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## Education Capture: The Interference of Teacher Unions in the Schooling System in South Africa

### Abstract

The paper investigated education capture and the interference of teacher unions in schools by their involvement in the corruption of selling teacher posts. Qualitative approach, an interpretive paradigm and capture theory of regulation were used in understanding the phenomenon of education capture. Methods used in gathering information consist of a literature review and document analysis. In addition, the final report of 16 May 2016 of the Ministerial Task Team appointed by the Minister of Basic Education to investigate allegations into the selling of posts of educators by members of teachers' unions and departmental officials in provincial education departments was also used as a source in investigating education capture.

Keywords: education capture, selling of teacher posts, teacher, professional development, unions, corruption, interference

### Introduction

The paper aims at understanding education capture and the role of teacher unions in the selling of teacher posts in schools. The paper stems from allegations in the media that some members of teacher unions and department officials were involved in illegal activities involving the selling of teacher posts. The Minister of Basic Education, held meetings with various stakeholders including Teacher Unions, as well as the Associations of School Governing Bodies and a consensus was reached to investigate the allegations. It was thus agreed that a Ministerial Task Team, instead of a Commission of Inquiry be established by the Minister to probe these allegations. Prinsen and Titeca (2008, p. 151) are of the view that 'when the position of national elites is weakened, local elites may capture decentralised public services and escape the control of the national state and the local elite's interests are dominated by a small group of better educated and networked individuals'. In this paper 'education capture' is defined as when teacher unions dominate all stakeholders (learners, teachers, parents, School Governing Bodies, School Management Teams, district officials, etcetera) involved in schools. Capture theory of regulation was used in the understanding of education capture. This theory asserts that regulated groups are able to control or 'capture' the agencies, which regulate them, thereby insuring that regulatory decisions will be uniformly consistent with the interests of the regulated.

The capture theory suggests there are certain inherent features of the regulatory process and environment that determine the fundamental nature of the regulatory process and guarantee the dominance of the regulated group in influencing regulatory decisions. Thus, the creation of a regulatory agency is characterized by a

struggle between a diffuse majority favouring regulation – the public, and a powerful minority resisting regulation – the regulated group. Once an agency is created, the public loses interest, content that the threat to the ‘public interest’ has been averted. In contrast, the regulated group maintains interest, because it has a much more concrete stake in regulatory outcomes. Faced with such a pattern of group interests, the regulatory agency gradually adopts a posture of serving and defending the regulated group (Berry, 1984).

## Method

The paper investigates education capture and the role that teacher unions played in the corruption of selling teacher posts in the schooling system in South Africa. Qualitative approach, interpretive paradigm and Capture theory of regulation were used by the author in understanding education capture in the schooling system in South Africa. Methods used in gathering information consist of a literature review and document analysis. In addition, the final report of 16 May 2016 of the Ministerial Task Team appointed by the Minister of Basic Education to investigate allegations into the selling of posts of teachers, by members of teacher unions and departmental officials in provincial education departments, was used as a source in understanding education capture.

## Teacher professional development

The demands of contemporary society challenge teachers as key actors in formal educational systems. These challenges are often related to the identification and definition of key competences that need to be developed in the teachers and further fostered during their professional development (Nuñez, Derluyn & Valcke, 2019). Self-confidence, discrimination, family responsibilities, qualification, experience, ethnicity, age and institutional racism, etc. are barriers for teachers to access continuing professional development opportunities (Mboyo, 2019). Teachers need to be developed and to have strong communication skills, to collaborate within different contexts and school cultures and to have administrative support to influence their professional development (Taylor et al., 2018). Prolonged development interventions and continuous reflection are necessary for teachers to change their practice and make changes sustainable, even if on the way towards those goals teachers might show their individual learning path (Kiemer et al., 2018). Key components needed for successful implementation of professional learning communities should include shared beliefs, values and mission; shared and supported leadership; supportive conditions; caring and respect among members; and collective learning with intentional sustained focus on student needs. Core elements that teachers should know in their development should include promoting the culture within and outside school, gaining active engagement from families and community, and building sustainable leadership with good moral ethics. This type of professional development ought to be aligned to transformational learning theory in that teachers need to be empowered to take ownership to identify and solve problems to affect their teaching and outcomes for their students (Baird & Clark, 2018).

There is a tendency for professional development undertakings to focus on technology and not on pedagogy and ethics. *Pedagogy* denotes the essential dialogue

between the events of teaching, learning, and the way we think and talk about plan and structure those events. Pedagogy ought to encompass a way of knowing and a way of doing. In developing teachers professionally, teachers are not only expected to act professionally, but the expectation is for them to behave professionally and ethically. Therefore, teacher professional development needs to focus on assisting them in acquiring on-the-job knowledge, skills, and capabilities relevant to the discipline and the profession. In addition, advanced teacher professional training needs also to adopt the professional values and behaviours that society associates with being an ethical professional. Rather than being explicitly taught, however, much of what is learned ought to be acquired tacitly through observation of role models and enculturation in professional practice settings, often termed the 'hidden curriculum' (Mahlangu, 2017).

Teacher professional development ought to focus on mediating outcomes (teacher knowledge, beliefs, and practices) for understanding the process by which professional development programmes might affect student learning. In addition, the focus should be on ethical conduct, content, classroom applications, and on opportunities for teachers to interact with and learn from each other ethical conduct (Griffi et al., 2018).

### **Glocal interference of teacher unions in education systems**

The paper explores education capture in relation to the main problem investigated by the Ministerial Task Team as to how to reduce, if not eliminate corruption in the selection and appointment of candidates for posts in the Department of Basic Education. Thus, the focus has been on two areas: the environment generated by the Department of Basic education and the Teacher Unions, and the processes by which recruitment and selection occur.

According to the Department of Basic Education (2016, p. 18), 'the Department of Education is effectively in control of education of one-third of South Africa's provinces'. In other words, where authority is weak, inefficient and dilatory, teacher unions move into the available spaces and determine policies, priorities and appointments achieving undue influence over matters, which primarily should be the responsibility of the department. Therefore, weak authorities, aggressive unions, compliant principals and teachers eager to benefit from union membership and advancement are a combination of factors that defeat the achievement of quality education by attacking the values of professionalism. This may contribute to education capture. In the South African Education sector, non-professional bodies (such as School Governing Bodies (SGBs)) are tasked with the recruitment and selection of professionals. This seems to undermine the credibility of the process. Dysfunctionality of SGBs add doubt about the validity of staff selection. Given its historical legacy policy and practice, the education sector has features that are different from other public service sectors (Ibid, 2016).

The challenge that the paper views as education capture globally, appears to be the uncertainties in Asia in the coming years of how to meet the expectations people have come to entertain in this region, due to the phenomenal improvement in their standard of living over a generation. With Brexit and the election of Donald Trump as U.S. President in 2016, the rise of populism, nationalism, anti-globalism, anti-liberalism, racism and the 'retreat of democracy' are some of the examples of

education capture worldwide (Shiraishi, 2019, p. 19). In support of Shiraishi (2019), González (2019, p. 45) is of the view that Latin America's coercive institutions exhibit 'profound weaknesses, characterized by poor training, low specialisation, ineffectiveness, extra-legal violence, and widespread corruption'. Despite profound deficiencies, the region's police have successfully blocked structural reform altogether, as in São Paulo, or frustrated reform for years, as in Buenos Aires. Another example is that trade unions in post-communist countries proved to be weak and passive, despite the greater scope for independent labour mobilization and the concerted effort to establish tripartite institutions. Similarly, some scholars have stressed the role of communist legacies in producing weak, co-opted unions that were accustomed to collaborating with government and managerial elites in order to ensure orderly production. There is also the legacy of the early post-communist period, when newer unions sought to leapfrog unions descended from the communist era by embracing the turn to capitalism but failing to mobilize labour (Hartshorn, 2019). National reports from the English educational sector highlight discrimination against individuals on a variety of reasons including gender, religion, and sexual orientation, and race-related discrimination and this can be seen as education capture (Mboyo, 2019).

At the Annual Conference held in the Channel Island of Jersey in 1983, in Britain, the National Union of Teachers (NUT) passed one of its first resolutions in favour of world peace and against the nuclear arms race. After the Jersey Conference, the National Union of Teachers began to mobilise the teachers around the fluttering banners in support of the British peace campaign against the nuclear armaments race. As a result throughout 1983 the union carried out the following activities: peace demonstrations together with other British unions affiliated with the Trades Union Congress (TUC); making demands on the British government that it should take part in international negotiations with a view to ending the arms race and bringing about nuclear disarmament (both short and long-range missiles) (Ferreira Jr., 2019). Thus, it was clear that as far as the national direction of the NUT was concerned, having a good education was something that was organised around education for peace and the values of cooperation were considered as important in educating students. However, the British government took a different view and systematically attacked the pacifist policies, which they believed the teachers were inculcating in the state schools. As a result, when the International Peace Conference proposed by the NUT was held in the first half of 1984, the union was strongly opposed by the Conservative government of Mrs Thatcher and the Cold War reached its most critical phase with the installation of new nuclear arms in the continent of Europe (Ferreira Jr., 2019).

## Findings

The practice of selling posts whether through the exchange of money or other favours, such as sexual favours, is widespread though under reported in schools. The under reporting can be attributed to the fact that the seller and the buyer of the post operate in high secrecy and in some instances with intimidation. SGBs were regarded as having been politicised and that, combined with pressures exerted by unemployment tend to make people behave unethically. Undue influence is made possible by the incapacity of SGBs and community levels of understanding of the

appointment processes, and the role played by the Resources People and ‘anomalies in the system’. Managers found that the South African Democratic Teachers’ Union takes charge if Circuit Managers do not act. Unions were experienced as powerful and threatening and the solution is that the leadership by SGBs could remedy the situation. According to the Ministerial Task Team, all Unions acknowledged that the selling of posts exists and the South African Democratic Teachers’ Union nationally called the exchange of money and other favours for posts ‘wide spread and under reported’. Nonetheless, they pointed out that this was but one, perhaps a minor one of the many forms of undue influence and corruption at school and Departmental levels. The Executive Director alleged that SGBs are not trained satisfactorily to deal with the appointment processes. For example, in most rural areas, there are no educated parents and thus the principal is the only one who guides and influences the School Governing Bodies.

The Executive Director is aware that malpractice occurs. The remedy is that principals and District officials need to be trained to conduct the process of interviews and recommendation and to provide support to schools. The Suid Afrikaanse Onderwys Unie (SAOU) in its preamble said that it sought a fair, objective and transparent process for the appointment of teachers. The system should respect labour rights, the Constitution, administrative justice, the law and the Education Labour Relations Council (ELRC) collective agreements. SAOU has come across no instances of the selling of posts.

SAOU is of the view that problems in the system, amongst others, include the deployment of cadres by big unions with the result that their members are influential at all levels of the Department of Education. Some problems occur when the third nominee and not the SGBs first and second choice is appointed by the Department of Education. Observers do not always behave objectively and dispassionately during the promotion processes. In SAOU view, parents from all strata of society are capable of using the SGB system of appointments constructively. The weak area is not the poor or rudimentarily educated parents, but the source of irregularities in this regard is located in the District Offices of the Department of Basic Education. For that reason, the deployment of officials to the Department of Education from teacher unions weakens the department.

## **Conclusion**

In this paper, it is argued that the buying and selling of posts is education capture. Consequently, all teacher unions in South Africa were clear in their condemnation of this practice and they declared that they had taken care to inform their members about the illegal and corrupt implications of such actions. Therefore, teacher unions are in no doubt that, this practice does occur but no specific or substantial cases had come to their notice. In addition, teacher unions were keen to distance themselves from this practice and the Ministerial Task Team was asked specifically to make an absolute distinction between the unions’ policies and the possibly errant behaviour of individuals, who are teacher union members. Posts are being sold for cash and the parties operate in networks. There is a climate of fear that keeps people from exposing these practices. Union influence often exceeds the regulatory bounds, especially where administrative action is weak on the side of department.

## References

- Baird, T. J. & Clark, L. E. (2018): The 'look-ahead' professional development model: a professional development model for implementing new curriculum with a focus on instructional strategies. *Professional Development in Education*, 44(3), 326-341.
- Berry, W. D. (1984): An Alternative to the Capture Theory of Regulation: The Case of State Public Utility Commissions. *American Journal of Political Science*, 28(3), 524-558.
- Department of Basic Education (2016): Report of the Ministerial Task Team appointed by Minister Angie Motshekga to investigate allegations into the selling of posts of Educators by members of teacher unions and Departmental Officials in Provincial Education Departments: *Final Report 18 May 2016*. Pretoria: Government Printers.
- Ferreira Jr., A. (2019): The British National Union of Teachers (NUT) against the background of the Cold War: An International Peace Conference between teachers in Western and Eastern Europe. *Espacio, Tiempo y Educación*, 6(1), 161-180.
- González, Y. (2019): The Social Origins of Institutional Weakness and Change: Preferences, Power, and Police Reform in Latin America. *World Politics*, 71(1), 44-87.
- Griffi, C. C., Dan, N. F., Pape, S. J., Algina, J., Bae, J., Prosser, S. K. & League, M. B. (2018): Prime Online: Exploring Teacher Professional Development for Creating Inclusive Elementary Mathematics Classrooms. *Teacher Education and Special Education*, 41(2), 121-139.
- Hartshorn, I. M. (2019): The fate of labor after regime change: Lessons from post-communist Poland and post-apartheid South Africa for Tunisia's Nobel-Prize winning unions. *Economic and Industrial Democracy*, 40(1), 20-41.
- Kierner, K., Gröschner, A., Kunter, M. & Seide, T. (2018): Follow on instructional and motivational classroom discourse and their relationship with teacher autonomy and competence support – findings from teacher professional development. *European Journal of Psychological Education*, 33, 377-402.
- Mahlangu, V. P. (2017): Professional Development of Adult Learners through Open and Distance Learning. In S. L. Renes (Ed.) *Global Voices in Higher Education* (pp. 131-145). Croatia: Intech.
- Mboyo, J. P. E. (2019): School leadership and Black and minority ethnic career prospects in England: The choice between being a group prototype or deviant head teacher. *Educational Management Administration & Leadership*, 47(1), 110-128.
- Núñez, J. C., Derluyn, I. & Valcke, M. (2019): Student teachers' cognitions to integrate comprehensive sexuality education into their future teaching practices in Ecuador. *Teaching and Teacher Education*, 79, 38-47.
- Prinsen, G. & Titeca, K. (2008): Uganda's decentralised primary education: musical chairs and inverted elite capture in school management committees. *Public Administration and Development*, 28, 149-164.
- Shiraishi, T. (2019): Emerging States and Economies in Asia: A Historical and Comparative Perspective. In T. Shiraishi & T. Sonobe (Eds.) *Emerging States and Economies: Their Origins, Drivers, and Challenges Ahead* (pp. 1-30). Singapore: Springer Nature.
- Taylor, M., Klein, E. J., Munakata, M., Trabona, K., Rahman, Z. & McManus, J. (2018): Professional development for teacher leaders: using activity theory to understand the complexities of sustainable change. *International Journal of Leadership in Education*. <https://doi.org/10.1080/13603124.2018.1492023> (Accessed 30.01.2019).

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