were insignificant if compared with educators. The reported disciplinary cases to SACE of offenses committed by non-academic staff were very few and include the assault of learners/colleagues, Financial Misconduct, Improper Labour Relations, Not stated, sexual misconduct involving harassment and unprofessional conduct.

#### 4.7 OFFENSES COMMITTED BY UNSPECIFIED INDIVIDUALS

**Table 18: Offenses committed by unspecified individuals**

Year	2008	2009	2010	2011	2012
<b>Not Specified</b>	1	3	128	239	175
<b>Absenteeism (including late coming)</b>			9	8	6
<b>Assault of Learner / Colleague (includes corporal punishment)</b>		1	32	71	63
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>			10	34	17
<b>Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)</b>			1	3	8
<b>Harassment, Victimization, intimidation, humiliation of learner or colleague</b>			14	24	15
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>		2	7	3	4
<b>Other N.E.C or Not Stated</b>			23	11	9
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>			3	9	6
<b>Sexual Misconduct: Assault / Abuse / Rape</b>			2	10	6
<b>Sexual Misconduct: Harassment</b>			6	11	4
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>			5	19	7
<b>Unprofessional Conduct: General Misconduct</b>	1		16	27	23
<b>Unprofessional Conduct: Insubordination</b>				9	7

The offenses committed by unspecified individuals are significant and high, leading was the assault of learners/colleagues which by implication could be the educators. This was followed by the offense of unprofessional conducted under general misconduct. Subsequently, followed by financial misconduct misdemeanor. The unspecified individuals were categorized where crucial information omitted and data collection needs to be improved to have a true representation of the unspecified data.

#### 4.8 OFFENSES COMMITTED BY EXTERNAL MANAGEMENT

Table 19: Offenses committed by external management

Year	2008	2009	2010	2011	2012
<b>Other management (including department and union officials)</b>	8	12	5	3	3
<b>Assault of Learner / Colleague (includes corporal punishment)</b>					1
<b>Harassment, Victimization, intimidation, humiliation of learner of colleague</b>	2			1	2
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>	5	12	1	2	
<b>Other N.E.C or Not Stated</b>			1		
<b>Sexual Misconduct: Harassment</b>	1				
<b>Unprofessional Conduct: General Misconduct</b>			2		
<b>Unprofessional Conduct: Insubordination</b>			1		

The number of offenses committed by external management is minimal compared to educators; the leading transgression is Improper Labour Relations, which includes unfair treatment, discrimination and racism. It is followed by harassment, victimization, intimidation, and humiliation of the learner/colleague. Other listed offenses are very insignificant only committed by one or two individuals. It may also be complicated to report such cases they occurred off site.

#### 4.9 OFFENSES COMMITTED BY PRINCIPAL/DEPUTY

Table 20: Offenses by Principal/ Deputy

Year	2008	2009	2010	2011	2012
<b>Principal / Deputy (including Acting)</b>	65	76	76	61	45
<b>Absenteeism (including late coming)</b>			2		
<b>Assault of Learner / Colleague (includes corporal punishment)</b>	14	9	5	13	6
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>	11	8	6	13	12
<b>Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)</b>	3	2	2		1
<b>Harassment, Victimization, intimidation, humiliation of learner or colleague</b>	12	18	10	13	6
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>	7	18	4	3	4
<b>Other N.E.C or Not Stated</b>		1	12	1	3
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>	4	5	2	5	5
<b>Sexual Misconduct: Assault / Abuse / Rape</b>	1		5	2	
<b>Sexual Misconduct: Harassment</b>	1	4	5	1	4
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>	1	1	2	5	1
<b>Unprofessional Conduct: General Misconduct</b>	10	8	21	4	2
<b>Unprofessional Conduct: Insubordination</b>	1	2		1	1

Table 20 shows that the leading offense by Principals and Deputies is harassment, victimization and intimidation, humiliation of learner or colleague. It is closely followed by financial misconduct. The assault of learners and colleagues is rated the third highest misdemeanor.

#### 4.10 OFFENSES COMMITTED BY SGB MEMBERS

Table 21: Offenses committed by SGB members

Year	2008	2009	2010	2011	2012
<b>SGB/Member</b>		1		1	
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>		1			
<b>Harassment, Victimization, intimidation, humiliation of learner or colleague</b>				1	
<b>Various</b>				6	4
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>					1
<b>Harassment, Victimization, intimidation, humiliation of learner or colleague</b>					1
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>				1	
<b>Other N.E.C or Not Stated</b>				1	
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>				2	1
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>				2	
<b>Unprofessional Conduct: Insubordination</b>					1

Table 21 show that the leading offense committed by School Governing (SGB) Members is lumped under various offenses, which are not specified. Also the number of SGB members committing offenses is very minimal compared to educators.

#### **4.11 CONCLUSION**

The research study has revealed that educators are the leading offenders and transgressors when it comes to the offenses committed by individuals. Amazingly, the second leading group is the Principal and Deputies; who by their role should serve as the custodians and upholders of the Constitution of South Africa; and all the relevant and applicable legislations and policies. The unspecified was the third large group that could not be located within specified groups or individuals due to the lack of data categorization.

The offenses committed are of a very serious nature as some of the appropriate sanction or recourse is dismissal and at times transgressors are struck of the roll of educators by SACE.

#### **5. OFFENSES COMMITTED BY INSTITUTIONAL TYPE**

The offenses committed by an institutional or schooling type is very important in analyzing the research results, the process unearths the deeper challenges from the individual type to the organizational type that concurs well with the Ritzer's theory of social analysis in starting from the micro and moving to the macro interpretation of social analysis and organizational culture.

Based on the broader psycho-social analysis it was imperative to look at all the 9 South African provinces and their preferred order of priorities. Thereafter, to look at a few selected institutional types in the selected provinces in order to determine the rural, township and urban reported disciplinary cases as indicated by SACE.

## 5.1 ABET INSTITUTION RELATED OFFENSES

Table 22: ABET institutions offenses

Year	2008	2009	2010	2011	2012	Grand Total
<b>Assault of Learner / Colleague (includes corporal punishment)</b>			5			5
<b>Other N.E.C or Not Stated</b>			1			1
<b>Unprofessional Conduct: General Misconduct</b>			1		2	3
<b>Total</b>			7		2	9

Table 22 shows that ABET institutions reported fewer incidents of transgressions. The assault of learners in 2010 were high with 5 reported disciplinary cases, whilst in 2012 only two cases of unprofessional misconduct were reported, the number of the reported disciplinary cases is insignificant.

## 5.2 HIGH SCHOOL RELATED OFFENSES

Table 23: High School related offenses

Year	2008	2009	2010	2011	2012	Grand Total
<b>High School</b>	<b>131</b>	<b>139</b>	<b>211</b>	<b>276</b>	<b>157</b>	<b>914</b>
<b>Absenteeism (including late coming)</b>	4	4	16	9	9	42
<b>Assault of Learner / Colleague (includes corporal punishment)</b>	37	16	29	71	48	201
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>	16	17	12	20	14	79
<b>Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)</b>	9	8	4	8	4	33
<b>Harassment, Victimization, intimidation, humiliation of learner or</b>	6	17	12	34	15	84

colleague						
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>	8	24	6	9	2	49
<b>Other N.E.C or Not Stated</b>	1		43	13		57
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>	5	6	5	13	8	37
<b>Sexual Misconduct: Assault / Abuse / Rape</b>	1	5	16	12	9	43
<b>Sexual Misconduct: Harassment</b>	5	15	8	12	9	49
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>	17	10	20	42	12	101
<b>Unprofessional Conduct: General Misconduct</b>	19	13	33	27	22	114
<b>Unprofessional Conduct: Insubordination</b>	3	4	7	6	5	25

Table 23 shows that High School related offenses were the second largest number of reported disciplinary cases with 914 offenders. The leading offense was the assault of learners or colleagues, which included corporal punishment. In 2011 the highest number of disciplinary cases reported at SACE was 276 in total, with 71 of these reported cases indicating assault as the main offense. This was followed by sexual misconduct.



### 5.3 INTERMEDIATE/COMBINED SCHOOLS RELATED OFFENSES

Table 24: Intermediate/Combined school related offenses

Year	2008	2009	2010	2011	2012	Grand Total
<b>Intermediate/Combined</b>	<b>8</b>	<b>12</b>	<b>58</b>	<b>33</b>	<b>27</b>	<b>138</b>
<b>Absenteeism (including late coming)</b>			5	1		6
<b>Assault of Learner / Colleague (includes corporal punishment)</b>	1	2	4	6	8	21
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>		5	3	1	3	12
<b>Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)</b>			4		2	6
<b>Harassment, Victimization, intimidation, humiliation of learner or colleague</b>	5		2	5	7	19
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>		2	1			3
<b>Other N.E.C or Not Stated</b>			22	1		23
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>	1		1	4	1	7
<b>Sexual Misconduct: Assault / Abuse / Rape</b>	1		4	1	2	8

<b>Sexual Misconduct: Harassment</b>			2	1	1	4
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>		1	3	9		13
<b>Unprofessional Conduct: General Misconduct</b>		1	7	3	3	14
<b>Unprofessional Conduct: Insubordination</b>		1		1		2

Table 24 shows the prevalent type of offenses that are reported from intermediate/combined schools. The leading offense is listed under other misdemeanor in which 23 disciplinary cases were reported. It is followed by assault of the learner or colleague, which includes corporal punishment with 21 disciplinary cases reported. Harassment, Victimization, intimidation, humiliation of learner or colleague was the third with 19 disciplinary cases. The least reported offense was unprofessional conduct under insubordination. The year 2010 had the highest number of offenses with 58 reported, since then there was a decline in 2011 and 2012 with 33 and 27 reported disciplinary cases.

#### 5.4 OTHER/UNSPECIFIED INSTITUTIONS/SCHOOLS RELATED OFFENSES

Table 25: Other/Unspecified institutions/ schools related offenses

Years	2008	2009	2010	2011	2012	Grand Total
<b>Other / Unspecified</b>	<b>11</b>	<b>12</b>	<b>50</b>	<b>29</b>	<b>53</b>	<b>155</b>
<b>Absenteeism (including late coming)</b>	1		3		1	5
<b>Assault of Learner / Colleague (includes corporal punishment)</b>	1	2	2	5	9	19
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>		2	4	4	11	21
<b>Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)</b>			1		2	3
<b>Harassment, Victimization, intimidation, humiliation of learner or colleague</b>	3	3	2	2	4	14

<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>	3	1	3	1	2	10
<b>Other N.E.C or Not Stated</b>			15	3	9	27
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>	1			2	1	4
<b>Sexual Misconduct: Assault / Abuse / Rape</b>			3	3	2	8
<b>Sexual Misconduct: Harassment</b>		2	2		3	7
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>		2	1	2	4	9
<b>Unprofessional Conduct: General Misconduct</b>	2		11	4	5	22
<b>Unprofessional Conduct: Insubordination</b>			3	3		6

Table 25 shows the prevalent type of offenses that are reported under other/unspecified institutions. The leading offenses were listed under other or not stated with 27 reported cases, followed by unprofessional conduct under general misconduct with 22 reported disciplinary cases.

Financial misconduct was the third leading offense with 21 reported disciplinary cases. The highest number of reported cases was in 2012 with 53 cases reported. It was followed by 2010 with 50 reported disciplinary cases. The third was 2011 with 29 reported cases. The least was in 2011 where only 11 disciplinary cases were reported. The challenge with the unspecified cases implies that critical information was not collected in terms of the type of institution.

## 5.5 PRE-PRIMARY SCHOOLS RELATED OFFENSES

Table 26: Pre-Primary school related offenses

<b>YEARS</b>	<b>200</b>	<b>200</b>	<b>201</b>	<b>201</b>	<b>201</b>	<b>Grand Total</b>
	<b>8</b>	<b>9</b>	<b>0</b>	<b>1</b>	<b>2</b>	
<b>Pre-Primary</b>			<b>1</b>	<b>1</b>	<b>2</b>	<b>4</b>

<b>Assault of Learner / Colleague (includes corporal punishment)</b>					1	1
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>					1	1
<b>Unprofessional Conduct: General Misconduct</b>			1	1		2

Table 26 shows that there are very few reported disciplinary cases to SACE, from the preprimary schools. Only 4 cases were reported. The leading offense was unprofessional general misconduct with 2 reported cases in 2012.

## 5.6 PRIMARY SCHOOLS RELATED OFFENSES

Table 27: Primary School related offenses

<b>Years</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>Grand Total</b>
<b>Primary School</b>	<b>154</b>	<b>113</b>	<b>201</b>	<b>257</b>	<b>206</b>	<b>931</b>
<b>Absenteeism (including late coming)</b>	11	4	7	17	11	50
<b>Assault of Learner / Colleague (includes corporal punishment)</b>	43	29	63	99	92	326
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>	38	25	15	29	22	129
<b>Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)</b>	6	3	1	7	5	22
<b>Harassment, Victimization, intimidation, humiliation of learner or colleague</b>	16	14	20	23	20	93
<b>Improper Labour Relations (including unfair treatment,</b>	2	12	6	2	12	34

<b>discrimination and racism)</b>						
<b>Other N.E.C or Not Stated</b>		2	19	13	3	37
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>	6	4	3	8	7	28
<b>Sexual Misconduct: assault / Abuse / Rape</b>	6	7	8	7	5	33
<b>Sexual Misconduct: Harassment</b>		3	9	5	6	23
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>	2	2	3	2	2	11
<b>Unprofessional Conduct: General Misconduct</b>	19	3	45	32	15	114
<b>Unprofessional Conduct: Insubordination</b>	5	5	2	13	6	31

Table 27 shows that primary schools were leading all institutional groups with a total of 931 reported cases of offenses in the 5-year period. The highest was 257 disciplinary cases reported in 2007; the leading offense was the assault of learners or colleagues including corporal punishment. There has been a steady increase in the number of reported cases between 2010 and 2012 with 63, 99 and 92 reported cases respectively. Financial misconduct was the second highest reported offense with 29 cases reported. The least reported offense was sexual misconduct with 11 reported cases over the 5-year period.

## 5.7 SPECIAL NEEDS SCHOOLS RELATED OFFENSES

Table 28: Special needs school related offenses

Years	2008	2009	2010	2011	2012	Grand Total
<b>Special Needs School</b>		7	6	12	10	35
<b>Assault of Learner / Colleague (includes corporal punishment)</b>				4	5	9
<b>Financial Misconduct: Fraud /</b>		2		3	1	6

<b>Mismanagement (includes theft)</b>						
<b>Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)</b>					1	1
<b>Harassment, Victimization, intimidation, humiliation of learner or colleague</b>				3	2	5
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>		2				2
<b>Other N.E.C or Not Stated</b>			5	1		6
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>		1				1
<b>Sexual Misconduct: Harassment</b>		1				1
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>			1	1		2
<b>Unprofessional Conduct: Insubordination</b>				1	1	2

Table 28 shows that Special Needs schools have fewer reported cases with a total of 35 cases over the 5 year period. The highest reported cases were in 2011 with a total of 12 reported cases for the five years. The assault of learner or colleague is also the leading offense committed in the special needs schools. It is followed by Financial Misconduct which includes fraud and mismanagement with 6 reported cases over the 5 year period.

**5.8 TECHNICAL SCHOOLS RELATED OFFENSES**

Table 29: Technical schools related offenses

Years	2008	2009	2010	2011	2012	Grand Total
<b>Technical School</b>	<b>4</b>	<b>4</b>	<b>12</b>	<b>22</b>	<b>5</b>	<b>47</b>
<b>Absenteeism (including late coming)</b>				1		1
<b>Assault of Learner / Colleague (includes corporal punishment)</b>			1	6	1	8
<b>Financial Misconduct: Fraud / Mismanagement (includes theft)</b>				4		4
<b>Harassment, Victimization, intimidation, humiliation of learner or colleague</b>	1			1		2
<b>Improper Labour Relations (including unfair treatment, discrimination and racism)</b>	2	1	1			4
<b>Other N.E.C or Not Stated</b>			5			5
<b>Poor Performance (including mismanagement, improper process in promoting / expelling learners)</b>				3		3
<b>Sexual Misconduct: Assault / Abuse / Rape</b>		1			2	3
<b>Sexual Misconduct: Harassment</b>		1	1	2	1	5
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>		1		5		6
<b>Unprofessional Conduct: General Misconduct</b>	1		4		1	6

Table 29 shows that technical schools have fewer reported cases of offenses based on the total number of 47 cases over the period of 5 years. Interestingly the leading reported offense is assault of learner or colleague, which includes corporal punishment with a total of 8, reported cases over the 5 year period. In 2011 the highest number of reported cases was recorded, with 22 cases in total. The highest reported case was assault of learner or colleague. The second highest reported offenses were sexual misconduct, which includes improper/sexual relationship with the learner; and unprofessional general misconduct both with 6 reported cases.

## **5.9 CONCLUSION**

The study has shown that there is a common thread between the institutional types related offenses and the summary of related offenses. Based on the findings, the assault of learners or colleagues that includes corporal punishment; seems to be the leading committed offense in all the institutional type including the unspecified/other institutions.

The leading institutional types are the mainstream education institutions the Primary School and the High School with 931 and 914 respectively on reported disciplinary cases. Other type of institutions had insignificant numbers. The Financial Misconduct was the second leading offence in most institutional types. Harassment, victimization, intimidation and humiliation of the learner and colleague were also cited as one the common and prevalent committed offense.



## 6. DETAILED ASSESSMENT AND ANALYSIS OF ASSAULT AND SEXUAL OFFENSES BASED ON THE AGE OF THE OFFENDER

There are stringent laws prohibiting sexual interaction of the learner with the educator, the level of misconduct is labeled as a sexual misconduct that incorporates an improper/sexual relationship with the learner, it is regarded as a dismissible offense according to section 17 of the Employment of Educators Act of 1998.

This comes at the backdrop of the power relations that are vested on educators who act as 'loco parentis'. These powers in brief are legitimate power (position power), it is an official authority delegated to an employee (educator) whereby he or she may legitimately expect any subordinate, to adhere to lawful instructions. The Power by reward refers to promotion and/or merit recognition and may be withheld by exercising authority over the granting thereof. In relation to education this typically refers to sexual favouritism where only those will be rewarded who respond to sexual advances. Coercive Power refers to instilling fear, either psychological or physical in subordinates or even schoolchildren.

Section 17 of the Employment of Educators Act 28 prohibits educators from committing sexual or any other form of harassment, which by implication prohibits them from having sexual relations with learners. If any educator is found to have transgressed this prohibition, such an educator is guilty of misconduct in terms of the Act and liable to suspension (Employment of Educators Act 76 of 1998).

Based on the above-mentioned information it is imperative to assess and analyze the assault and sexual offenses based on the age of the offender in order to determine the underlying causes and factors.

### 6.1 ASSAULT AND SEXUAL OFFENSES BASED ON THE AGE OF THE OFFENDER

Table 30: Age range of offenders

Year	2008	2009	2010	2011	2012	2011
Age range of offenders	35-44	25-34	45-54	35-44	45-54	Not Specified

<b>Assault of Learner / Colleague (includes corporal punishment)</b>	<b>23%</b>	<b>24%</b>	<b>28%</b>	<b>50%</b>	<b>94%</b>	<b>93%</b>
<b>Sexual Misconduct: Assault / Abuse / Rape</b>	13%	31%	16%	75%	23%	125%
<b>Sexual Misconduct: Harassment</b>	<b>40%</b>	<b>36%</b>	<b>36%</b>	<b>60%</b>	<b>18%</b>	<b>220%</b>
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>	26%	12%	11%	58%	0%	232%
<b>Grand Total</b>	<b>24%</b>	<b>26%</b>	<b>24%</b>	<b>54%</b>	<b>52%</b>	<b>124%</b>

The age range of offenders based on a 5 year trend was deemed to be the highest in 2011 with a total of 54% in all committed offenses by the 35-44 year olds. From 2008 to 2010 sexual misconduct harassment is the leading offence and in 2012 it reaches the peak with 60%, thereafter there was a sharp decline in 2012 of 18%. Sexual misconduct assault, abuse and rape was at their highest in 2011 with 75% of cases reported. In 2012 the assault of learners and colleagues is the highest with 94% cases reported and the age range is from 45 to 54.

Figure 9: Age range of reported offender

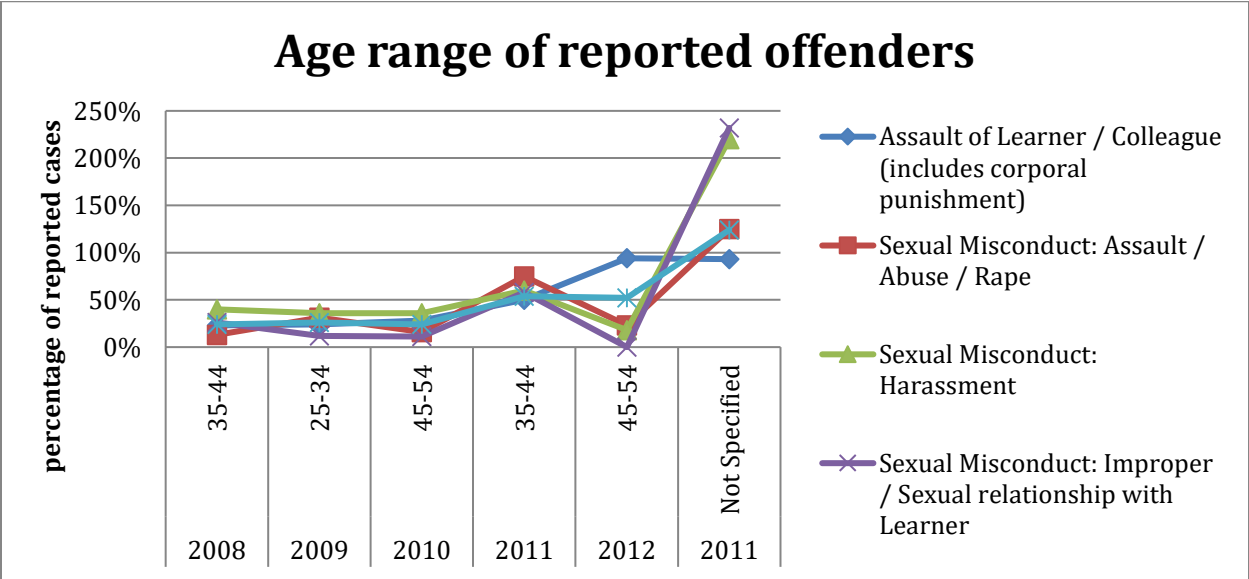


Figure 9 graphically depicts the leading offenses as the Sexual misconduct improper/sexual relationship with the learner and sexual harassment misconduct with 232% and 220% increase over the 5-year period.

## 6.2 PROVINCIALY REPORTED DISCIPLINARY CASES

Table 31: Provincially reported disciplinary cases

Reported cases Provincially	Eastern Cape	Free State	Gauteng	Kwa-Zulu Natal	Limpopo	Mpumalanga	North West	Northern Cape	Western Cape	Grand Total
Absenteeism (including late coming)	6	1	6	22	2	25	3		39	104
Assault of Learner / Colleague (includes corporal punishment)	21	17	70	68	24	21	22	1	345	589
Financial Misconduct: Fraud / Mismanagement (includes theft)	5	3	26	118	4	31	6	2	57	252
Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)	3	2	6	13	2	5	2	2	30	65
Harassment, Victimization, intimidation, humiliation of learner or colleague	18	10	58	57	7	24	17	5	21	217
Improper Labour Relations (including unfair treatment, discrimination and racism)	7	4	17	29	2	11	11	1	20	102
Other N.E.C or Not Stated	46	7	33	15	4	13	9	5	24	156
Poor Performance (including mismanagement, improper process in promoting / expelling learners)	4	1	16	11	5	10	4	2	27	80

<b>Sexual Misconduct: assault / Abuse / Rape</b>	10	9	21	18	6	6	3		22	95
<b>Sexual Misconduct: Harassment</b>	7	8	23	19	2	5	4	1	20	89
<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>	10	23	23	27	13	24	8	3	11	142
<b>Unprofessional Conduct: General Misconduct</b>	14	12	57	59	12	17	32	4	68	275
<b>Unprofessional Conduct: Insubordination</b>	4	2	9	13	11	9	4		14	66
<b>Grand Total</b>	<b>155</b>	<b>99</b>	<b>365</b>	<b>469</b>	<b>94</b>	<b>201</b>	<b>125</b>	<b>26</b>	<b>698</b>	<b>2232</b>

Table 31 shows that in total 589 cases of assault of the learner or colleague were provincially reported to SACE over a 5-year period. The trend shows that it is a leading offence in most provinces; with the Western Cape Province leading in the assault of the learner or colleague including corporal punishment with 345 reported cases followed by Gauteng and Kwa-Zulu Natal with 70 and 68 reported cases respectively. Kwa-Zulu Natal is leading in financial misconduct with 118 reported cases followed by the Western Cape and Mpumalanga with 57 and 31 reported cases respectively. Western Cape is leading in unprofessional conduct with 68 reported cases, followed by Kwa-Zulu Natal and Gauteng with 59 and 57 reported cases respectively.

The top five ranking of the provinces with regard to reported cases is as follows:

- Western Cape with 698 cases which translate to 31% of the total cases reported;
- Kwa-Zulu Natal Province with 469 cases reported which translate to 21% of the cases reported;
- Gauteng Province with 365 reported cases which translate to 16%;
- Mpumalanga Province with 2011 reported cases which translate to 9% of reported cases;
- The Eastern Cape with 155 reported cases, which translate to 7% of the reported cases.

### 6.3 THE TIME REQUIRED TO CLOSE A CASE

In order to determine the time required to close cases for SACE, it is imperative that the information supplied has all the necessary details to appropriately determine the timeframes and dates. However, Table 32 shows the challenges and loopholes on securing the accurate information. The accurate reporting was hampered by the lack of some of the listed information.

Table 32: Assessment and challenges of supplied on reported disciplinary cases

**Table 32: Assessment and challenges of supplied on reported disciplinary cases**

Year	2008	2009	2010	2011	2012	Grand Total
<b>End Date Earlier than Start Date</b>			66	40	22	128
<b>No Closure Date cases</b>	129	131	312	383	176	1131
<b>No Dates Recorded cases</b>	7		61	39	16	123
<b>No start Date cases (but close date</b>			56	45	118	219

<b>captured)</b>						
<b>Start Date = Close Date cases</b>		1	6	81	40	128
<b>Valid Data</b>	<b>168</b>	<b>155</b>	<b>45</b>	<b>42</b>	<b>89</b>	<b>499</b>
<b>Grand Total</b>	<b>136</b>	<b>132</b>	<b>501</b>	<b>588</b>	<b>372</b>	<b>1729</b>

All cases with insufficient data and cases where close date = open date are excluded. This leaves only 170 (10.3%) cases with valid data. All years are combined as many cases bridge years but split 2008-2009 and 2010-2012 as there have been different reporting system.

#### 6.4 NUMBER OF CASES AND AVERAGE NUMBER OF DAYS

**Table 33: Number of cases and average number of days to resolve the disciplinary cases**

<b>Province</b>	<b>Number</b>	<b>Average number of Days</b>	<b>Number</b>	<b>Average number of Days</b>
<b>Eastern Cape</b>	5	176	8	250
<b>Free State</b>	18	308	5	277
<b>Gauteng</b>	48	516	21	256
<b>Kwa-Zulu Natal</b>	112	563	26	302
<b>Limpopo</b>	14	487	7	252
<b>Mpumalanga</b>	22	374	21	284
<b>North West</b>	18	439	9	286
<b>Northern Cape</b>	2	188	3	390
<b>Western Cape</b>	84	512	75	168
<b>Grand Total</b>	<b>323</b>	<b>497</b>	<b>175</b>	<b>232</b>

Table 33 shows the number of cases and the average number of days taken to resolve the cases that were referred to SACE. Kwa-Zulu Natal is the leading province with 112 reported cases and the average number of days to resolve the cases was 563 days. Gauteng is the second leading province with 48 reported cases and the average number of days to resolve the case is 516 days. Western Cape is the third leading province with 84 reported cases and the average number of days to resolve the case is 512 days. Thereafter Limpopo, North West, Mpumalanga and Free State follow closely with their number of cases indicated as 14, 18, 22 and 18 respectively; and the average number of days to resolve the cases is 487, 439, 374 and 308 respectively. Eastern Cape and Northern Cape had the least number of cases at 5 and 2 respectively and the average numbers of days to resolve them were

indicated as 176 and 188 respectively.

## 6.5 AVERAGE NUMBER OF DAYS TO CLOSE CASES

Table 34: Average number of days to close cases

Year	Number	Ave Number of Days to close	Ave days per case
<b>2008</b>	168	635	3.7
<b>2009</b>	155	348	2.2
<b>2010</b>	45	270	6
<b>2011</b>	42	204	4.8
<b>2012</b>	89	235	2.6
<b>Grand Total</b>	<b>499</b>	<b>405</b>	

Table 34 indicates the average number of days it takes to conclude or close a case over the period of 5 years. In 2008 the recorded number of disciplinary cases resolved was 168 and the number of days taken to conclude or close the cases was 635 days, in 2009 the disciplinary cases recorded was 155 and it took 348 days to resolve and close the cases. In 2010 the recorded cases were 45 and it took 270 days to close the case. In 2011 it took 207 days, which was the least number of days to close the 42-recorded cases. It culminated in 2012 with 89 cases concluded in 235 days. The trend over the period of 5 years has seen more efficiency in some years as compared to others. The highest efficiency rate was in 2009 where it took an average of 2.2 days to close cases. The lowest rate of efficiency was in 2010 where it took an average of 6 days to close cases. The rate of efficiency improved from 2010 to 2012 from 6 in 2010 to a reduction to 4.8 in 2011 and a further reduction to 2.6 in 2012.

## 6.6 REPORTED CASES OUTCOMES AND SANCTIONS

The table below indicated the transgression as well as the sanction/outcome per transgression per post type where data was available.

### Absenteeism

Table 35: Absenteeism



<b>Transgression</b>										
<b>Absenteeism (including late coming)</b>	<b>Deputy Principal - including acting and ex</b>	<b>Educator - including temporary</b>	<b>Head of Department - including Acting</b>	<b>Multiple Accused</b>	<b>Not Specified</b>	<b>Other management - including department and union officials</b>	<b>Principal - including Acting</b>	<b>SGB</b>	<b>Support Staff</b>	<b>Grand Total</b>
<b>Accused Resigned</b>					<b>1</b>					<b>1</b>
<b>Advisory Letter</b>		<b>2</b>			<b>1</b>					<b>3</b>
<b>Demotion and Final written warning</b>							<b>1</b>			<b>1</b>
<b>Dismissal</b>		<b>4</b>								<b>4</b>
<b>Final Written Warning</b>		<b>1</b>								<b>1</b>
<b>Final Written Warning and Fine</b>		<b>6</b>			<b>6</b>		<b>1</b>			<b>13</b>
<b>Fine</b>					<b>1</b>					<b>1</b>
<b>No Charge. Warning</b>		<b>2</b>								<b>2</b>

Not Guilty / Allegations Unfounded / Case Withdrawn		1								1
referred to DOE		3								3
<b>TOTAL</b>		<b>19</b>			<b>9</b>		<b>2</b>			<b>30</b>

The highest transgressors for absenteeism including late coming; is from educators and the most common sanction was a final written warning.

**Assault of Learner / Colleague (includes corporal punishment)**

**Table 36: Assault of Learner/ Colleague (includes corporal punishment)**

Assault of Learner / Colleague (includes corporal punishment)	Deputy Principal (including acting and ex)	Educator (including temporary)	Head of Department (including Acting)	Multiple Accused	Not Specified	Other management (including department and union officials)	Principal (including Acting)	SGB	Support Staff	Grand Total
Accused Resigned					1					1
Advisory Letter		15			3		1			19
Apology		1								1
Demotion and Final					1					1

written warning									
Dismissal		4		2					6
Final Written Warning and Fine	1	73		53		3			130
Fine		1		2					3
No Charge. Warning				1					1
No charges but Case will remain open indefinitely		8		3		2			13
Not Guilty / Allegations Unfounded / Case Withdrawn		6		3		2			11
referred to DOE		2		2					4
Resolved Amicably		7		3					10

/ Mediated										
Struck off Roll		2								2
Suspension		1			4					5
Suspension and Final Written Warning		1			1					2
<b>Total</b>	<b>1</b>	<b>121</b>			<b>79</b>		<b>8</b>			<b>209</b>

The highest transgressors for Assault of Learner / Colleague (includes corporal punishment) was educators and the most frequent sanction was a final written warning.

**Financial Misconduct: Fraud / Mismanagement (includes theft)**

Table 37: Financial Misconduct: Fraud/Mismanagement (includes theft)

Financial Misconduct: Fraud / Mismanagement (includes theft)	Deputy Principal (including acting and ex)	Educator (including temporary)	Head of Department (including Acting)	Multiple Accused	Not Specified	Other management (including department and union officials)	Principal (including Acting)	SGB	Support Staff	Grand Total
Accused Resigned					2					2

<b>Advisory Letter</b>		<b>4</b>			<b>1</b>				<b>5</b>
<b>Death of Accused</b>							<b>1</b>		<b>1</b>
<b>Demotion and Final written warning</b>							<b>3</b>		<b>3</b>
<b>Dismissal</b>		<b>3</b>			<b>4</b>				<b>7</b>
<b>Final Written Warning</b>		<b>1</b>							<b>1</b>
<b>Final Written Warning and Fine</b>		<b>12</b>			<b>8</b>		<b>5</b>		<b>25</b>
<b>Fine</b>					<b>1</b>		<b>4</b>		<b>5</b>
<b>No Charge. Warning</b>								<b>1</b>	<b>1</b>
<b>No charges but Case will remain open indefinitely</b>					<b>2</b>				<b>2</b>
<b>Referred to DOE</b>				<b>1</b>					<b>1</b>

Referred to SAPS / Other		3			1		1			5
Struck off Roll					3					3
Suspension					2					2
Suspension and Final Written Warning					1		1			2
<b>Total</b>		<b>23</b>		<b>1</b>	<b>25</b>		<b>15</b>		<b>1</b>	<b>65</b>

The highest transgressors for Financial Misconduct: Fraud / Mismanagement (includes theft) came from not specified, followed by educators with the most frequent sanction meted out was a final written warning.

**Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)**

**Table 38: Fraud (including exam fraud, fraudulent qualifications and 'dishonesty' Excludes financial fraud)**

<b>Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'.</b>	<b>Deputy Principal (including acting)</b>	<b>Educator (including temporary)</b>	<b>Head of Department (including Acting)</b>	<b>Multiple Accused</b>	<b>Not Specified</b>	<b>Other management (including department and union officials)</b>	<b>Principal (including Acting)</b>	<b>SGB</b>	<b>Support Staff</b>	<b>Grand Total</b>
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<b>Excludes financial fraud)</b>	<b>g and ex)</b>								
<b>Accused Resigned</b>				<b>1</b>					<b>1</b>
<b>Advisory Letter</b>				<b>1</b>		<b>1</b>			<b>2</b>
<b>Demotion and Final written warning</b>						<b>1</b>			<b>1</b>
<b>Dismissal</b>		<b>1</b>							<b>1</b>
<b>Final Written Warning and Fine</b>		<b>5</b>		<b>3</b>					<b>8</b>
<b>No charges but Case will remain open indefinitely</b>				<b>1</b>					<b>1</b>
<b>Not Guilty / Allegations Unfounded / Case Withdrawn</b>		<b>1</b>							<b>1</b>

<b>Struck off Roll</b>		<b>1</b>								<b>1</b>
<b>Total</b>		<b>8</b>			<b>6</b>		<b>2</b>			<b>16</b>

The highest transgressors of Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud) was educators and the most frequent sanction was final written warning.

### Harassment, Victimization, intimidation, humiliation of learner or colleague

Table

Table 39: Harassment, Victimization, intimidation, humiliation of learner or colleague

Harassment, Victimization, intimidation, humiliation of learner or colleague	Deputy Principal (including acting and ex)	Educator (including temporary)	Head of Department (including Acting)	Multiple Accused	Not Specified	Other management (including department and union officials)	Principal (including Acting)	SG B	Support Staff	Grand Total
Accused		1						1		2
Resigned										
Advisory Letter			1							1
Apology					1					1
Dismissal		2								2
Final Written Warning					1					1



<b>Final Written Warning and Fine</b>	<b>1</b>	<b>5</b>			<b>6</b>		<b>2</b>			<b>14</b>
<b>Not Guilty / Allegations Unfounded / Case Withdrawn</b>		<b>4</b>		<b>1</b>	<b>2</b>		<b>2</b>			<b>9</b>
<b>Referred to DOE</b>		<b>2</b>					<b>2</b>			<b>4</b>
<b>Resolved Amicably / Mediated</b>		<b>2</b>	<b>1</b>		<b>2</b>		<b>1</b>			<b>6</b>
<b>Suspension and Final Written Warning</b>					<b>3</b>					<b>3</b>
<b>Total</b>	<b>1</b>	<b>16</b>	<b>2</b>	<b>1</b>	<b>15</b>		<b>7</b>	<b>1</b>		<b>43</b>

The highest transgressors for Harassment, Victimization, intimidation, humiliation of learner or colleague was educators followed by unspecified and principals and the most frequent sanction was a final written warning.

### **Improper Labour Relations (including unfair treatment, discrimination and racism)**

**Table 40: Improper Labour Relations (including unfair treatment, discrimination and racism)**

<b>Improper Labour Relations</b>	<b>Deputy Principal</b>	<b>Educator (including)</b>	<b>Head of Department (including)</b>	<b>Multiple Accused</b>	<b>Not Specified</b>	<b>Other management (including)</b>	<b>Principal (including)</b>	<b>SGB</b>	<b>Support Staff</b>	<b>Grand Total</b>
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(including unfair treatment, discrimination and racism)	(including acting and ex)	g temporary)	ing Acting)			ng department and union officials)	ng Acting)			
Dismissal							1			1
Final Written Warning and Fine		7			3		1			11
Referred back to school				1						1
Referred to SAPS / Other					1					1
<b>Total</b>		<b>7</b>		<b>1</b>	<b>4</b>		<b>2</b>			<b>14</b>

The highest no of transgressors for Improper Labour Relations (including unfair treatment, discrimination and racism) was educators followed by not specified and principals. The most frequent sanction was a final written warning.

### Other N.E.C or Not Stated

Table 41: Other N.E.C. or Not Stated

Other N.E.C or	Deputy Principal	Educator (incl	Head of Department	Multiple	Not Specified	Other management	Principal (inclu	SGB	Support Staff	Grand Total
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Not Stated	(including acting and ex)	uding temporary)	(including Acting)	Accused		(including department and union officials)	ding Acting )			
Advisory Letter		2								2
Demotion and Final written warning		2								2
Dismissal		15								15
Final Written Warning		5								5
Final Written Warning and Fine		5			2	1				8
Fine		1								1
No charges but Case will remain open indefinitely		1								1
Not Guilty /	1						1			2

<b>Allegations Unfounded / Case Withdrawn</b>										
<b>Referred to SAPS / Other</b>					<b>1</b>		<b>1</b>			<b>2</b>
<b>Struck off Roll</b>					<b>2</b>					<b>2</b>
<b>Suspension</b>		<b>2</b>			<b>1</b>					<b>3</b>
<b>Suspension and Final Written Warning</b>		<b>6</b>								<b>6</b>
	<b>1</b>	<b>39</b>			<b>6</b>	<b>1</b>	<b>2</b>			<b>49</b>

The highest transgressors for N.E.C and not stated came from educators and the most frequent sanction was dismissal.

**Poor Performance (including mismanagement, improper process in promoting / expelling learners)**

**Table 42: Poor Performance (including mismanagement, improper process in promoting/expelling learners)**

<b>Poor Performance (including mismanagement)</b>	<b>Deputy Principal</b>	<b>Educator (including)</b>	<b>Head of Department (including)</b>	<b>Multiple Accused</b>	<b>Not Specified</b>	<b>Other management (including)</b>	<b>Principal (including)</b>	<b>SGB</b>	<b>Support Staff</b>	<b>Grand Total</b>
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ment, improper process in promoting / expelling learners)	(including acting and ex)	g temporary)	ing Acting)			ing department and union officials)	ing Acting)			
Accused Resigned					1					1
Final Written Warning and Fine		4		1	4		2			11
Not Guilty / Allegations Unfounded / Case Withdrawn		1								1
Plea Bargain	1									1
Referred to DOE		1			1		2			4
<b>Total</b>	<b>1</b>	<b>6</b>		<b>1</b>	<b>6</b>		<b>4</b>			<b>18</b>

The highest transgressors for Poor Performance (including mismanagement, improper process in promoting / expelling learners) was from educators followed by not specified and principals. The most frequent sanction meted out was a final written warning.

### **Sexual Misconduct: Assault / Abuse / Rape**

Table 43: Sexual Misconduct: Assault/Abuse/Rape

<b>Sexual Misconduct : Assault / Abuse / Rape</b>	<b>Deputy Principal (including acting and ex)</b>	<b>Educ ator (including temporary)</b>	<b>Head of Department (including Acting)</b>	<b>Mult iple Accu sed</b>	<b>Not Spec ified</b>	<b>Other managem ent (including departme nt and union officials)</b>	<b>Prin cipal (incl uding Acti ng)</b>	<b>SGB</b>	<b>Support Staff</b>	<b>Gran d Total</b>
<b>Accused Resigned</b>		<b>1</b>			<b>2</b>				<b>3</b>	
<b>Advisory Letter</b>							<b>1</b>		<b>1</b>	
<b>Death of Accused</b>		<b>1</b>							<b>1</b>	
<b>Dismissal</b>		<b>2</b>			<b>2</b>				<b>4</b>	
<b>Final Written Warning</b>		<b>1</b>							<b>1</b>	
<b>Final Written Warning and Fine</b>		<b>4</b>							<b>4</b>	
<b>No Charge. Warning</b>		<b>1</b>							<b>1</b>	
<b>No charges but Case will remain open indefinitely</b>		<b>1</b>							<b>1</b>	
<b>Not Guilty / Allegations Unfounded</b>		<b>4</b>			<b>2</b>				<b>6</b>	

/ Case Withdrawn										
Referred to DOE					1					1
SAPS / Prison							1			1
Suspension		1								1
Suspension and Final Written Warning		1								1
<b>Total</b>		<b>17</b>			<b>7</b>		<b>2</b>			<b>26</b>

The highest transgressors for Sexual Misconduct: Assault / Abuse / Rape was from educators followed by nit specified and principals and the most frequent Not Guilty / Allegations Unfounded / Case Withdrawn 6, followed by equal no of final written warning and dismissal at 4.

### **Sexual Misconduct: Improper / Sexual relationship with Learner**

**Table 44: Sexual Misconduct: Improper/Sexual relationships with the Learner**

<b>Sexual Misconduct: Improper / Sexual relationship with Learner</b>	<b>Deputy Principal (including acting and ex)</b>	<b>Educator (including temporary)</b>	<b>Head of Department (including Acting)</b>	<b>Multiple Accused</b>	<b>Not Specified</b>	<b>Other management (including department and union officials)</b>	<b>Principal (including Acting)</b>	<b>SG B</b>	<b>Support Staff</b>	<b>Grand Total</b>
<b>Advisory Letter</b>					1					1

<b>Dismissal</b>		<b>2</b>								<b>2</b>
<b>Final Written Warning and Fine</b>		<b>5</b>								<b>5</b>
<b>No Charge. Warning</b>				<b>1</b>	<b>1</b>					<b>2</b>
<b>Not Guilty / Allegations Unfounded / Case Withdrawn</b>		<b>3</b>			<b>1</b>					<b>4</b>
<b>Referred to DOE</b>					<b>2</b>					<b>2</b>
<b>Resolved Amicably / Mediated</b>		<b>1</b>								<b>1</b>
<b>Struck off Roll</b>		<b>5</b>								<b>5</b>
<b>Suspension and Final Written Warning</b>		<b>1</b>								<b>1</b>
<b>Total</b>		<b>17</b>		<b>1</b>	<b>5</b>					<b>23</b>

The highest transgressors for Sexual Misconduct: Improper / Sexual relationship with Learner was



educators and the highest sanction was a Final Written Warning and Fine, 5 and being struck off the roll, 5.

### Unprofessional Conduct: General Misconduct

Table 45: Unprofessional Conduct: General Misconduct

Unprofessional Conduct: General Misconduct	Deputy Principal (including acting and ex)	Educator (including temporary)	Head of Department (including Acting)	Multiple Accused	Not Specified	Other management (including department and union officials)	Principal (including Acting)	SG B	Support Staff	Grand Total
Advisory Letter		5			2					7
Dismissal		4			2		1			7
Final Written Warning and Fine		10			4		2			16
Fine		1								1
No Charge. Warning		1								1
No charges but Case will remain open indefinitely					1					1

Not Guilty / Allegations Unfounded / Case Withdrawn		1								1
Referred back to school		1								1
Referred to DOE		6					2			8
Resolved Amicably / Mediated					1		1			2
Suspension and Final Written Warning		2			2					4
<b>Total</b>		<b>31</b>			<b>12</b>		<b>6</b>			<b>49</b>

The highest transgressors of Unprofessional Conduct: General Misconduct was educator and the most frequent sanction meted out was a final written warning.

### Unprofessional Conduct: Insubordination

Table 46: Unprofessional Conduct: Insubordination

Unprofessional Conduct: Insubordination	Deputy Principal (including acting)	Educator (including team)	Head of Department (including Acting)	Multiple Accused	Not Specified	Other management (including department and)	Principal (including Acting)	SG B	Support Staff	Grand Total
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	and ex)	pora ry)			union officials)				
Accused Resigned		1			1				2
Advisory Letter		1	1		1				3
Demotion and Final written warning		1							1
Final Written Warning and Fine		2			1		1		4
No charges but Case will remain open indefinitel y		1			1				2
Not Guilty / Allegation s Unfounded / Case Withdraw n						1			1
Referred to DOE					1				1
		6	1		5	1	1		14

The highest transgressors for Unprofessional Conduct: Insubordination was educators and the most frequent sanction was a final written warning.

The table below indicates the case outcomes over a five-year period.

**Table 47: Case outcomes**

<b>Outcome</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>Total</b>
<b>Accused Resigned</b>	4	4	7	5	3	23
<b>Accused Retired</b>	2					2
<b>Advisory/Warning/Cautionary letter</b>	55	43	34	29	22	183
<b>Death of Accused / Complainant</b>	1	3	1	1		6
<b>Demotion and Final written warning</b>			8		2	10
<b>Dismissal</b>	2		21	15	17	55
<b>Final Written Warning</b>			9	1		10
<b>Final Written Warning and Fine</b>			35	89	139	263
<b>Fine</b>	9	4	6	2	6	27
<b>Matter referred to SAPS/Public Protector/Other</b>	5	3	6	2	4	20
<b>Matter referred to the Provincial Education Department</b>	23	45	6	14	12	100
<b>Matter referred to the school</b>		1		2	2	5
<b>No charges but Case will remain open indefinitely</b>	1		15	9	1	26
<b>Not Guilty / Allegations Unfounded / Case Withdrawn</b>	26	11	13	23	13	86
<b>Plea Bargain</b>			1	1		2
<b>Resolved Amicably / Mediated</b>	14	11	6	10	10	51
<b>Struck off Roll</b>	23	27	26	21	2	99
<b>Suspension</b>			3	3	8	14

<b>Suspension and Final Written Warning</b>			<b>8</b>	<b>5</b>	<b>7</b>	<b>20</b>
<b>Grand Total</b>	<b>165</b>	<b>152</b>	<b>205</b>	<b>232</b>	<b>248</b>	<b>1002</b>

Table 47 shows that the leading sanction over the five year period was a final written warning and fine, with the highest recorded in 2012. It was closely followed by advisory, warning, cautionary letter which recorded a total of 183 cases; the highest was 55 cases in 2008 there was a significant decline over the 5 year period with 2012 recording only 22 cases. However on total reported cases there has been a steady increase over the years, in 2008 there were 165 reported cases and in 2012 there were 248 reported cases.

## 6.7 EDUCATOR OUTCOMES AND SANCTIONS

Table 48: Educator outcomes and sanctions

<b>Educator (including temporary)</b>	615
<b>Final Written Warning and Fine</b>	145
<b>Advisory/Warning/Cautionary letter</b>	142
<b>Struck off Roll</b>	76
<b>Not Guilty / Allegations Unfounded / Case Withdrawn</b>	58
<b>Dismissal</b>	41
<b>Matter referred to the Provincial Education Department</b>	36
<b>Resolved Amicably / Mediated</b>	33
<b>Fine</b>	16
<b>No charges but Case will remain open indefinitely</b>	15
<b>Suspension and Final Written Warning</b>	11
<b>Accused Resigned</b>	10
<b>Final Written Warning</b>	8
<b>Matter referred to SAPS/Public Protector/Other</b>	8
<b>Suspension</b>	7
<b>Demotion and Final written warning</b>	3
<b>Accused Retired</b>	2
<b>Death of Accused / Complainant</b>	2

<b>Plea Bargain</b>	1
<b>Matter referred to the school</b>	1

Educators are the leading offenders with a total of 615 cases reported from 2008 to 2012. This has resulted in the following:

- 76 educators struck of the roll;
- 41 dismissals;
- 58 reported cases were withdrawn due to found not guilty, allegations unfounded and some of the reported cases withdrawn;
- Few of the reported cases educators were demoted retired or went for plea-bargaining or died.

## 6.8 HEAD OF DEPARTMENT OUTCOMES AND SANCTIONS

**Table 49: Head of Department outcomes and sanctions**

<b>Head of Department (including Acting)</b>	<b>12</b>
<b>Advisory/Warning/Cautious letter</b>	<b>5</b>
<b>Struck off Roll</b>	<b>1</b>
<b>Resolved Amicably / Mediated</b>	<b>1</b>
<b>Death of Accused / Complainant</b>	<b>1</b>
<b>Fine</b>	<b>1</b>
<b>Matter referred to the school</b>	<b>2</b>

The table above shows a total of 12 HoD cases reported; the leading sanction was the advisory, warning and cautionary letter with 5 reported cases. One HoD, one died before sanctioning and one was struck off the roll.

## 6.9 NON-ACADEMIC STAFF OUTCOMES AND SANCTIONS

**Table 50: Non-Academic staff and sanctions**

<b>Non-academic Staff</b>	<b>6</b>
<b>Matter referred to the Provincial Education</b>	<b>4</b>

<b>Department</b>	
<b>Advisory/Warning/Cautionary letter</b>	1
<b>Not Guilty / Allegations Unfounded / Case Withdrawn</b>	1

The table above shows that the non-academic staff had minimal reported cases, with 4 cases referred to the Provincial Education Department. One reported case was given an advisory, warning and a cautionary letter with 1 reported case found not guilty or allegation unfounded or case withdrawn.

## 6.10 NOT SPECIFIED OUTCOMES AND SANCTIONS

**Table 51: Not specified outcomes and sanctions**

<b>Not Specified</b>	<b>220</b>
<b>Final Written Warning and Fine</b>	95
<b>Advisory/Warning/Cautionary letter</b>	20
<b>Struck off Roll</b>	17
<b>Not Guilty / Allegations Unfounded / Case Withdrawn</b>	11
<b>Dismissal</b>	11
<b>Accused Resigned</b>	10
<b>Matter referred to the Provincial Education Department</b>	10
<b>Resolved Amicably / Mediated</b>	9
<b>No charges but Case will remain open indefinitely</b>	9
<b>Suspension</b>	7
<b>Suspension and Final Written Warning</b>	7
<b>Fine</b>	5
<b>Matter referred to SAPS/Public Protector/Other</b>	5
<b>Final Written Warning</b>	2
<b>Matter referred to the school</b>	1
<b>Demotion and Final written warning</b>	1

Table 51 above shows 220 reported cases as unspecified personnel/staff and the sanctions were as follows:

- 95 final warning and a fine,;
- 17 were struck of the roll;
- 11 dismissals;
- 7 suspensions; and
- 5 reported cases were referred to SAPS or the Public Protector and other agencies.

## 6.11 OTHER MANAGEMENT OUTCOMES AND SANCTIONS

Table 52: Other Management outcomes and sanctions

<b>Other management (including department and union officials)</b>	<b>19</b>
<b>Matter referred to the Provincial Education Department</b>	<b>15</b>
<b>Matter referred to SAPS/Public Protector/Other</b>	<b>2</b>
<b>Not Guilty / Allegations Unfounded / Case Withdrawn</b>	<b>1</b>
<b>Final Written Warning and Fine</b>	<b>1</b>

The table above shows that the other management reported cases were 19 and the following occurred:

- 15 of these reported cases were referred to Provincial Education Departments;
- 2 were further referred to SAPS and the Public Protector including other agencies;
- 1 reported case was found not guilty or allegations unfounded and cases withdrawn; and
- 1 reported case was sanctioned with the final written warning and fine.

## 6.12 PRINCIPAL/DEPUTY OUTCOMES AND SANCTIONS

Table 53: Principal/Deputy outcomes and sanctions

<b>Principal / Deputy (including Acting)</b>	<b>124</b>
<b>Matter referred to the Provincial Education Department</b>	<b>33</b>
<b>Final Written Warning and Fine</b>	<b>21</b>
<b>Not Guilty / Allegations Unfounded / Case Withdrawn</b>	<b>14</b>
<b>Advisory/Warning/Cautionary letter</b>	<b>13</b>
<b>Resolved Amicably / Mediated</b>	<b>8</b>



<b>Demotion and Final written warning</b>	6
<b>Struck off Roll</b>	5
<b>Matter referred to SAPS/Public Protector/Other</b>	5
<b>Fine</b>	5
<b>Death of Accused / Complainant</b>	3
<b>Dismissal</b>	3
<b>No charges but Case will remain open indefinitely</b>	2
<b>Suspension and Final Written Warning</b>	2
<b>Accused Resigned</b>	2
<b>Plea Bargain</b>	1
<b>School closed down</b>	1

Table 53 above shows that 124 reported cases implicated principals and deputies with the following outcome:

- 33 referred to the Provincial Education Department;
- 21 reported cases had a final warning and fine,;
- 5 struck of the roll;
- 5 referred to the SAPS and the Public Protector including other agencies; and
- 3 were dismissed.

### 6.13 SGB MEMBER OUTCOMES AND SANCTIONS

**Table 54: SGB member outcomes and sanctions**

<b>SGB/Member</b>	2
<b>Matter referred to the Provincial Education Department</b>	1
<b>Accused Resigned</b>	1

Table 54 shows only 2 reported cases implicating the SGB members, which is very insignificant when compared to another accused position. The outcome was 1 reported case was referred to the Provincial Education Department and 1 accused SGB member resigned.

## 6.14 VARIOUS OUTCOMES AND SANCTIONS

Table 55: Various outcomes and sanctions

<b>Various</b>	<b>6</b>
<b>Advisory/Warning/Cautionary letter</b>	<b>2</b>
<b>Matter referred to the school</b>	<b>1</b>
<b>Not Guilty / Allegations Unfounded / Case Withdrawn</b>	<b>1</b>
<b>Final Written Warning and Fine</b>	<b>1</b>
<b>Matter referred to the Provincial Education Department</b>	<b>1</b>

Table 55 shows that 6 reported cases were placed under various, only 2 reported cases were given advisory or warning or cautionary letter; the others were insignificant, with 1 reported case for each sanction.

## 6.15 CONCLUSION

The time taken to conclude reported disciplinary cases to SACE has improved tremendously over the 5 year period, there is a concerted effort by SACE to resolve the cases referred to them speedily, the turnaround time with more cases is now shorter than in 2008 when compared to 2012 there is a significant improvement.

## 7. FINDINGS AND RECOMMENDATIONS ON DISCIPLINARY CASES REPORTED TO SACE

### 7.1 INTRODUCTION

The main objective and purpose of this research was to conduct the 5 year review study on disciplinary cases reported to SACE. In an effort to realize this objective, a literature review study was conducted, which served as theoretical base or framework for conducting the empirical research. The aim of this chapter is to consolidate the research findings and recommendations.

### 7.2 RESEARCH FINDINGS

The research findings have been divided into themes to assist the categorizing and recommendations

of the research. The broad themes that have been defined are:

- Gender
- Age
- Position
- Institution type
- Provinces
- Time taken to solve cases
- Reported cases outcomes and sanctions per offense
- Outcomes and sanctions of cases over a 5 year period
- Educator outcomes and sanctions over 5 year period
- Head of Department outcomes and sanction over 5 year period
- Principal/Deputy outcomes and sanctions over 5 year period

### **Finding 1: Gender**

The gender of the accused over the five-year period was 700 (31%) females and 1370 (61%) males. The males accused was almost double that of females. Mixed was 26 and unknown 157.

### **Finding 2: Age group**

The age group with the highest offense is the 45-54 age group with 253 (16.9%) of accused, followed by the 35-44 age group, with 253, 15.4% of accused. The offense committed by the age group 45-54 is Assault of learner/Colleague (includes corporal punishment). This is followed by 55-64 age category 62 (2.8%) Assault of learner/Colleague (includes corporal punishment) and 45-54 age group for Financial misconduct: Fraud/ Mismanagement (includes theft) at 62 (2.8%).

### **Finding 3: Positions of accused**

Most of the accused were Educators, 1284 (57.5%) followed by Principal/Deputy principal, 323 (14.5%).

### **Finding 4: Highest no of offenses by Educators**

- Assault of learners/colleagues (including corporal punishment) was 371 cases, 28.9% of all educator cases.
- Unprofessional conduct: General misconduct was 155 cases, 12% of educator cases.
- Financial misconduct fraud/mismanagement including fraud, 137 cases, 10.7% of all cases
- Sexual misconduct: Improper/sexual relations with learners, 98 cases, 7.3% of all educator cases.
- Harassment, victimization, intimidation, humiliation of learner and colleague, 93 cases, 7.2% of all educator cases

#### **Finding 5: Highest no of offenses by Principal/Deputy principal**

- Harassment, victimization, intimidation, humiliation of learner and colleague, 59 (18.3%) of all Principal/Deputy principal cases
- Financial misconduct: Fraud/mismanagement (including theft) 50 cases, 15.5% of all Principal/Deputy principal cases
- Assault of learner/colleague (includes corporal punishment) 47 (14.6%) of Principal/Deputy principal cases.
- Unprofessional conduct: General misconduct 45, 13.9% of all Principal/Deputy principal cases.
- Improper labour relations (including unfair treatment, discrimination and racism 36, 11.1% of all Principal/Deputy principal cases.

#### **Finding 6: Highest no of offenses by Heads of Departments (HoD's)**

- Harassment, victimization, intimidation, humiliation of learner and colleague, 5, 20% of all HoD cases.
- Unprofessional conduct: General misconduct 4, 16% of all HoD cases.
- Unprofessional Conduct: Insubordination 4, 16% of all HoD cases.
- Poor performance 3, 12% of all HoD cases.
- Assault of learner/colleague (includes corporal punishment) 2, 8% of all HoD cases

#### **Offenses by institution type**

### **Finding 7: High school related offenses**

- Assault of learner/colleague (includes corporal punishment), 201, 22% of all high school cases.
- Unprofessional conduct: General misconduct, 114, 12.5% of all high school cases.
- Sexual misconduct: Improper/sexual relations with learners, 101, 11% of all high school cases.
- Harassment, victimization, intimidation, humiliation of learner and colleague, 84, 9.2% of all high school cases.
- Financial misconduct: Fraud/mismanagement (including theft), 79, 8.6% of all high school cases.

### **Finding 8: Intermediate/Combined schools**

- Assault of learner/colleague (includes corporal punishment), 21, 15.2% of all Intermediate/Combined schools.
- Harassment, victimization, intimidation, humiliation of learner and colleague, 19, 13% of all Intermediate/Combined schools.
- Unprofessional conduct: General misconduct, 14, 10.1% of all Intermediate/Combined school cases.
- Sexual misconduct: Improper/sexual relations with learners, 13, 9.4% of all Intermediate/Combined school cases.
- Financial misconduct: Fraud/mismanagement (including theft), 12, 8.7% of all Intermediate/Combined school cases.

### **Finding 9: Pre-primary school related offenses**

- Unprofessional conduct: General misconduct, 2, 50% of all preprimary school cases.
- Financial misconduct: Fraud/mismanagement (including theft), 1, 25% of all preprimary school cases.
- Assault of learner/colleague (includes corporal punishment), 1, 25% of all preprimary school

cases.

#### **Finding 10: Primary school related offenses**

- Assault of learner/colleague (includes corporal punishment), 326, 35% of the primary school cases.
- Financial misconduct: Fraud/mismanagement (including theft), 129, 13.6% of the primary school cases.
- Unprofessional conduct: General misconduct, 114, 12.2% of all primary school cases.
- Harassment, victimization, intimidation, humiliation of learner and colleague, 93, 10% of primary school cases.
- Absenteeism (including late coming), 50, 5.4% of all primary school cases.

#### **Finding 11: Special needs school offenses**

- Assault of learner/colleague (includes corporal punishment), 9, 25.7% of all Special needs school offenses.
- Financial misconduct: Fraud/mismanagement (including theft), 6, 17.1% of all Special needs school offenses.
- Harassment, victimization, intimidation, humiliation of learner and colleague, 5, 14.3% of all Special needs school offenses.
- Sexual misconduct: Improper/sexual relations with learners, 2, 5.7% of all Special needs school offenses.

#### **Finding 12: Provincially reported cases**

- Assault of learner/colleague (includes corporal punishment), for Western Cape, 345, 15.5% of all provincial cases.
- Financial misconduct: Fraud/mismanagement (including theft), for Kwa-Zulu Natal, 118, 5.3% of all provincial cases.
- Assault of learner/colleague (includes corporal punishment), for Gauteng, 70, 3.1% of all provincial cases.

- Assault of learner/colleague (includes corporal punishment), for Kwa-Zulu Natal, 68, 3% of all provincial cases.
- Unprofessional conduct: General misconduct, for Kwa-Zulu Natal, 59, 2.6% of all provincial cases.
- Harassment, victimization, intimidation, humiliation of learner and colleague, for Gauteng, 58, 2.6% of the provincial cases.
- Financial misconduct: Fraud/mismanagement (including theft), for Western Cape, 57, 2.6% of provincial cases.
- Harassment, victimization, intimidation, humiliation of learner and colleague, for Kwa-Zulu Natal, 57, 2.6% of all provincial cases.
- Absenteeism (including late coming), for Western Cape, 39, 1.7% of all provincial cases.
- Financial misconduct: Fraud/mismanagement (including theft), for Mpumalanga, 31, 1.4% of all provincial cases.
- Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud), for Western Cape, 1.3% of all provincial cases.

### **The number of cases and the average days solved per province**

The number of cases and the average days solved per province

<b>Province</b>	<b>No of cases</b>	<b>days</b>	<b>Ave days per case</b>	<b>Ranking</b>
<b>Kwa-Zulu Natal</b>	<b>112</b>	<b>563</b>	<b>5</b>	<b>1</b>
<b>Western Cape</b>	<b>84</b>	<b>512</b>	<b>6</b>	<b>2</b>
<b>Gauteng</b>	<b>48</b>	<b>512</b>	<b>10,6</b>	<b>3</b>
<b>Mpumalanga</b>	<b>22</b>	<b>374</b>	<b>17</b>	<b>4</b>
<b>Free State</b>	<b>18</b>	<b>308</b>	<b>17,1</b>	<b>5</b>
<b>North West</b>	<b>18</b>	<b>439</b>	<b>24,4</b>	<b>6</b>
<b>Eastern Cape</b>	<b>5</b>	<b>170</b>	<b>34</b>	<b>7</b>
<b>Limpopo</b>	<b>14</b>	<b>487</b>	<b>34,8</b>	<b>8</b>
<b>Northern Cape</b>	<b>2</b>	<b>188</b>	<b>94</b>	<b>9</b>

**Average no of days to close cases per year over 5 year period**

Average no of days to close cases per year over 5 year period

Year	Number	Ave Number of Days to close	Ave days per case
2008	168	635	3.8
2009	155	348	2.2
2010	45	270	6
2011	42	204	4.9
2012	89	235	2.6
<b>Total</b>	<b>499</b>	<b>1692</b>	<b>3.9</b>

The average no of days used to close a case is 3.9 days.

### **Reported cases outcomes and sanctions per offense**

#### **Finding 13: Absenteeism (including late coming)**

- Final written warning and fine, 13
- Dismissal, 4
- Advisory letter, 3
- Referral to DoE, 3
- No charge warning, 2

#### **Finding 14: Assault of learner/colleague (includes corporal punishment)**

- Final written warning and fine, 130
- Advisory letter, 19
- No charge but case will remain open indefinitely, 13
- Not guilty/Allegations unfounded/Case withdrawn, 11
- Resolved amicably/Mediated, 10

#### **Finding 15: Financial misconduct: Fraud/mismanagement (including theft)**

- Final written warning, 25
- Dismissal, 7
- Fine, 5
- Advisory letter, 5



- Referred to SAPS/Other, 5

**Finding 16: Fraud (including exam fraud, fraudulent qualifications and 'dishonesty'. Excludes financial fraud)**

- Final written warning, 8
- Advisory letter, 2
- Accused resigned, 1
- Demotion and final written warning, 1
- Dismissal, 1
- No charges but case will remain open indefinitely, 1
- Not guilty allegation unfounded/case withdrawn, 1

**Finding 17: Harassment, Victimization, intimidation, humiliation of learner or colleague**

- Final written warning, 14
- Not guilty allegations unfounded/case withdrawn, 9
- Resolved amicably/mediated, 6
- Referred to DoE, 4
- Suspended and final written warning, 3

**Finding 18: Improper Labour Relations (including unfair treatment, discrimination and racism)**

- Final written warning and fine, 11
- Dismissal, 1
- Referral back to school, 1
- Referral to SAPS/other, 1

**Finding 19: Poor Performance (including mismanagement, improper process in promoting / expelling learners)**

- Final written warning and fine, 11
- Referral to DoE, 4
- Accused resigned, 1
- Not guilty/allegations unfounded/case withdrawn, 1

- Plea bargain, 1

**Finding 20: Sexual Misconduct: Assault / Abuse / Rape**

- Not guilty/allegations unfounded/case withdrawn, 6
- Dismissal, 4
- Final written warning and fine, 4
- Accused resigned, 3
- Advisory letter, 1
- Death of accused, 1
- Final written warning, 1
- No charge warning, 1
- No charges but case will remain open indefinitely, 1
- Referred to DoE, 1
- SAPS/Prison,1
- Suspension and final written warning,1

**Finding 21: Sexual Misconduct: Improper / Sexual relationship with Learner**

- Final written warning and fine, 5
- Struck off roll, 5
- Not guilty/allegations unfounded/case withdrawn, 4
- Dismissal, 2
- No charge warning, 2
- Referred to DoE, 2

**Finding 22: Unprofessional Conduct: General Misconduct**

- Final written warning and fine, 16
- Referred to DoE, 8
- Dismissal, 7
- Advisory letter, 7
- Suspension and final written warning, 4

**Finding 23: Unprofessional Conduct: Insubordination**

- Final written warning and fine, 4

- Advisory letter, 3
- Accused resigned, 2
- No charges but case will remain open indefinitely, 2
- Demotion and final written warning, 1
- Not guilty/allegations unfounded/case withdrawn, 1
- Referred to DoE, 1

**Finding 24: Outcomes and sanctions of cases over a 5 year period**

- Final written warning and fine, 263
- Advisory/warning cautioning letter, 183
- Matter referred to Provincial Education Department, 100
- Struck off roll, 99
- Not guilty/allegations unfounded/case withdrawn, 86
- Dismissal, 55
- Resolved amicably/mediated, 51
- No charge but case will remain open indefinitely, 26
- Fine, 27
- Accused resigned, 23

**Finding 25: Educator outcomes and sanctions over 5-year period**

- Final written warning and fine, 145
- Advisory/warning/cautionary letter, 142
- Struck off roll, 76
- Not guilty/allegations unfounded/case withdrawn, 58
- Dismissal, 41

**Finding 26: Head of Department outcomes and sanction over 5-year period**

- Advisory/warning/cautionary letter, 5
- Matter referred to school, 2
- Struck off roll, 1
- Resolved amicably/mediated, 1
- Death of accused/complainant, 1

- Fine, 1

**Finding 27: Principal/Deputy outcomes and sanctions over 5 year period**

- Matter referred to Provincial Department of Education, 33
- Final written warning and fine, 21
- Not guilty/allegations unfounded/case withdrawn, 14
- Advisory/warning/cautionary letter, 13
- Resolved amicably/mediation, 8
- Demotion and final written warning, 6
- Struck off roll, 5
- Matter referred to SAPS/Public protector/Other, 5
- Fine, 5
- Death of accused/complainant, 3
- Dismissal, 3

**7.3 RESEARCH RECOMMENDATIONS**

1. There is a need for SACE to improve data collection systems to ensure that data is collected more accurately, such as the data indicated that under gender 157 cases were labeled as unspecified (unknown).
2. Training in classroom management on alternative disciplinary methods to ensure that the corporal punishment is eradicated; as the study indicated that the Assault of learner/Colleague was the highest committed offense (Age group 45-54 and 55-64).
3. Training in financial management and budgeting in order to reduce the offense of Financial misconduct which entails fraud, mismanagement and theft. The high number of financial misconduct cases indicates a lack of sound financial systems and controls. SGB's must be empowered on financial management skills.
4. Teachers should be made aware of SACE professional code of conduct and the consequences of contravention thereof. Regular awareness campaigns must be conducted to create a high level of awareness.
5. SACE should work more closely with Provincial Education Departments when teachers are charged with misconduct, so that their SACE membership could be revoked and they are

prohibited to teach (blacklisted).

6. Sexual matters should always be dealt with by SACE, after hearings being concluded or during parallel disciplinary processes.
7. Regular bilateral meetings between SACE and the Education Departments in order to promote co-operation.
8. Monitoring and evaluation systems must be put in place to ensure that the cases are not delayed unnecessarily. Cases that drag on can have a negative impact on the institution especially if the transgressor and the complainant are in the same institution.
9. Sanctions must be continually reviewed for each of the committed offenses by indicating a range for each sanction. The research study showed that cases over the 5-year period indicated that one of the most frequent sanction meted is Final written warning despite the nature of the transgression.
10. SACE must encourage the PED's to conduct awareness campaigns of the offences that are occurring in institutions and the sanctions that are meted out so that this may act as a deterrent for future offenders.
11. The extent of the unreported cases is not known and there could be a high level of unreported cases due to victimization and harassment and SACE should consider opening up a toll free help line where the victims have an opportunity to report these transgressors anonymously.
12. The top 5 highest number of offences for Principals/Deputy principles, Heads of Departments and educators as well as per institutional and by province are as follows:
  - Assault of learner/colleague (includes corporal punishment)
  - Harassment, victimization, intimidation, humiliation of learner and colleague
  - Financial misconduct: Fraud/mismanagement (including theft)
  - Unprofessional conduct: General misconduct
  - Sexual misconduct: Improper/sexual relations with learners

This indicates that SACE must ensure that teachers receive training in understanding their rights and responsibilities as well as the rights and responsibility of learners, as enshrined in the constitution, the labour relations act and other relevant legislations.

13. There must be workshops aimed at creating awareness and protecting learners against teachers' sexual advances, and a process of reporting that will publicly expose such

transgressors in a sex offenders' register.

14. Socio-Economic conditions of learners must not be ignored, but be taken into consideration in dealing with the cases of sexual abuse in order to protect them against exploitation.
15. The SACE reporting toll free number can serve as accessibility means improving reporting even in remote and rural areas.

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