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# The right to basic education for all in South Africa: Implications for school principals

## Abstract

It is now globally accepted that all children have the right to basic education as a fundamental human right. This right must not only be guaranteed, but also fulfilled holistically to meet all children's educational needs. This occurs when its three dimensions, namely access, quality and safe conditions are equally addressed. In other words, the right to basic education is fulfilled when all children have access to quality education in a safe school environment. For this reason, the state has a duty to promote and protect this right entirely. In South Africa, the state has put in place a legislative and policy framework to meet its obligation in this regard. However, despite the state's efforts in creating child-friendly school conditions, children in schools still experience challenges that negatively impinge upon their educational rights. Such challenges include school dropout, grade repetition together with poor academic performance and achievement. The problem is rooted in the disconnection between access to education, school safety and quality education, putting the spotlight on the school principal's leadership. This paper concludes that refocusing on the application of the school leadership theory has the potential to reduce the problem.

Keywords: collective purpose, empowerment, leadership theory, school dropout

## Introduction and background

The right to basic education for all, with its roots in the international conventions of the past century, is now universally accepted as a fundamental human right. This is manifested by the human rights-based approach to education followed in many countries in response to the ratification of these and recent conventions. The conventions, among others, include the Dakar Framework for Action (UNESCO, 2002) and the Jakarta Declaration on the Right to Basic Education (UNESCO, 2005). Informed by such key principles as nondiscrimination, inclusion, equality, participation, accountability and the rule of law, the human rights-based approach is underpinned by the view that all children, irrespective of their backgrounds must receive quality education. As part of the international community, the state in South Africa is obliged to commit to the realisation of the right to basic education for all learners, despite their different backgrounds. To meet this obligation, the right to basic education is embedded within the country's constitutional and legislative framework. Section 29 (1) (a) and Section 28 of Constitution (South Africa, 1996a), under the Bill of Rights, promote and protect children's right to education respectively. The Children's Act No. 35 of 2005 (South Africa, 2005) lays emphasis on the 'best interests of the child' principle as the most fundamental of principles underpinning the constitutional rights of the child. While Section 7 (I) of the Act makes provisions for how the principle can be applied to protect the child from psychological and physical harm, Section 32 (2) places the duty of child care and protection on any person acting on behalf of a parent. As part of the protection of children's right to education, the South African Schools Act No. 84 of 1996 (South Africa, 1996b) prohibits schools from engaging in any unfair discriminatory practices when admitting learners to schools.

The fulfilment of the right to basic education is holistic, involving access to education, the quality of education received once access is gained and the conditions under which such education is delivered (UNICEF, 2007). The definition of this right as well as its fulfilment in

practice is more than the sum of its parts in so far as it involves an integration of the three components. To fulfil one of these components or partly address it in exclusion of the others does not only deviate from the definition of the right, but also defeats its purpose. Studies abound with evidence that points to the undesirable consequences of failure to fulfil the right to education holistically. For example, while studies in Sub-Saharan Africa show evidence of a general increase in enrolments (access), signalling that the doors of learning are opening to every child, they paint a negative picture in the form of, but not limited to, increased school dropouts (Sebates et al., 2010), poor performance of learners (Taylor & Spaull, 2015) and repetition of grades (UNESCO, 2010). This suggests a disconnection between access, quality and the learning environment. Duty bearers (state and schools) are obliged to fulfil the right to education in its entirety for all right bearers (learners). If the right is to be fulfilled, each duty bearer must play their part in the process. This suggests that while it is a necessary condition to guarantee the right to basic education in a country's legislative framework, such guarantee is not a sufficient condition for its fulfilment in schools. Its fulfilment rests squarely on school leaders who are committed to promoting and protecting the right. The reason for focusing on school leadership stems from the literature that continues to stress the importance of school principal in ensuring the quality of education in the core business of teaching and learning (National Planning Commission, 2013). It is against this background that the purpose of this paper is to examine the right to basic education from the South African perspective and its implications for school leadership.

To meet its constitutional obligation and legislative mandate to fulfil the right to basic education for all learners, the Department of Basic Education has developed and put in place a policy infrastructure, based on the Constitution (South Africa, 1996) to create opportunities for every school-going child to learn in a safe and secure school environment. This is marked by the emergence in the legislative landscape of a number of child-friendly policies. These policies include the Draft National Policy for the Provision and Management of Learning and Teaching Support Material (LTSM) (DBE, 2014), aimed at ensuring that all learners have access to quality LTSM; the No-Fee School Policy (DBE, 2006), aimed at exempting poor parents from payment of school fees and increasingly making them beneficiaries of government funding; the National School Safety Framework (NSSF) (DBE, 2015), aimed at creating and maintaining safe school spaces; and, the Integrated School Health Policy (DBE, 2012), aimed at addressing learners' health problems and nutritional needs. Collectively these policies, not only reduce barriers to education, but also ensure that learners stay in schools to learn once access is provided.

#### 2. Methodology

The approach used in this paper was quantitative and involved the use of three sets of data with special focus on public schools in South Africa. The first set of data was obtained from the 2015 General Household Survey, produced by the Statistics South Africa (Statistics South Africa, 2016). The significance of the data presented lies in its ability to show the impact of various education policies on the creation of conditions conducive to the safety of learners in schools. The second set of data derives from the South African Department of Basic Education's Education Management Information System (EMIS) (DBE, 2017a). The data shows school admission and enrolment figures captured over a three-year period, giving a picture of access to education. The third set of data was drawn from the 2016 Diagnostic Report of the Department of Basic Education (DBE, 2017b). This set of data gives a sense of the quality component of the right to basic education. While the three sets of data give a picture regarding the state's role in fulfilling its constitutional mandate of promoting and protecting the right to basic education, I found it important to examine the role of the school principal as a leader in this regard. This was examined against the background of a theory on basic leadership practices.

#### 3. Results

Results from this study capture three key issues relating to the right to education. These issues are improved access to basic education, increased safeguarding of conditions conducive to learning and an unsatisfactory quality education provided in schools.

Access to education in South Africa can be illustrated through enrolment figures. Data from the Department of Basic Education's EMIS (DBE, 2017) over a three-year period from 2014 to 2016 shows an increase in enrolment figures. The total enrolment in public schools for 2014, 2015 and 2016 was 12 117 015, 12 248 279 and 12 342 213 respectively, representing 1.8% increase. From this increase in enrolment, one can deduce that many children in the country have access to education.

There is evidence on the ground of the various policies in place contributing to the creation of safe environmental conditions, conducive to protecting the right to basic education in public schools. Data from the 2015 General Household Survey (Statistics South Africa, 2016) serve as an example in this regards:

- The No-fee School Policy has led to 64.6% of learners exempted from pay-1. ment of school fees, enjoying free admission to schools.
- 2. The National Policy for the Provision and Management of LMS has made it possible for 81.1% of learners to have access to free textbooks.
- 3. Integrated Health Policy through the National School Nutrition Programme has led to 76.2% of learners benefiting from the feeding schemes.
- 4. The National School Safety Framework and related safety regulations has led to a significant decline in the use of corporal punishment with only 11.3% of learners reporting their exposure to it.

While the implementation of the various policies paints a good picture of the state's efforts in ensuring the right to education, there are three phenomena, which presents a gloomy picture on the quality of education, namely, school dropout, learner performance and learner achievement in key subjects. Regarding school dropout, there was a decline in learner enrolment in both Grade 9 and Grade 10 between 2014 and 2016 (DBE, 2017a). Figures for dropouts from Grade 9 in 2015 and 2016 were 99 084 and 45 843 respectively and those from Grade 10 during the same period were 26 131 and 7 671. One study by the DBE (DBE, 2013a) has found what it calls a 'queuing phenomenon' experienced in Grades 10 and 11, where learners repeat these grades for some years before dropping out without acquiring matric. The challenge of school dropout is neither a new phenomenon nor confined to secondary schools. For example, a 2007 comparative study (UNESCO, 2010) shows that the South African level of repetition in primary school is high by international standards. Apart from this, there is a problem of poor performance, clearly shown in matric where, for example, learner achievement in mathematics (at 40% and above) dropped from 35.1% to 31.9% between 2014 and 2015 (DBE, 2017b). This poor performance begins in lower grades. For example, in their recent African study Spaull and Taylor (2014) have found that children who completed 6 years of formal full-time schooling are functionally illiterate.

Analysis of the data within the context of the right to basic education in South Africa reveals three issues. First, it shows that there is improvement in providing access to education, given high enrolment figures. This may be attributed to invitational policies such as the No-fee School Policy and the National School Nutrition Programme, which enable children from poor backgrounds to attend school. Second, data shows the availability of policies that are aimed at creating a learner-friendly school environment, encouraging children to stay in schools. Third, data shows that despite these policies, schools still experience dropout, poor performance and poor achievement which calls into question the quality of education offered in schools. Various studies advance reasons in the form of factors that lead to these

challenges. In the case of dropout, research identifies external factors such as learners' socioeconomic backgrounds and school-based factors such as lack of stimulation and support (Strassburg, Meny-Gibert & Russel, 2010) and learners' inability to perform academically to such an extent that they find education useless (Statistics South Africa, 2016). In this regard, factors such as grade repetition and low quality of schooling are found to have an influence (Van der Berg et al., 2011). An example of low schooling quality is the study that has found that the mathematics content knowledge of 79% of Grade 6 mathematics teachers is below that of the grade they teach (Venkat & Spaull, 2015). In addition, high rates of progression in grades lower than grade 11 have been observed (Branson et al., 2013), which may lead to learners pulling out instead of staying in schools to complete their grades in time. Because of the nature of school-based factors that influence the quality of education as an element of the right to basic education, the role of leadership in this regard is of critical importance.

## 4. The Role of School Leadership in Fulfilling the Right to Basic Education: Theoretical and Practical **Perspectives**

The role of school principal in ensuring the right to basic education revolves around the evidence-based view that school leadership has a significant influence on the quality of school organisation and student learning (Leithwood et al., 2008). To put it succinctly, as some studies show (Mourshed et al., 2010), for a school to improve the academic achievement of its learners, it requires a strong leadership of the principal. Based on this view, two critical issues which may shed light on principal's role in fulfilling learners' right to basic education will now be examined. The two issues are the theoretical and subsequent practical implications regarding this issue.

## 5. School Leadership from Contemporary Leadership Theory

A review of the literature on educational leadership (Leithwood, Harris & Hopkins, 2008; MacBeath & Cheng, 2008) shows leadership as structured by four integrated basic elements, namely, purpose, people, context and work. These elements are accentuated by what Leithwood and friends (2006a) call core leadership practices, which apply across all contexts. These practices include setting direction, redesigning the organisation, developing people and managing the instructional programme. These practices are not only crosscontextual, but also cut across various leadership perspectives ranging from traditional perspectives (Bolden et al., 2003) to contemporary perspectives (Bush, 2007). There is compelling evidence that, applied appropriately in given contexts, these practices can assist in turning around organisations and sustaining their performance (Leithwood et al., 2006b). Setting direction include a set of actions such as establishing and articulating a shared vision, setting high performance expectations and promoting acceptance of collective goals. Redesigning the organisation involve bringing about change in the organisation in response to the demands of the context in which the organisation operates. The practice includes the establishment of a collaborative organisational culture (Avolio, Waldman & Yammarinno, 1991), shaped by common values, needs, goals and vision and putting structures in place for connecting this culture to the broader environment. Developing people includes actions that focus on empowering followers from whom a leader virtually gets a 'mandate' to lead. They include modelling proper conduct, intellectually stimulating others, giving them motivation and individualized support and consideration (Ahmad et al., 2014; Bass 1999; Mokhber et al., 2015). Managing the instructional programme focuses on the core business of a school, namely teaching and learning (Day & Sammons, 2013:13), the business that binds teachers, learners and the principal together. It includes actions such as equipping the programme with suitable staff, providing support and protecting the programme from external interruptions.



## 6. Practical Implications of the Leadership Theory for a **South African Principal**

Viewed within the framework of the right to basic education, the theory on school leadership carries important implications for school principals. Of critical importance is how the school principal can apply the theory to address school-based challenges relating to the quality component of this fundamental human right. Underpinning the leadership theory is the argument that says if the leader sets direction, develops people, redesigns the organisation and focuses on its core business, then success will be attained. Applied to the human rights context in which school principals work, the theory's premises suggest that for a school to meet its obligation of ensuring quality education, its principal must create a sense of purpose, give capacity for staff, restructure the school and focus on teaching and learning.

Creating a sense of collective purpose (setting direction) involves building a school vision, prioritization, goal setting and raising expectations (Leithwood & Jantzi, 2008). It emerges from the generally accepted view that a school, like any social organisation is goaldirected and thus, purpose-driven. Its purpose is to attain academic performance and achievement of all its learners. In the context of the right to basic education, the purpose simply articulates the right to quality education for all. To achieve this purpose, the school requires leadership that can create a collective sense of moral purpose. Literature (Barber & Fullan, 2005; Bezzina, 2008) defines the latter as a collective focus on improving learner performance and achievement and sustaining such improvement. To be collectively focused the school needs a principal who can establish and relentlessly pursue collective ownership of and commitment to what matters to move the school forward, namely, norms, values, beliefs, goals, mission and vision underpinned by a sense of widely shared moral purpose. A combination of the latter and commitment to what the school cherishes, may lead to sustainable improvement (Andrews & Lewis, 2004). When learners drop out of school or stay longer than expected through grade repetition, questions are raised about commitment to the learners' right to quality education of those entrusted with the responsibility to ensure it.

It is indisputable that the effectiveness of any organizational leadership is gauged by the extent to which it focuses on the functionality of its core business and the outcomes thereof against the backdrop of the environment in which that organization operates. Given that the core business of a school is teaching and learning and the expected outcome is student achievement, the principal role is to focus on the management of the instructional programme to ensure that while it is receptive to external innovations, it is also protected from any external interference and interruption. Protection of the programme is holistic in that it involves the provision of quality teaching offered and quality learning acquired through the programme, and promotion and protection of learners' right to quality teaching and learning as they participate in the programme. To ensure the right to quality teaching for all learners, the principal needs to ensure that the programme is inclusive and caters for the differentiated needs of all learners, regardless of their diverse background.

Once all learners have the right of access to school, the right to basic education takes a new dimension, notably, receiving quality education, which in itself is a moral imperative. To sustain commitment to this from leadership perspective, requires the empowerment of staff. Considering that teachers, unlike principals, have direct influence on learners as studies inform us (Leithwood et al, 2004), empowerment involves building and continuously developing the capacity of teachers to provide quality education and thus fulfil learners' fundamental right in this regard. Simply stated, 'quality education' requires 'teacher quality', which according to studies is the most important variable influencing learner achievement at school level (OECD, 2005). This requires practical demonstration by the principal of the belief that all teachers matter for all learners to succeed. Such demonstration includes focusing on motivation and supporting teachers' acquisition of relevant knowledge and skills, considering their needs, capabilities, aspirations and concerns. In an inclusive education setting, all teachers can teach and all learners can learn and this is conditional upon the support and motivation they get from the school principal.

Redesigning the organization simply means being responsive to the context of change and taking an appropriate action (adapting to or adopting change) since a school is contextbound (Marishane, 2011). For a school principal, this requires contextual intelligence, which is defined as the defined as the ability to recognize and diagnose the plethora of contextual factors in a given situation and adjust one's behaviour to influence that situation (Kutz, 2008). The ability to understand the human rights context in which the school operates (its past, present and future) and to demonstrate such understanding through action is critical for such leadership to fulfil learners' right to quality education. There are numerous past-present-prospective (PPP) realities, which the school principal should recognise and act upon as they shape this context. Two examples can be cited in this regard. The first example is the shift from school management to leadership (Bush, 2008) - a shift in focus from resources to people. In this context, all people matter equally and their best interest in quality education provision comes first. Given that the right to quality education for a few learners dropping out of school, possessing no textbooks, bullied, progressing without the requisite knowledge for their grade or repeating classes is as important as the right of any other learner, it follows logically that a school principal as someone from whom direction is expected, needs to act upon the situation. Acting upon the situation in this regard involves creating a collective focus of teachers in pursuit of the successful academic achievement of every learner. The second example is the shift from localisation of educational outcomes to globalisation of these outcomes, represented by such programmes as the Programme for International Student Assessment (PISA) (Tobin et al., 2015). Such a shift raises stakes higher for principals to deliver quality education in a school environment that is safe and secure for delivering such education. Research tells us that successful school principals reshape the conditions under which teaching and learning as their core business takes place (Day & Sammons, 2013). Given this view, it follows that the school principal is responsible for establishing, promoting and sustaining the human rights culture in a school and putting the necessary structures and measures in place to protect the quality education learners need.

#### 7. Conclusion

This paper has revisited the right to basic education as a fundamental human right in the South African schools and the possible role of the principal in fulfilling this right. What has emerged from the study is that, despite the state's efforts in fulfilling this right, learners still face challenges such as dropping out of school and poor academic performance and achievement. This draws one's attention to the quality of education offered in schools and the principal's role in addressing this matter. The focus on the principal stems from the view that successful schools require effective leaders. Since this view suggests that the school's leadership role in the school cannot be divorced for the satisfaction of the quality aspect of the right to basic education, it was important to examine the contemporary leadership theory and its practical implications in this regard. The conclusion one draws is that effective application of the theory is likely to address the quality aspect of the right to basic education for all learners in the school.

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