
DISSERTATION

SUBMISSION

Title: Teachers' Application of the Law in Addressing Learner Discipline in South African Secondary Schools.

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excellence,
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Submitted in fulfilment of the requirements in respect of the Master's degree with specialisation Education Law in the Department of Education Management, Policy and Comparative Education, in the Faculty of Education at the University of the Free State.

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Declaration

I, Nontobeko Mabaso, declare that the master's degree research dissertation that I herewith submit for the Master's Degree qualification in Master of Education specialisation with Education Law at the University of the Free State is my independent work and that I have not previously submitted it for a qualification at another institution of higher education.



November 2024

Student's Signature

Date

Department of Education Management, Policy, and Comparative Education

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Abstract

Learner discipline is a burning issue worldwide. In South Africa, lack of discipline among learners is a challenge confronting schools. Recent studies suggest that the problem is a major issue in African schools. To address learner discipline, teachers are expected to apply disciplinary laws. There is inconsistency in the application of the law when teachers address learner discipline. However, this phenomenon remains significantly under-researched, hence, this study explored teachers' application of law in addressing learner discipline in South African secondary schools. The study used the social control theory. A qualitative design was employed, and a multiple case study was utilised to explore teachers' application of the law to address learner discipline in South African secondary schools. Two secondary schools and ten participants in the Eastern Free State Province were purposively selected to participate in this study. The data were mainly collected through semi-structured interviews (one-on-one interviews) with principals, focused group discussions with teachers, and document analysis.

Data were analysed through thematic analysis. Twelve themes emerged from the data. The findings revealed that the law is inconsistently applied when addressing learner discipline. The study found that there are inadequate policies, a lack of parental support, aggression towards teachers, legal constraints, a lack of understanding of the law, and a lack of support from the DBE remain challenges that make teachers' application of the law in addressing learner discipline difficult. The findings indicated that the current disciplinary provisions are inadequate to address learner discipline, hence the findings suggested that the Education Law should be revised to include provisions for proactive strategies to reduce disciplinary issues.

Key Words: Law, learner discipline, teachers

List of acronyms

BELA	Basic Education Laws Amendment
DBE	Department of Basic Education
DoE	Department of Education
RSA	Republic of South Africa
SACE	South African Council for Educators
SASA	South African Schools Act
SGB	School Governing Body

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CHAPTER 1: INTRODUCTION AND BACKGROUND TO THE STUDY

1.1. Introduction

Learner discipline continues to be a pressing concern globally (Maritz, 2020). In Australia, for instance, many schools grapple with various disciplinary issues, particularly bullying. Karp (2023) reports that incidents of bullying and intimidation are observed on at least a weekly basis in Australian secondary schools. To uphold discipline, teachers are expected to enforce disciplinary laws. A study by Vescio, Walshe, Brady, and Blance-Palmer, (2024) conducted in Australia investigated how teachers apply the law in enforcing learner discipline. The findings indicated that teachers frequently possess a limited understanding of legal requirements, often lacking clarity regarding their responsibilities and obligations in addressing discipline.

In African countries, learner discipline also presents significant challenges. Research by Dogbe, Segbefia and Agbogli (2022) revealed that school misconduct is becoming increasingly prevalent in Ghana. Many learners appear to celebrate disobedience, with alarming reports of theft, drug abuse, physical altercations, property damage, vulgar behaviour, examination malpractice, and a general disregard for established norms and regulations frequently emerging in both media and educational settings. Factors contributing to this problem include an oversaturation of violent media, inadequate parental supervision, and the influence of Western culture. Some argue that teachers may interpret indiscipline differently, often attributing the issue to the school system itself (Dogbe *et al.*, 2022).

In South Africa, a pressing challenge faced by schools is the pervasive lack of discipline among learners. Recent research has indicated that this phenomenon is increasingly problematic across many African schools. In extreme instances, there have been reports of learners inflicting harm on one another within school premises, with some cases involving the tragic killing of teachers by learners (Heekes, Kruger, Lester & Ward, 2022). School principals and teachers encounter significant obstacles in addressing these disciplinary issues without violating learners' rights (Aristeidou & Cross, 2021). According to section (1c) of Basic Education Laws Amendment Act (hereafter to be referred to as BELA), South African legislation prohibits corporal punishment in educational settings (RSA, 2024).

Segalo and Rambuda (2018) found that numerous teachers lack sufficient understanding of the South African Schools Act (referred to as SASA henceforth) and relevant legal structures, leading to the continued practice of corporal punishment in some schools, despite it being banned.

The primary responsibility of teachers lies in the instruction of learners; however, they are also tasked with the psychological, emotional, and physical well-being of their learners, a duty referred to as "in loco parentis." As such, teachers bear the daily responsibility of maintaining discipline within the school environment. Their roles extend beyond mere instruction and encompass social responsibilities akin to those of caregivers, leaders, nurses, guidance counsellors, and psychologists (Perrine, 2019). Therefore, teachers must draw upon their spiritual, emotional, mental, and physical resources to effectively navigate these multifaceted roles. Moreover, teachers are expected to perform at an emotionally competent level that fulfils the expectations of the school board, learners, colleagues, and the broader community. Recent studies, including those by Mahaye (2023b), Segalo and Rambuda (2018), Heekers *et al.*, (2022), and Dutil (2020) have primarily examined teachers' perceptions of learner discipline. In contrast, this study sought to explore the application of legal frameworks by teachers in addressing learner discipline within South African secondary schools, an area that remains under-researched.

1.2 Problem Statement

The management of learner discipline is a critical aspect of effective teaching and learning in South African secondary schools. Lumadi (2020) indicates that South African schools face severe disciplinary problems. The increasing incidents of discipline-related such as violence, bullying, and disrespect against teacher, this creates the necessity for teacher to discipline learners. Despite the existence of laws and policies governing learner discipline in schools, such as the South African Schools Act (1996), many teachers struggle to apply these laws effectively in addressing learner discipline. Moreover, some teachers still see corporal punishment as a method to discipline learners (Smiley, Browne & Battle, 2023), implying that the teachers have an unclear understanding of the law applicable to disciplining learners; therefore, their knowledge of the law impacts their application of learner discipline. It is stated by Zondo and Mncube (2022) that various studies present a significant testimony that teachers lack adequate knowledge of education law. Segalo and Rambuda's (2018) findings

indicate that there is inconsistency in the application of the law when teachers address learner discipline. Thus, this study explores teachers' application of law in addressing learner discipline in South African secondary schools.

1.3 Literature Review

This study explores teachers' application of the law in addressing learner discipline in South African secondary schools. When teachers are given the right to discipline learners, this does not mean that teachers must violate learners' rights or cause irreparable harm (Dutil, 2020). In Nigeria, parents are beginning to understand that education law affect learners and are ready to sue when their children's rights are violated (Zenda, 2021).

Aggression towards teachers is one of the challenges teachers encounter when they are addressing learner discipline in schools. According to Chonco (2019), teachers in Tanzania are concerned about the parents' and learners' aggressive behaviour toward them. According to reports, learners' aggression on school grounds has led to expulsion, suspension, forced labour, or expulsion from classes, negatively impacting academic performance (Chonco, 2019). In South Africa, teachers face many challenges when disciplining learners, such as aggressive behaviour of learners towards them, disrespectful, defiant, and bullying (Du Plessis, 2020).

Taylor (2019) believes teachers must address discipline problems while they are still small and not wait until issues get big, to address them. Instead, teachers should address every minute problem that arises in their classes. Taking care of them when they are still small can help prevent them from getting bigger and more challenging to deal with (Taylor, 2019).

1.4 Legal Framework(s) for Learner Discipline

In South Africa learner discipline is enforced through legal frameworks such the Constitution and South African schools Act (RSA, 1996a; RSA 1996b). Section 10 of the Constitution of South Africa dictates that everyone is entitled to human dignity. Furthermore, this law forbids any kind of punishment that may jeopardizes human dignity. Although teachers have to maintain learner discipline in their schools, Section 10 of the South African Schools Act (SASA) demands that discipline must be maintained following the law. It therefore requires School Governing Body (*henceforth SGB*) to adopt a Code of Conduct to deal with learners' ill-discipline. Section 10 of SASA clearly dictates that physical punishment is not allowed,

therefore all the learners in a school must be disciplined in accordance with the stipulations of law (RSA,1996b).

1.5. Theoretical Framework

The theory that underpinned this study is the social control theory. This theory serves as a lens on how values and societal norms interact to control and govern behaviour in a community. In the context of this study, social control looks at how teachers apply legal doctrine and tactics to discipline learners in South African secondary schools. Travis Hirschi developed this theory in the later half of the 20th century and published it for the first time in 1969 (Hirschi & Stark, 1969). It is additionally known as a social bond. According to Chriss (2022), the absence or presence of social boundaries on a person influences their decision to breach the law significantly. People commit crimes because they do not feel bound to observe the laws of a society to which they do not belong or are affiliated to. Social control theory is sometimes known as "social bond theory." One of the primary purposes of social control is to prevent or restrict deviance, which is the breach of laws and conventions that may cause harm to others. The elements of social control theory are attachment, commitment, involvement and belief, which elements are explained in greater detail in the next chapter.

1.6. Research Questions

1.6.1. Primary Research Question

How do teachers apply the law to address learner discipline in South African secondary schools?

1.6.2. Secondary Research Questions

1. What are the teachers' understanding of the law and learner discipline in the South African secondary schools?
2. How do the teachers apply the law to address learner discipline?
3. What challenges do the teachers encounter when applying the law to discipline learners?
4. What are possible methods to maintain learner discipline in schools?

1.7. Research Aim

This study explores the teachers' application of law in addressing learner discipline in South African secondary schools.

1.7.1. Objectives

1. To explore teachers' understanding of the law and learner discipline in the secondary South African schools.
2. To determine how the teachers apply the law to address learner discipline.
3. To identify challenges teachers, encounter when applying the law to discipline learners.
4. To explore possible methods to maintain learner discipline in schools.

1.8. Research Design and Methodology

This section introduces the research methodologies used in this study to respond to the research questions.

1.8.1. Research Paradigm

Interpretivism allows researchers to understand aspects of the study. As an outcome, interpretivism integrates human interests and experiences into research. According to interpretive researchers, social systems such as language, consciousness, common understandings, and instruments provide the most effective access to existence (Khatri, 2020). In this study the researcher followed the interpretivist paradigm. Interpretivism is linked to the philosophical viewpoint of idealism and is associated with a variety of methods, including social constructivism (Dudovskiy, 2022). According to Creswell (2021), interpretivists believe that peoples' reality can only be understood through their experiences; hence this study adopted the interpretivist paradigm as it explored teachers' application of the law when addressing learner discipline in South African schools, through teachers' experiences.

1.8.2. Research Approach

According to Lichtman (2023), qualitative phenomena are examined in their natural settings to understand the interpretations that people make of them. Therefore, this

study used the qualitative research approach because teachers shared how they make sense of, interpret and apply, law discipline in schools as their natural setting.

1.8.3. Research Design

Creswell (2021) defines a case study as a thorough study of a precise subject which includes an organisation, person, phenomenon, place, group or event. This study employed the case study design of two schools.

1.8.4. Data Collection Methods

Numerous methods of data collection can be used in a qualitative study. These data collection methods are employed to generate information about people's motivations, attitudes, feelings, and experiences, among other aspects (Zahle, 2023). Three methods were used to collect data, which are semi-structured interviews, focused group discussions and document analysis. Semi-structured interviews, in which a researcher prepares a list of questions in advance but also asks additional questions based on the discussion, were employed. The study also employed focus group discussions for data collection; the questions used in these discussions were identical to those used in semi-structured interviews. Document analysis was also one of the data collection methods which was used in this study. Several documents were examined, including the Constitution, the '*Educators of Employment Act (to be referred to EEA henceforth)*', '*National Education Policy Act*', SASA, the incident report book, and the learners' code of conduct.

1.8.5. Sampling Procedure: Purposive Sampling

Purposive sampling is a method of non-chance sampling where researchers use deliberate consideration when choosing participants for their surveys (Casteel and Bridier, 2021). Purposive sampling is when researchers decide how to select a specific sample, based on their assumptions, which may not always be a true representation of the entire population. Researchers intentionally target this type of sampling because they feel that the individuals within it meet the criteria of the people they seek to engage with.

Sim and Waterfield (2019) describe purposive sampling as a procedure where participants are selected because they dominate traits required for your sample. In other words, participants in purposive sampling are chosen "on purpose." Therefore, the researcher in this study

purposively selected two schools, four teachers from the disciplinary committee, and one principal from each school.

1.8.6. Data Analysis

This study used thematic analysis. It entails methodically classifying and organising qualitative material, such as documents and transcripts from interviews to spot recurring themes, ideas, or patterns. By using thematic analysis, researchers can create more comprehensive themes or theories based on the data and obtain a greater understanding of the complex, nuanced ideas and experiences that participants describe. To analyse data, I followed the six steps as suggested by Braun and Clarke (2023).

1.8.7. Trustworthiness of the Study

When evaluating the trustworthiness of a qualitative study, Adler (2022) emphasises the importance of considering factors such as dependability, confirmability, and transferability, highlighting the need for a distinct approach to assessing trustworthiness in qualitative research as opposed to quantitative research. No matter the language, qualitative researchers must still work to minimise any biases that could arise during the study's design, execution, and analysis.

1.8.8. Value of the Study

This study would be of value to the Department of Basic Education (DBE) as it explores teachers' application of the law when addressing learner discipline in South African schools. It would also provide teachers with possible solutions to strengthen learner discipline and reduce challenges of indiscipline. It might further assist school management in pointing out challenges' teachers encounter and developing a school code of conduct to prevent those challenges. Hence, the DBE might consider amending or developing new school discipline policies to assist teachers in decreasing and managing learners' misbehaviours in their schools.

1.8.9. Ethical Considerations

For this study, I applied for ethical clearance from the University of the Free State Ethics Committee. Additionally, permission was sought from the Department of Basic Education (DBE) since the data were collected from schools. Participants received consent forms to confirm that their participation in the study was voluntary.

Protection of Participants

Protection of participants entails that as a researcher one is not allowed to inflict pain, embarrassment, fear, or offence on them. In general, the level of injury risk during participation should be no greater than what individuals typically face in their daily routines; participants should not face hazards that are more severe or different from those they encounter in their everyday lives (Friedland and Peter, 2020). In this study, participants were not exposed to any risks.

Honesty and Integrity

Dimant and Shalvi (2022) define research integrity as conducting research in a manner that instils trust in the methods used and the resulting conclusions. The participants' interviews were recorded to ensure honesty and integrity in this study.

Anonymity

Scott and Rains (2020) describe anonymity as a condition in which the identity of individual subjects is unknown to researchers. For anonymity in this study, pseudonyms were used to protect participants' identities.

1.9. Definition of Terms

This section defines the important concepts that are constantly used in this study.

Corporal punishment: According to Section 1c of BELA (RSA, 2024), corporal punishment refers to intentionally physically punishing someone for a transgression by striking their body. Branding, blinding, mutilations, beatings, flogging, and the use of a stock and pillory are a few instances of corporal punishment. It is also commonly used to describe the act of disciplining children both at home and in educational settings.

Education Law: This refers to the comprehensive framework of laws, regulations, and policies that govern schools, as well as the rights and duties of administrative staff, teachers, and learners (RSA, 1996).

Law: Sithole, Ngobeni and Phage (2024) define the law as a set of standards and guidelines that society must acknowledge as part of its legal framework. The law is something that establishes standards for behaviour. The Constitution of the Republic of South Africa (henceforth referred to as the Constitution) is the most significant legal legislation in the country.

Learner discipline: The term ‘discipline’ now refers to a method of teaching individuals how to manage their actions and adhere to the regulations, commands, and requests of the society or an organisation (Nasimovna, 2022).

Teacher: This term refers to individuals employed in educational settings as teachers, instructors, aides, or those who support the provision of educational services by the education department. It pertains to all individuals covered under the definition of the EEA (DoE). According to SACE (2022), a teacher is described as "any teacher who is registered or provisionally registered with the Council." In South Africa, an individual who engages in various activities linked with teaching and learning, such as advising, therapy, and educational services, is known as a teacher. These people could be working for a role in any educational setting, whether it be in a workplace or a traditional learning space. A teacher performs comparable duties as a teacher while working in a classroom. These descriptions provided are particularly important in this study that is centred on learner behaviour and human rights. Teachers are categorised into three post levels: post-level 1 teachers, post-level 2 teachers who serve as HODs, and post-level 3 teachers who are principals.

Rights: Everyone is entitled to specific privileges, irrespective of their age, nationality, ethnicity, ideology, viewpoint, sexual orientation, or religious convictions. These privileges are referred to as rights (Mahoney and Mahoney, 2023). People have the right to fight for their rights in court as they are enforceable. All individuals possess inherent human rights that surpass differences in nationality, ethnicity, race, gender, language, religion, or other factors. These rights consist of being free from slavery and torture, the opportunity to work and receive an education, and the rights to life and freedom. All individuals have access to these unrestricted rights (Mujib and Muchlas, 2023). The study outlines the legal framework and legislative measures concerning children's rights related to education within the context of human rights. In this research, the rights given to every learner by the South African Constitution are identified as privileges.

1.10. Layout of Chapters

Chapter 1: The background of the study and the problem statement are described in this chapter. The research aim, questions, objectives and theoretical framework that guide this investigation are also covered in this chapter. The research methods used for this study are also presented in this chapter, along with definitions of terms.

Chapter 2: This chapter discusses the conceptual framework, theoretical framework, and legal framework and reviews relevant literature.

Chapter 3: The research methodology and design are highlighted in this chapter. The methodology and research design, including participant selection, data collection, and data analysis methods, are described in greater detail.

Chapter 4: This chapter presents and analyses the data.

Chapter 5: This chapter presents the summary, major findings, recommendations, limitations, and the conclusion of the study.

CHAPTER 2: THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.1. Introduction and Background

This chapter focuses on the theoretical framework, legal framework and the review of relevant literature. The organisation of this chapter is as follows: theoretical framework, legal framework, teachers' understanding and application of the law in addressing learner discipline, challenges teachers encounter when applying the law to discipline learners, and possible methods to maintain learner discipline in schools.

2.2 Theoretical Framework

According to Varpio, Paradis Uijtdehaage and Young (2020), a theory that sheds light on a phenomenon is considered beneficial. It is a narrative that expands on prior knowledge and provides fresh perspectives on the phenomenon (Stahl, 2023). According to Drew (2020), a theory cannot help advancing scientific knowledge unless certain requirements are met. The author contends that a theory ought to offer a clear explanation, be in line with an existing body of knowledge, be a provisional explanation that is open to revision or verification and encourage more study. It is hard to envision an investigation without a theoretical or conceptual framework, according to Vapiro *et al.*, (2023). "We would not know what to do in conducting our research without some theoretical framework to guide us" (Stahl *et al.*, 2023). According to Drew (2023), a conceptual framework is an explanatory tool that helps researchers interpret data that has been gathered. While gathering data is not too tough, explaining and interpreting them is a much more challenging task.

This study used the social control theory as a theoretical framework. This theory served as a lens on how values and societal norms interact to control and govern behaviour in a community (Vapiro *et al.*, 2023). In the context of this research, the social control theory looks at how teachers apply legal doctrine and tactics to discipline learners in South African secondary schools. This theory, known as social bond, was developed by Travis Hirschi in the later part of the 20th century and was first published by him in 1969. According to Chriss (2022), whether a person chooses to break a law is heavily impacted by the presence or lack of social constraints on them. Individuals who engage in criminal activities do not feel compelled to abide by the regulations within a society to which they do not feel connected or have any ties. Social bond theory is an alternative term for social control theory. One of the primary objectives of social

control is to inhibit or prevent harmful acts that go against laws and norms, known as negative deviance.

Based on social control theory, individuals are incentivised to abide by the law through their connections, obligations, principles, standards, and convictions. Hence, individuals may decrease their inclination towards deviant actions by internalising moral values and feeling connected to, and accountable for, their wider society. According to the social control theory, individuals would not abide by the law if they are not subjected to control (Costello and Laub, 2020). According to Chriss (2022), individuals who have strong ties to their community are more inclined to follow legal regulations.

Cardeli, Sideridis, Lincoln, Abdi and Ellis (2020) state that the social control theory explores the aspects that control people to engage in criminal behaviour. According to the theory of social control theory, people behave in a certain way because of how society influences them. A person is more likely to behave positively and constructively if they feel a sense of belonging to society or to significant people in it, such as parents or friends. On the other hand, people who feel cut off from society are more prone to act in a harmful or illegal manner. Learners acquire societal regulations from their parents and teachers, who connect positive actions with incentives and negative actions with consequences. As individuals age, their viewpoints evolve, leading to shifts in their adherence to societal norms. The core principles that people develop during this process, including values, norms, relationships, and commitments, form the basis for personal motivations to obey the law (Burt, 2020).

Cardeli *et al.*, (2020) state that elements of social control theory are attachment, commitment, involvement and belief. According to the social control theory, learners who have strong attachments to others, such as family peers and teachers, are more likely to follow societal norms. In this study, teachers' application of law in addressing learner discipline can be seen as an attempt to reinforce conventional norms and maintain positive attachment with learners. The presence of attachment may deter learners from misbehaving (Goode, 2022).

Commitment is an element of social control theory in understanding how teachers enforce discipline in schools. Social control theory proposes that individuals are more likely to be law-abiding to societal norms when they have strong commitments to conventional activities and schools (Wu, Liu, Boateng, Cui and Shuai, 2021). In the context of teacher-learner relationships, commitment refers to the extent to which teachers are dedicated to their role as

teachers and invested in their learners' well-being and academic success. When teachers are committed to their profession and their learners, they are more likely to effectively address learner discipline issues and maintain a positive and orderly learning environment. This study explores teachers' application of law in addressing learner discipline in South African secondary schools.

In social control theory, involvement refers to participation in traditional activities like jobs, education, or other prosocial behaviours (Burt, 2020). According to the theory, people who participate heavily in these activities have a lower likelihood of acting in a delinquent manner (Goode, 2022). In this study, involvement can be seen as an important element of social control. The study examines how teachers in South African schools utilise the law to address learner discipline issues and maintain control in the school environment. Teachers' involvement in their profession and their commitment to maintaining a positive educational environment can serve as a social control mechanism (Burt, 2020).

According to Kempf (2023), belief is considered an important element of social control theory in this study. Social control theory believes that individuals are motivated to follow societal norms and rules due to their belief in the legitimacy of those norms and the fear of punishment or social disapproval. In this study's context, belief arises to the degree to which teachers believe in the legitimacy and effectiveness of the law as a tool to address learner discipline issues. Teachers who strongly believe in the law as a means of controlling learner behaviour are more likely to apply it consistently and effectively. On the other hand, teachers who lack belief in the law's efficacy may be less inclined to utilise it as a disciplinary tool (Costello and Laub, 2020).

This study aims to explore how teachers use the law to uphold learner discipline and foster a positive learning environment. It considers the different strategies used by teachers, including restorative justice procedures, informal methods, and official disciplinary actions. The study also looks at the variables, such as discipline and school policies, that affect teachers' choices when enforcing the law.

2.3. Legal Framework for Learner Discipline

South Africa has a rich legal framework for learner discipline. Since 1996, legislative frameworks have been in place to support school administration in developing, putting into

practice, and overseeing discipline-related activities. According to Section 10 of the Constitution, all individuals are entitled to human dignity, and while teachers can discipline learners, the South African Constitution, the country's highest law, prohibits any punishment that causes shame. '*Code of conduct for learners*' ensures the just treatment of learners while ensuring that learners are responsible, show respect, learn in a harmless and orderly environment, and are treated with dignity, while also promoting a safe learning environment. The school must consistently apply their disciplinary policies and rules when managing unruly behaviour. The SASA, '*National Policy of Education Act*', '*Guidelines for Governing Bodies in Establishing Code of Conduct for Learners in Notice 776 of 1998*', and '*International Law in South Africa*' under '*Section 39(1)(3) of the Constitution*' are some examples of these legal documents.

SASA aims to create a standard framework for school structure and governance that protects the human rights of learners, teachers, and parents. It also encourages their recognition of their obligation to manage the schools (RSA 1996b). Every school must implement a '*code of conduct*' that, in agreement with Section 8(2) of the SASA (RSA 1996b), "aims at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process." The SASA preamble indicates that uniform guidelines and standards must be established for learners across the Republic of South Africa's educational system. That would suggest using a '*code of conduct*' is required for all South African schools.

According to SASA Section 8(3), governing bodies should adopt learner codes of conduct by considering the Guidelines (RSA 1996b). In the first place, the '*Code of Conduct*' grants the teacher the authority to supervise and correct learners while they are in school (RSA 1998). This implies that, when necessary, the teacher has total authority and responsibility to correct learners' behaviour. The course of action that needs to be followed if learners commit misbehaviour is likewise outlined in the Guidelines (1998). According to Section 10 of SASA, it is prohibited to inflict corporal punishment on a learner. SASA states that the SGB must create a set of rules for learners to follow with the help of guidelines, and all learners must adhere to these rules for discipline (RSA 1996b). The Children's Act of 2005 also bans any actions that could cause harm to a child's emotional or physical well-being.

2.4. Teachers' Understanding of the Law when Addressing Learner Discipline

Teachers' understanding of the law when it comes to learner discipline is significant as it is a way of ensuring that learners are disciplined fairly. This section focuses on understanding how teachers interpret the law through learner discipline, as well as their understanding of the law and learners' code of conduct.

2.4.1. Learner Discipline

Discipline may have different meanings for individuals, based on their viewpoint. Barger-Elsborg (2019) suggests that teachers should view "discipline" as an action and comprehend it at a fundamental linguistic level. Teachers appear to be taking this step to help learners behave responsibly. According to Xia, Shi and Qiu (2020), discipline refers to rules that are put in place to uphold order within schools. In this scenario, teachers may address the upkeep of orderliness and handle misbehaviour if they view discipline as a technique for them to assist learners in adhering to school rules and exhibiting appropriate behaviour for school and society.

Teachers' understanding of learner discipline laws in South African secondary schools is a critical aspect of effective discipline management. However, research indicates that teachers lack clarity on these laws, particularly the South African Schools Act (1996) and the BELA Act (2024) (Zondo & Mncube, 2020; Meier & West, 2020). This knowledge gap contributes to inconsistent discipline practices, potentially infringing on learners' rights. Studies have highlighted the impact of inadequate teacher training on discipline practices. Obafire and Sinthumule (2021) found that teachers struggle to interpret and apply learner discipline laws, leading to confusion and inconsistent practices. Similarly, Banda (2022) noted that teachers' lack of understanding of learner rights and responsibilities hinders effective discipline management.

Zondo and Mncube (2020) stated that learner discipline can be interpreted as physical punishment by some, while others see it as enforcing strict adherence to rules and regulations with authoritarian control. Discipline can help learners develop competence, independence, self-regulation, and understanding of others. Discipline is an effective way to teach a learner self-control and confidence. Discipline techniques focus on the concepts that teachers aim for their learners to grasp and the learners' learning potential. Discipline for learners in South African education is commonly linked with punishments due to its narrow interpretation. In

addition, the findings of Meier and West's (2020) study indicated that most parents and teachers perceive "discipline" as implementing strict control through severe measures.

Discipline aims to help learners acquire self-discipline, self-control, and appropriate behaviour by using positive behaviour management techniques (Xia, Shi and Qiu, 2020). Xia, Shi and Qiu (2020) advocate for positive behaviour management strategies to improve self-discipline and self-control. Obafire and Sinthumule (2021) define discipline as a teacher-led action to address disturbing behaviour that infringes on other learners' rights. Du Plessis (2020) differentiates between supportive, corrective, and preventive discipline. Preventive discipline focuses on protecting the rights and enforcing clear rules and penalties. "Corrective discipline" refers to the methods teachers use to address disruptive, antisocial, or deviant behaviour, presented as a positive form of punishment. The main objectives of supportive discipline are to repair positive connections with well-behaved learners and ensure fair application of "correction."

Being disciplined is a method, not an action. Discipline does not occur spontaneously. It requires thorough consideration. It acts as the foundation for instructing learners on how to maintain harmony with themselves and interact positively with others. Discipline fosters self-awareness, initiative, responsibility, and respect for oneself and others in learners. This positive mindset can be adopted by all (Taylor, 2019). As Banda (2022) points out, it is essential to uphold discipline in schools to ensure effective learning and teaching, as well as the efficient running of the school.

School context and culture significantly influence discipline management. Research has shown that some schools prioritize punitive measures over supportive approaches, perpetuating inequalities (Banda, 2022). Conversely, schools with strong support systems and collaborative cultures tend to promote positive discipline strategies (Xia, Shi, & Qiu, 2020). Teachers face challenges balancing authority with learner rights. Zondo and Mncube (2020) found that teachers struggle to navigate the tension between maintaining discipline and respecting learners' rights. This tension underscores the need for ongoing professional development in learner discipline law.

Professional development is crucial for enhancing teachers' understanding of learner discipline law. Mncube and Zondo (2022) emphasized the importance of training programs addressing

learner rights, discipline strategies, and legal frameworks. Such programs can promote positive discipline practices and improve teacher confidence. Despite existing research, gaps remain. Limited studies have explored teachers' application of the law in addressing learner discipline.

2.4.2. Teachers' Understanding of Law through Learner Discipline

Sithole, Ngobeni and Phage (2024) define the law as a set of rules and guidelines that society must acknowledge as part of its legal framework. In addition, Klabbers (2020) defines the law as something that establishes standards for behaviour. The Constitution is the most significant legal legislation in the country. It also includes a Bill of Rights that firmly establishes each person's fundamental human rights in South Africa. Together, these embody the standards, values, and ideals that underpin our constitutional democracy. Legal norms and rules can be found in a variety of legal sources, such as legislation the SASA and other laws, common law, which is an unwritten law that has grown over time, and court rulings, also known as court cases (Holmes, 2020). For effective learner discipline, teachers understanding of law governing learner discipline in schools is important.

Teachers' understanding of learner discipline is a complex and multifaceted construct that encompasses knowledge, attitudes, and beliefs about managing learner behaviour (Zondo & Mncube, 2020). Research has highlighted significant knowledge gaps among teachers regarding learner discipline laws, policies, and procedures (Meier & West, 2020). This lack of understanding can lead to inconsistent discipline practices, which may infringe on learners' rights and hinder effective discipline management.

In the research by Mahaye (2023c), the findings indicated that teachers' experiences of how learners' rights affect school disciplinary measures vary, which affects both education environments' safety and educational accomplishment. The participants understood how important discipline is to a school system. Additionally, it was acknowledged that learners needed to be trained to behave in ways that are appropriate for classroom settings. For instance, Bajaj (2019) argues that teachers' attitudes toward learners' discipline in schools have an impact on the rise in learners' misbehaviour or indiscipline. Similarly, Banda (2022) believes that teachers are being pressured to modify their use of disciplinary measures so that they comply with more recent laws and rules. Despite the existing literature there is still a knowledge gap on teachers' application of the law in addressing learner discipline.

2.5. Teachers' Application of Law in Addressing Learner Discipline

Teachers play an important role in disciplining learners; however, their application of the law should be guided by a clear understanding of the law. There are legislations that direct teachers' responses to learners' misconduct in South African schools and these are examined in this section. It examines how teachers implement the legislation to address learner discipline. This section seeks to understand different aspects of teacher decision-making in disciplinary situations and the implications for upholding a secure and encouraging learning environment by examining these legal constructs. The literature was reviewed as follows:

2.5.1. Learners' Code of Conduct

Plata (2023) defines a '*Code of Conduct*' as a document that details the ethics of learner behaviour in the school and the consequences of learner misbehaviour. This document needs to be accessible and often reviewed. Regular reviews of the suggestions and amendments are necessary. When engaging in both academic and extracurricular activities, learners should adhere to certain norms of behaviour, which are outlined in a '*Code of Conduct*'. According to the RSA (1998), preparing learners for their behaviour and safety in civil society requires "the code of conduct" to provide clear instructions on how they should behave in a school. The main goal is to equip learners with the competencies, information, and skills necessary for them to become respectable and responsible members of society.

In the research by Zondo and Mncube (2022) in South Africa, the participants described a '*Code of Conduct*' as an official document that outlines expectations for learners, teachers, parents, and other members of the school community. Furthermore, it fosters an atmosphere that is favourable to efficient teaching and learning as well as the establishment of positive discipline. It is also significant because it specifies the corrective actions that must be taken following an offense and outlines the disciplinary procedures that may be used for disobedient learners. As a result, to rectify an incorrect action by a learner, a formal written instrument, like a code of conduct, must be cited. More significantly, even though it might be challenging for teachers, records of learners' positive and negative behaviour must be maintained (Mahaye, 2023c).

Furthermore, a '*Code of Conduct*' should specify suitable behaviour in the classroom, encourage self-control and positive behaviour, create a purposeful and disciplined learning

environment, organise the school so that teaching and learning can occur effectively, specify how infractions of the code can be handled, and include due process. This implies that to improve teaching and learning, a '*Code of Conduct*' must be created and implemented to accomplish the fundamental goal of upholding constructive discipline in the classroom (RSA, 1998). According to academics, fair, rational, and practical rules should be implemented in schools. For ease of comprehension, the regulations should be stated in plain, basic terms. It is necessary to design the regulations with feedback from the community, parents, and learners. The '*Code of Conduct*' should be widely disseminated, posted in several formats, and widely understood by the school community. Each learner and parent must sign the form, and copies should be distributed. The school's '*Code of Conduct*' is a legally enforceable agreement that learners must abide by. By doing this, the learners' behaviour at school can be guided by their constant awareness of the school's regulations (Segalo & Rambuda, 2018).

To uphold law and order, schools must follow specific positive discipline standards and procedures as specified by the Department of Basic Education (DBE, 2018). Proposed actions for addressing misconduct include public apologies, repairing or replacing damaged property, issuing official reprimands, and involving parents. Additional potential penalties consist of withholding privileges, temporary detention, signing a behavioural contract, engaging in disciplinary discussions with the learners, writing apology letters, documenting the learners name, and implementing time-outs. As a last resort, schools may arrange parent-principal meetings, issue referrals, impose suspensions, or even carry out expulsions (DBE, 2018). Following the outline of the four categories of disciplinary actions, the discussion emphasises the necessity of clearly defining the severity of discipline within the learner code of conduct. This aim is to enhance the constructive nature of discipline in schools (DBE, 2018). The disciplinary levels are categorised from Level 1 to Level 5 misconduct.

In the profession of teaching, one can argue that there is a gap because of teachers' inadequate awareness of human rights, including those that are connected to learner discipline and there is a need to research how teachers apply the law to discipline learners. Even though teachers reserve an option to discipline learners, the "discipline ought to be remedial and educative, rather than punitive and punishing" (Nhambura, 2020).

2.5.2. In Loco Parentis

According to Berlanda *et al.*, (2019), a teacher's job description goes beyond simply imparting knowledge; they also should act as role models for the learners they teach and foster a loving relationship with them. Furthermore, the relationship between the teacher and the learner helps to create an environment that is favourable to good teaching and learning (SACE, 2020). According to Grobler (2018), teachers have to safeguard and care for learners under their supervision. According to Rajamanickam, Zahir, Dahlan, Alam, Balaji and Hatta (2022) in Malaysia, the connection between teachers and learners acknowledges the idea of *in loco parentis*. The implementation of this idea highlights the duty of teachers to act as learners' surrogate parents, taking appropriate action to ensure their well-being.

Teachers' primary responsibility is to teach learners. Still, they are also responsible for the learners' psychological, emotional, and physical well-being, an obligation known as '*in loco parentis*' (SACE, 2020). The teachers are responsible for daily discipline in schools. Teachers' roles not only involve teaching but also social responsibilities such as being caregivers, leaders, nurses, guidance counsellors, and psychologists (Perrine, 2019). Furthermore, it is advised that teachers regularly extract their spiritual, emotional, mental, and physical resources to guide their diverse roles. Teachers must acknowledge, and perform in, an emotionally proficient way that is satisfactory to the school board, learners, colleagues, and community when practising their roles.

Walton (2020) believes that teachers bear the duty of fostering an atmosphere that permits learners to flourish and attain their full capacity since they are the keepers of learners' dreams and goals. A commitment from the entire school is needed to make it safer. The management and teachers at the school may need to pick up new skills and consider the school's practices as a group. More consideration must be given to the gendered aspects of physical punishment if cycles of violence are to be broken. This is crucial because males are much more likely to be physically punished, which feeds into early gender stereotypes and ideas of violent masculinity. While acknowledging the danger of various types of violence that girls may experience, ending cycles of violence necessitates a deeper comprehension of how norms are internalised, and the role played by corporal punishment in instilling these (Goodman, 2021).

2.6. Challenges Teachers Encounter when they Apply the Law to Discipline Learners

Teachers encounter challenges when they apply the law to discipline learners. Mabasa's (2021) findings in the study he conducted in South Africa imply that teachers are informed of the challenges in carrying out their responsibilities in terms of discipline. The difficult part of exercising a disciplinary right is figuring out the proper course of action to take that may not violate learners' rights to safety or prevent them from breaking the law. The conundrum that South African teachers confront is how to enforce discipline among learners while also being mindful of their right to safety. Ultimately, disciplinary matters continue to be a problem throughout the nation. Mahaye (2023a) indicates that teachers encounter challenges such as aggression and legal constraints. For this section literature was reviewed as follows: learners' misconducts, aggression towards teachers, legal constraints in learner discipline, lack of understanding of the law, and the use of corporal punishment.

2.6.1. Learners' Misconducts

South Africa boasts the highest number of learner misconduct cases in schools across the African continent. Nevertheless, many of these schools can be found in dangerous, crime-ridden areas. Furthermore, some of these learners are already living in communities affected by violence, leading to a spill over effect in classrooms, according to Makoelle and du Plessis (2019). Even with the attempts of both federal and local governments to ensure schools are free from violence, Banda (2022) notes a rising trend in learners carrying weapons like knives and guns to harm their peers and teachers. At times, learners under the influence of drugs may enter the school premises. In this case, the school with less strict disciplinary procedures has a higher number of learner misconduct allegations.

SACE (2020) categorises learners' misconduct into five different levels. Level 1 misconducts are small infractions of classroom regulations, such as skipping classes, cheating on a test, leaving school without permission, failing to complete homework, and displaying minor dishonesty with minimal repercussions. Minor violations of school code of conduct rules, classified as Level 2 misconduct, encompass behaviours such as repeating Level 1 misconduct, possessing or smoking cigarettes, skipping multiple classes, verbally threatening someone, and cheating in examinations. Level 3 misconduct, a severe breach of school rules, includes repeating Level 2 offences, causing minor harm to others, possessing or consuming alcohol, disruptive conduct, having a dangerous weapon, and theft or vandalism. Level 4 misconduct is

considered a grave breach of school rules and includes actions such as repeating Level 3 or Level 2 infractions, threatening others with a dangerous weapon, intentionally causing physical harm to someone, and extorting property from others. Level 5 misconduct, which is considered criminal, involves severe breaches of the school's code of conduct or rules such as repeating Level 4 misconduct, having narcotics, assault, sexual harassment or abuse, intentionally using a dangerous weapon, and major theft or robbery.

2.6.2. Aggression towards Teachers

One of the challenges confronting teachers when they are disciplining learners in schools is learners' verbal and non-verbal aggression towards them. The findings of the research done by Berlanda, Fraizzoli, de Cordova and Pedrazza (2019) in Italy revealed that the aggression by learners directed at teachers is on the rise in this country. According to Kutame and Kapueja, (2019), teachers in Tanzania are concerned about the parents' and learners' aggressive behaviour towards them. Current research indicates that the number of indiscipline cases in South African secondary schools is drastically increasing as some reports state that learners are killing teachers, making schools not safe for teachers (Motseke, 2020).

According to research done by McMahon, Peist, Davis, Bare, Martinez, Reddy, Espelage and Anderman (2020) on physical aggression towards teachers, the most everyday type of physical aggression was bodily contact. The incidents that were included were beating, kicking, biting, and head pushing. Another physical aggression that was common was attacking teachers with weapons such as chairs, desks, and pencils. Posing (e.g., profane signals and activities, drawing nearer or presenting in an undermining way, purposefully attacking individual space) was reported by teachers. Fewer teachers revealed occurrences including a weapon, and the excess episodes changed (McMahon *et al.*, 2020).

In South Africa, violence by learners against teachers is very high. In the research done by Lead Afrika Consulting, one of the participants stated that learners today have the mentality of thinking that they own classes, they have no respect for teachers, have no interest in learning, and do not value learning (Segalo & Rambuda, 2018). Teachers' jobs are now harder compared to the past; now teachers wait from 5 to 30 minutes for the class to settle down before they start teaching due to violence. Learners have lost respect for teachers. They directly or indirectly disrespect teachers, and teachers are being verbally, emotionally, or physically abused by learners, which causes them to live in fear. This also impacts their confidence and self-esteem

causes them to leave the profession. This hinders the effective teaching and learning process (Mahaye, 2023c).

Learners also verbally abuse teachers regularly. Flannery claims: "They use cell phones in class, keep iPod earphones dangling from their ears, steal, cheat, lie, and vandalize" (De Cordova, Berlanda, Pedrazza & Fraizzoli, 2019). Moon, Marash and McCluskey (2021) state that experienced teachers also battle with the management of classroom and discipline difficulties since they are faced with the daily challenge of dealing with learners who consistently behave disrespectfully, disrupt class, and dehumanize others. They draw attention to the fact that one in three teachers say they have thought about leaving their jobs due to the unruly atmosphere in the classroom. To bolster his case, he adds that some teachers accuse parents of failing to instil discipline in their learners. Many learners show up at school and become disobedient (Moon *et al.*, 2021).

2.6.3. Legal Constraints in Learner Discipline

In the study by Ntshengedzeni, Khalabai and Simeon (2024), the findings indicated that teachers are limited by the legislation on disciplining learners. The view that teachers are given a right to discipline learners does not mean that they must violate learners' rights. In addition, the findings of Terzoudi's (2020) study indicate that teachers believe the legislation is only on the learners' side, that teachers are not protected by the legislation. With the learners being aware of their rights it becomes a challenge for teachers to discipline learners. Similarly, the findings of the study conducted by Zondo and Mncube (2020) in South Africa revealed that teachers are unable to discipline learners due to learners' rights and the policies that are in place for learner discipline. The participants shared those rights only protect learners when it comes to learner discipline. The law is more on the learners' side and learners are aware of that and they are very sensitive about their rights. Teachers these days are not only prohibited from using corporal punishment, but they also need to be careful about what they say to learners because they can be dragged to court for threatening learners, let alone beating learners. Similarly, Banda's (2022) findings revealed that education officials are on the learners' side, which makes it hard for teachers to discipline learners because education officials are questioning teachers' disciplinary techniques and learners are now undisciplined and this is affecting the process of teaching and learning in secondary schools. Mahaye's (2023c) study findings agree that when it comes to disciplinary proceedings, education officials prioritise

learners over teachers. The officials also frequently contest the opinions of the teachers during disciplinary proceedings.

2.6.4. Lack of Understanding of the Law

Mahaye (2023b) believes that teachers lack understanding about legislation when it comes to learner discipline. Similar findings from Wolhuter and van der Walt (2020) revealed that there is an inconsistency between laws and actual school practices because teachers are still using corporal punishment against learners despite the prohibition. The findings of Mahaye's (2023a) study showed that many schools have trouble with disciplinary procedures for a variety of reasons, including the need to find a way to balance complying with rules and regulations with protecting learners' rights to safety. Undoubtedly, some of the causes for this are beyond the schools' direct control. Education professionals need to ensure that schools are secure environments for learning to support effective teaching and learning (Lumadi, 2020). SASA (RSA 1996b) Section 8 regarding a code of conduct for learners can be applied through a schedule to the SASA, "*Guidelines for the consideration of governing bodies in adopting a code of conduct*" (1998). As learners watch and learn from their teachers, a code of conduct is intended to support positive behaviour and constructive discipline in them.

The inference that could be made is that teachers can use the law as a proactive strategy to maintain learner behaviour in the classroom. Useful advice is given on managing minor and major learner misconduct. Segalo and Rambuda (2018) argue that it seems parents, teachers, and learners do not comprehend the implications of a code of conduct's rules and restrictions. From an educational perspective that promotes change and growth, teachers might also appreciate South Africa's law that govern teaching and discipline. It emphasises the importance of prioritising the learners' well-being and safeguarding the teachers' rights. Moreover, it provides a consistent education system for the entire country. Despite this, there are still teachers who seem uncertain about which behaviours are considered acceptable or unacceptable, as pointed out by Segalo and Rambuda (2018).

2.6.5. The Use of Corporal Punishment

According to Allison *et al.*, (2023), the practice of corporal punishment in schools' harms children and is neither morally nor practically acceptable for handling behavioural issues. Similarly, the American Academy of Pediatrics suggests that all states outlaw the practice of

corporal punishment in schools and substitute it with other methods of controlling learner behaviour. In many public and private schools in the US, corporal punishment is still permitted, and it is disproportionately applied to Black pupils and kids with impairments. Corporal punishment has not been one of the acceptable disciplinary methods to discipline learners in schools since it was abolished in 1997. However, recent studies show that some teachers still use corporal punishment as a disciplinary measure in schools (Shi, 2019; Segalo & Rambuda; 2018). Regardless of corporal punishment still being used in schools, Abdi-Idris (2023), in their study conducted in Somalia, demonstrate that corporal punishment has negative effects and does not maintain discipline.

According to the “*Abolition of Corporal Punishment Act, 33 of 1997*” (RSA, 1997), South African schools are prohibited to use corporal punishment. Nevertheless, the literature shows that the law is commonly violated, and corporal punishment is still utilised in schools. Hence, teachers employing this strategy are perpetuating a culture of violence among learners in our country (Abbas, 2022). Simpson (2018) found that teachers in the Eastern Cape often endorse corporal punishment, stating that it was effective for them when they were learners and did not cause harm. However, Kunene (2020) warns potential abusers that those who have been reported for corporal punishment have faced legal consequences.

The use of corporal punishment has been shown to have some bad effects on learners, according to Banda (2021). Some of the negative and tragic results of corporal punishment include ruptured eardrums, brain damage, severe physical ailments, and death in some cases. Although the physical harm to the body can be repaired, the emotional and psychological impacts can have a significant effect on the survivor. The act of beating someone with a hand, an item like a cane, a belt, or both, is known as corporal punishment. Additionally, it includes intentionally hurting a person by kicking, burning, shaking, or hurling them. It is equivalent to corporal punishment to pinch or pull someone's hair, make them sit in an embarrassing or humiliating position, or have them do too much physical activity (Banda, 2021).

Even though it is illegal to use corporal punishment to discipline learners at Zambian schools, both parents and teachers frequently use it at home. This is because no steps have been taken to guarantee that laws are executed, and that offenders' behaviour is altered. A study conducted by Banda (2021) in Zambia, 2,705 boys and girls between the ages of six and eighteen found that corporal punishment is still frequently used by teachers.

In the three studies done by Zondo and Mncube (2022), Heekes, Kruger, Lester and Ward (2022), and Visser, van der Put and Assink (2022) in South Africa on physical harm, in all kinds of damages that were mentioned, injuries were the most frequent damages of corporal punishment. However, reports of more serious injuries, including fractures and concussions, have also been made, impacting the academic performance of learners. The three research projects found a significant connection between receiving physical punishment at school and lower academic outcomes, such as decreased verbal and executive skills, decreased test scores for girls, and poorer results in spelling, reading, and math tests. The ability of learners to learn may also be influenced by school policies. According to one study, learners' aspirations to succeed academically are negatively correlated with disciplinary practices that involve corporal punishment. Behavioural issues and mental health issues (Heekes *et al.*, 2022). Studies have linked physical punishment in schools with higher risks of mental health issues, decreased resilience, state and trait anxiety, and depressive symptoms. Learners who additionally received physical punishment in school had a much greater frequency of nocturnal enuresis outside of the school setting. According to Visser *et al.*, (2022), corporal punishment at school was strongly linked to higher odds of aggressive conduct, violent attitudes, violent behaviour in males, and both experiencing and inflicting intimate relationship violence in female and male adolescents.

Zondo and Mncube (2022) found that in South Africa, corporal punishment leads to higher levels of disruptive classroom behaviour, vandalism, poor academic performance, reduced attention span, low self-esteem, anxiety, and somatic complaints. Learners may go through depression and become increasingly at risk of suicidal thoughts. Learners push back against teachers, making it challenging for them to focus during lessons. Learners who experience physical punishment tend to avoid school and may drop out, increasing their likelihood of substance abuse, depression, anxiety, stress, and other mental condition issues. These learners may also display violent behaviour and are likely to become bullies or engage in violent behaviour.

In South Africa, corporal punishment in schools negatively impacts not just learners, but teachers as well. In schools, Section 10 of the SASA outlaws the utilisation of corporal punishment. It prohibits any person from administering corporal punishment to a learner. Anyone who goes against this rule is committing a crime and could face a sentence similar to that for assault upon conviction. The recent studies reviewed indicate that there is a huge gap

between the official knowledge of the law in addressing learner discipline in secondary schools and what teachers practice in schools. Hence, it is crucial to conduct a study on teachers' application of law in addressing learner discipline in South African secondary schools.

2.7. Possible Methods to Maintain Learner Discipline in Schools

There are various methods to maintain learner discipline in schools. This section discusses the possible methods to maintain learner discipline through the role that education officials and policies can play, and strategies schools can implement to create a conducive learning environment that reduces disciplinary issues.

2.7.1. Role that Education Officials and Policies can Play in Maintaining Learner Discipline in Schools

According to Banda (2022), the successful implementation of disciplinary measures in schools necessitates the support of all stakeholders. Obadire and Sinthumule (2021) contend that the engagement and assistance of education officials can enhance teachers' understanding of learners' rights. In this regard, Sadik (2018) points out the failure of many schools' disciplinary policies and how this failure encourages learner misbehaviour, whereas Li and Huang (2020) argue that education officials can use a variety of techniques to support teachers in disciplinary proceedings. According to Bo and Onwubuya (2022), teachers must be equipped to handle discipline in the classroom. The ability to train learners who are well-mannered and can integrate into any society in our diverse parts of existence would be made possible by the capacity of teachers.

Scribner and Warnick (2021) suggest that the '*Code of Conduct*' needs to be unambiguous, and gaps like levels and infractions need to be reviewed. There can only be one '*Code of Conduct*', and it needs to be unique; it cannot be a duplicate of one from a nearby school that operates differently. Schools can aim to achieve the same level of success as other schools, but they must be realistic and consider the community and the region in which they are located. Every term, orientation programme for both new teachers and learners should be held. Both new teachers and learners should have a guardian teacher. Learners will not follow the wrong school leaders in this way. One day should be set aside to review the '*Code of Conduct*' as it relates to the daily operations of the school, to reflect on the previous term, and to plan for the upcoming one.

Mahaye (2023b) recommends that every classroom should have a copy of the ‘*Code of Conduct*’; posted on the wall. The severity of learner offenses should be made clear to the learners. They are all accountable for maintaining discipline; the management staff of the school is not the only one responsible for this, which is why the learners are completely lawless. Because of the unstable administration, learners no longer respect or believe in the system and are disobedient to authorities.

SASA (RSA 1996b) and the Constitution (RSA 1996a) have a significant influence on school discipline management without violating learners' rights. In this way, school discipline can improve learners' behaviour (Jinot, 2018). To guarantee that teaching and learning are carried out efficiently, teachers must impose discipline (Khanshan, 2020). Many teachers claim that they struggle with disciplining learners since the elimination of corporal punishment has removed them from their authority and capacity to deal with disruptive learners (Mahaye, 2023b). Corporal punishment does not impede self-control in learners; in any case, it causes learners to be vindictive and aggressive, which leads to anti-social behaviour.

As a means of addressing the stem of learner discipline, numerous scholars suggest a variety of disciplinary approaches. Since the greater part of the disciplinary issues manifest at school, it is vital that guardians, directors, teachers, and members of the community ought to be involved (Scribner & Warnick, 2021).

According to Mahaye (2023a), learners' attitudes at home and in school are influenced by parents' involvement in their learners' education. Brandmiller, Dumont and Becker (2020) think that effective discipline is formed through the connection between the teacher and the learner. The teacher-learner relationship guarantees that teachers see every learner and that they can recognise the main causes of learner disciplinary issues (Brandmiller, Dumont & Becker, 2020).

2.7.2. Strategies Schools can Implement to Create a Positive and Conducive Learning Environment that Reduces Disciplinary Issues

A strong bond between teacher and learner improves the learning process. Learners who perceive their teachers as proficient in their academic requirements demonstrate increased engagement in the learning process. One possibility a school has is to hire skilled professional counsellors to help learners with behaviour problems. Accountable and responsible

professional counsellors help learners explore the benefits of good behaviour and the repercussions of bad behaviour. Taylor (2019) believes that problems must be addressed by teachers while they are still small, not to wait until the problems get big to address them. Instead, teachers should address every minute problem that arises in their classes. Addressing problems when they are still small may help prevent them from getting bigger and more difficult to deal with (Taylor, 2019).

Teachers should ensure that consequences and incentives are well-defined. An effective method to incorporate learner expectations into the classroom culture is by engaging them in the process of establishing rules or a conduct code, like creating a poster or implementing a reward system (Zenda, 2021). Teachers should make sure to prominently show the class code of conduct in your classroom and ensure there are repercussions for negative actions alongside incentives for positive actions (Zenda, 2021). Taylor (2019) indicates that learners are encouraged to consistently adhere to school rules by the availability of incentives and praise. As stated by Taylor (2019), learners who have actively tried to steer clear of negative actions deserve recognition, appreciation, and incentives. Considering rewarding learners who have exhibited positive behaviour is something that should be taken into consideration. Praising learners improves acceptable behaviour and shows the importance of being consistent. Learners are motivated when they adhere to the rules.

Rewarding disruption with attention most of the time should be avoided; learners behave badly out of boredom, disengagement, or a desire for attention (Obadire & Sinthumule, 2021). Even though it is hard, the teacher should do whatever it takes not to offer the culprit a lot of consideration. Under the class code of conduct, teachers must deal with the offender appropriately (Zenda, 2021).

Mahaye (2023c) suggests forming dedicated discipline working groups to plan and direct the process of creating a code of conduct. This suggests that professionals with specialised knowledge may be coerced by lawyers, social workers, police, magistrates, and many others to examine problems and serve as debate leaders and facilitators to reach a consensus on learner disciplinary policies. Schools would be able to create codes of conduct that comply with the nation's constitution, education acts, policies, directives, and human rights issues if they involved individuals with the necessary expertise (Obadire & Sinthumule, 2021).

2.8. Summary

In conclusion, the literature reviewed in this study revealed that learner discipline is a problem in most countries, and for effective teaching and learning, learner discipline is significant. Most studies revealed that regardless of corporal punishment being banned since 1997, some teachers still use it to discipline learners; however, there are policies in place that provide guidelines and processes of how learners must be disciplined in schools. Literature indicates that there is a gap between teachers' practice and official knowledge of the law in addressing learner discipline in schools. The literature on teachers' application of law in addressing learner discipline in secondary schools appears to be limited, hence this study explores teachers' application of the law in addressing discipline in South African secondary schools.

CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

3.1. Introduction

This chapter covers the research design, and methodologies used to address the study's research questions. The term "methodology" describes how researchers look into what they can find and understand, such as what can be studied, where, when, and how data was collected and analysed (Busetto & Gumbinger, 2020). This chapter discusses the research paradigm, which is interpretivism, qualitative research approach, research design, which is a case study, and data collection techniques, which are semi-structured interviews, focus group discussions, and document analysis. The chapter then concludes with a discussion of the study's value, trustworthiness, and reliability issues.

3.2. Research Paradigm

Khatri (2020) defines research paradigm as a way of thinking that regulates behaviour in humans through concepts, agreements, and presumptions to fully address research questions. A model, trend, or study approach is referred to as a research paradigm. It is a body of comprehensions, convictions, or concepts that make practices and theories possible. Most paradigms base their research methods on positivism or interpretivism (Creswell, 2018). Each research study follows one of the research paradigms as a guide to develop research methods and conduct the study most ethically and legally possible.

Choosing a paradigm for a research project is essential because it sets the foundation for the study's research and methodology. A paradigm focuses on the interpretation and exploration of knowledge, as well as the purpose, motivation, and anticipated outcomes of research. An appropriately defined research paradigm provides researchers with a structured approach to investigate their subject of interest. Therefore, it provides a logical and intentional structure for implementation, while also enhancing the excellence and skilfulness of your work (Burns & Peacock, 2019).

This research utilised the interpretive paradigm. The interpretive paradigm is commonly applied in most qualitative studies. It acknowledges the existence of multiple realities instead of just one reality. Interpretivists believe that human behaviour is complex, making it impossible to be accurately forecasted by a single probability. Controlling human behaviour is not a simple task within the realm of science. Interpretivism involves methods of studying the world that focus on understanding the interpretations and significance individuals give to their actions (Creswell, 2018).

Interpretivism allows researchers to interpret aspects of the study. As a result, interpretivism integrates human interests and experiences into research. According to interpretive scholars, the most efficient means of accessing existence are social systems, such as language, awareness, common understandings, and tools (Creswell, 2018). This study used the interpretive paradigm to understand how teachers interpret and apply the law in addressing learner discipline (Dudovskiy, 2022). This study used the interpretive paradigm, in which human interests were incorporated because teachers shared how they interpret and apply their understanding to address learner discipline in schools by applying the law.

3.3. Research Approach

The rise of qualitative research started in the early 20th century, with the growing impact of psychoanalysis in the business sector. By the year 1945, Paul Felix Lazarsfeld, known as the founding figure of qualitative research, had shown how psychology could be used to analyse human behaviour. He made unstructured interviewing and group discussions more well-known, highlighting the significance of addressing the key 'why?' inquiry (Chandra & Shang, 2019).

Ryba, Wiltshire, North and Ronkainen (2022) define qualitative research as a technique used to explore and understand how individuals or groups interpret a human or social issue. In addition, Tracy (2020) notes that the research process entails developing procedures and questions, collecting data in the participant's environment, analysing data by drawing broad conclusions from particular details, and the researcher's interpreting of the data's significance. The final written report can be adjusted in its structure. Supporters of this kind of investigation promote a research method that prioritises an inductive approach, emphasising individual interpretations and the significance of representing the intricacies of a scenario (Merriam & Grenier, 2019).

This study utilised a qualitative research approach to explore the experiences of teachers on how they apply the law to address learner discipline in schools. All qualitative research aims to comprehend the individual and their understanding of the subject's experience, therefore employing a qualitative research approach for this study would be appropriate (Pulla & Carter, 2018). Qualitative researchers analyse phenomena within their natural settings to understand and interpret them based on the meanings attributed by people (Tracy, 2020). Hence, this research utilised the qualitative approach to explore how teachers understand, interpret, and implement learner discipline in schools within their everyday environment.

3.4. Research Design

This study employed a case study research design. According to Dudovskiy (2024), a case study is a research design that is utilised to gain a thorough and diverse understanding of a difficult problem in its realistic context. For this study, a difficult problem that was understood in a realistic context is teachers' application of the law in addressing learner discipline. A crucial part of conducting case study research is gathering comprehensive data that encompasses multiple aspects of the case. It is customary to employ multiple data collection techniques to get such information. These techniques are frequently qualitative, such as document analysis, and semi-structured and unstructured interviews (Dudovskiy, 2022).

A case study, according to Yin (2018), is a comprehensive analysis of a specific subject, such as a person, organisation, place, event, institution, or phenomenon. For example, the case study can help in understanding and explaining the causal pathways and connections that result from a new policy or service development. This study employed the case study of two schools,

whereby these two schools were treated as multiple cases by exploring similarities and differences between them.

3.5. Data Generation Methods

Numerous data generation methods can be used in a qualitative study. These data generation methods are employed to generate information about people's motivations, attitudes, feelings, and experiences, among other subjects (Zahle, 2023). Three methods of data generation were used in this study: semi-structured interviews, in which the researcher prepared a list of questions in advance but also asked additional questions based on the discussion. The study also employed focus group discussions for data collection; the questions used in these discussions were identical to those used in semi-structured interviews. Several documents were examined, including the Constitution of South Africa, the Employment Equity Act (EEA), the National Education Policy Act, the South African Schools Act (SASA), the Incident Report Book and the Learners' Code of Conduct.

3.5.1 Semi-structured Interviews

When using semi-structured interviews, participants are asked open-ended questions and then additional information about the answers and the topic at hand is gathered through follow-up questions (Tracy, 2020). According to Billet (2018), semi-structured interviews in qualitative research incorporate elements of both structured and unstructured interviews using a combination of pre-planned and open-ended questions. Semi-structured interviews allow you to explore any related ideas that arise during the interview while staying focused on the main topic. Semi-structured interviews provide qualitative researchers with an opportunity to collect new data and explore participants' beliefs and opinions about a given topic (Creswell, 2021).

According to Dejonckheere and Vaughn (2019), semi-structured interviews are used in qualitative research to collect qualitative, open-ended data. The researcher conducts an official interview with the participants. The researcher develops and makes use of an interview guide, an inventory of open-ended questions, and topics to be discussed during the interview. Using open-ended questions, the participant and researcher can explore the subjects in greater detail. While following the interview guide, the researcher is free to deviate and discuss other

subjects if they think it is appropriate. A comprehensive investigation of the participants' experiences, convictions, and ideas is involved.

This research involved conducting semi-structured interviews in which the researcher asked teachers open-ended questions about how they implement laws when dealing with learner discipline. According to Billet (2018), a semi-structured interview is a type of meeting in which the interviewer does not adhere strictly to a formal list of questions. The main questions were prepared by the researcher in advance, and probing questions were posed during the interview. Participants were given open-ended questions to encourage discussions with the interviewee instead of just a question-and-answer session. Participants were presented with queries derived from a predetermined interview protocol manual. The conversations were recorded using an audio recorder, while some field notes were also made.

3.5.2. Focus Group Discussions

According to Nyumba (2018), focus group interviews are becoming more common in participatory research. Focus group interviews are described by Ngidi (2018) as a qualitative research approach in which four (4) to ten (10) people participate in each group session to discuss a topic that is being studied. Focus group interviews allow participants to discuss the phenomenon in a setting where they can hear and respond to each other's points of view. Focus group interviews frequently result in substantial volumes of data that help address the main research objectives of the study (Creswell and Poth, 2018). Eight teachers, four from each school, were interviewed through focus group discussions. Thus, focus groups help gather data because they let individuals express themselves and receive feedback from their participants.

According to Creswell (2021), the success of focus group interviews frequently depends on how intensely the members communicate with one another. Focus group interviews have the benefit of enabling participants to react to and expand upon one other ideas. According to Creswell (2021), focus groups offer insights that traditional one-on-one interviews are unable to deliver, which makes them a valuable tool for gathering in-depth data. For instance, hearing another participant's perspective could prompt a participant to consider aspects of the problem that they might not have considered in a one-on-one interview.

3.5.3 Document Analysis

For a considerable length of time, document analysis has been a reputable and established research method. This approach entails the examination of a variety of sources, including newspapers, books, articles, institutional reports, scholarly journal articles, and policy statements. For qualitative analysis, a text document can be a useful tool (Creswell, 2021). As Tracy (2020), puts it, the term "document" can encompass various types of content, such as visual materials like pictures, videos, and movies. Visual materials can be used for qualitative analysis, similar to how text-based materials can be utilized (Creswell and Creswell, 2018).

The documents such as the Constitution, the EEA, the National Education Policy Act, and the SASA were analysed to gain a deeper comprehension of how teachers implement the law regarding learner behaviour in high schools. The reason for employing document analysis was to confirm what came out from interviews and to explore the "unspoken". Additionally, the Principals from the participating schools easily accessed the documents, which helped the researcher to identify discrepancies between school policies and how teachers implement these policies to manage learner discipline. Furthermore, examining documents assisted the researcher in comprehending how teachers enforce policies to manage learner discipline in schools. Furthermore, the key benefit of utilising documents was their accessibility at any time the researcher required them, specifically for additional clarification. Learners' code of conduct and incident report book were the documents that were analysed which the researcher obtained from the selected schools.

3.6 Sampling Procedure

Regarding sampling, choosing participants should align with the goal of the study and be consistent with the underlying principles (Scholtz, 2021). To deepen understanding, a qualitative study might opt for a purposively selected and very small sample, focusing on depth rather than breadth. Ames, Glenton and Lewin (2019) state that purposive sampling is employed to choose participants who are expected to provide relevant and beneficial information. It is also a technique for identifying and selecting examples that optimise the use of the available research resources (Casteel & Bridier, 2021).

The research used purposive sampling to select participants. According to Creswell and Creswell (2018), purposive sampling means choosing participants from the target population based on specific exclusion and inclusion criteria. This means that the individuals selected for the study were not chosen through a random sampling method but rather based on the researcher's judgment of who would best assist in answering the study's objectives and main research inquiries (Cohen, Manion, & Morrison, 2018). According to Scholtz (2021) and Creswell (2021), purposive sampling involves selecting participants who possess characteristics relevant to the research study.

Purposive sampling is when researchers carefully decide how to select a sample from the population, even if it does not accurately represent the larger population. Researchers focus on this group because they believe they match the characteristics of the target population (Sim & Waterfield, 2019). For this study, the characteristics the researcher looked for were that the participants were supposed to be teachers and to be on a disciplinary committee.

This study purposively selected four teachers who were members of a disciplinary committee and one principal from each school. I met with the participants before the first focus group and semi-structured interview sessions, explaining the researcher's goals for the study process. The researcher gave them an explanation of the rationale behind gathering information on their encounters with discipline issues in schools. The researcher also assured the participants that whatever information they provided would solely be utilised to meet the requirements of the qualification in this regard. To ensure that participants felt like equals with me and that their perspectives were heard and respected, I had to establish relationships with each one of them prior to the focus group session and earn their trust as a researcher (Creswell, 2018).

3.7. Data Analysis

According to Alahou (2023), Gerald Holton, a physicist and science historian, was the first to develop thematic analysis as a method of data analysis in the 1970s. Thematic analysis entails distinguishing, analysing, and interpreting of patterns or themes in a dataset and is a qualitative research method of data analysis. This analysis is mostly used in qualitative studies to analyse, identify, and interpret themes within the dataset. Thematic analysis is commonly applied in a variety of fields such as psychology, sociology, anthropology, and healthcare. It can be applied to a wide range of research questions and datasets, including interviews, focus groups, surveys, and even written documents such as books or articles (Dusi, 2022).

Thematic analysis can be conducted in multiple ways, with the most popular approach including six stages: becoming familiar with the data, coding, creating themes, examining themes, defining and naming themes, and writing the analysis. By following this process, the researcher can also prevent confirmation bias while conducting the analysis.

Using the thematic analysis approach in this study allowed me to identify themes, trends, and patterns (Creswell & Poth, 2018). The recognised themes, which are categorised, must be continuously compared according to the thematic method (Braun & Clarke, 2023). According to Creswell (2021), data analysis, which entails the comprehension of texts and data, is a crucial step in the research process. After conducting the focus group discussions and semi-structured interviews, the researcher started the process of transcribing the audio recordings verbatim from the participants, following Braun and Clarke's (2019) advice. According to Braun and Clarke (2019), transcription is the process of extracting conversations or stories from a recording device and formatting them into a paper with well-defined notes. The researcher translated the participants' comments into English while transcribing. After I familiarised myself with the data, the researcher then started coding the data, whereby the researcher highlighted the words and sentences which best described the participants' information in the coding. The researcher then started changing the codes into themes and made sure that themes were relevant. Alahou (2023) states that the researcher must generate themes that are relevant to the study. After generating themes, the researcher then reviewed my themes and then I defined and named my themes. Lastly, the researcher started writing my findings based on the themes that I developed based on the data.

3.8. Trustworthiness

Trustworthiness in qualitative research requires researchers to actively address traditional quantitative concerns, such as validity (the extent to which a study accurately measures what it intends to) and reliability (the consistency of those measurements over time). In assessing the credibility of a qualitative study, Adler (2022) emphasises the importance of factors like dependability, confirmability, and transferability. This highlights the necessity for a distinct approach to evaluating trustworthiness in qualitative research, compared to quantitative methods. Regardless of the language employed, qualitative researchers must diligently work to minimize biases that may arise during the study's design, execution, and analysis.

Credibility: The standard of credibility assesses if the results are reliable and trustworthy in the eyes of the researcher, the participants, and the reader. This standard is an essential element of a reliable qualitative research structure, according to Shufutinsky (2020). Examining credibility requires analysing how the research design elements such as the study's goal, theoretical basis, research inquiries, and methodologies interact with each other. The researcher utilised different strategies. The researchers employed different forms of participatory and collaborative research methods, such as seeking contradictory evidence and peer review, a topic extensively covered by Adler (2022). This involved searching for differences in the comprehension of the subject and identifying examples that could question the researcher's expectations or emerging results.

Dependability: The dependability of qualitative data is upheld by ensuring that the results remain consistent, even when there are changes in the research environment or among participants during the data-gathering process. To enhance the reliability of the final data collection, it is essential to implement robust methods and procedures. The data obtained from participants was validated through triangulation, utilising both focus group discussions and semi-structured interviews. This triangulation method strengthened the dependability of the findings and reduced potential bias by providing a comprehensive description of the phenomena or patterns observed.

Conformability: Ensuring confirmability in qualitative data requires thorough verification and review processes during both data collection and analysis, enabling findings to be replicable by others. This can be supported by a transparent coding system that clearly outlines the codes and patterns identified throughout the analysis (Bloomberg & Vlope, 2018). Confirmability was established through member checking, verification questions, and clarity of meaning during focus group discussions and semi-structured interviews. Furthermore, researcher field notes, ongoing self-reflection, and journaling contributed to illuminating distinct patterns of thought.

Transferability: Qualitative research does not prioritise generalisability; rather, it centres on the concept of transferability. This means that the findings from this study can be applied to similar contexts or populations. Transferability is established through clear assumptions and contextual insights about the study's environment and participants (Bloomberg & Vlope, 2018). To improve transferability, the study should provide a thorough account of its methodology,

design, sampling methods, data collection, and data analysis. This level of transparency enables a comprehensive evaluation of how the findings may be relevant to other contexts.

3.9. Value of the Study

This study would provide valuable insights to the Department of Basic Education (DBE) by examining how teachers apply the law in addressing learner discipline in South African schools. It aims to offer potential solutions for teachers to improve learner discipline and alleviate associated challenges. Additionally, the study could help school management identify the obstacles teachers encounter and develop an effective school code of conduct to address these issues. As a result, the DBE may consider revising or introducing new discipline policies to better support teachers in managing learner misbehaviour. Moreover, the DBE could assist teachers in interpreting existing learner discipline policies, as this is a significant concern highlighted in the study.

3.10. Ethical Considerations

Creswell and Poth (2018) emphasise the need for ethical concern in qualitative research planning and design. In general, ethics refers to the norms that govern moral behaviour. According to Creswell and Baez (2020), ethical considerations should always be considered and sufficiently planned for when researchers are organising and creating a qualitative study. Ethics are generally understood to be a set of laws that establish moral behaviour. Research ethics, according to Howitt (2020), are guidelines that control how research is conducted, including how volunteers should be treated. Similarly, research ethics, according to Cohen *et al.*, (2018), is a tool that tells researchers what to do and what not to do when doing their research, as well as how they should conduct themselves. It was crucial for the researcher to conduct the study ethically when thinking about the ethics of this investigation.

Creswell and Poth (2018) affirm that before doing research, researchers must acquire approval from their institutional Ethics Committee. Data collection did not commence until ethical clearance had been approved by the University of the Free State Ethics Committee. The researcher then applied for permission to collect data in schools from DBE Thabo Mofutsanyane District in the Free State Province. The DBE then gave me letters of permission to conduct data in the schools. Since the ethics application met all the requirement of the Ethics

Committee the approval was then granted. The permission letters and approval letter from the Ethics Committee were presented to the two selected schools.

The nature, purpose, and emphasis of the study were explained to the participants. After providing their consent, the participants signed the consent forms to indicate that they were willing to participate. The participants were also informed that they could stop participating in the study at any time if they decided to, and that participation was completely voluntary. Anonymity and confidentiality were guaranteed by giving each participant a pseudonym. In addition, The researcher asked the participants to keep their involvement in the study a secret from others. All collected data were securely locked away, and all electronic data were password-protected to guarantee controlled access.

3.10.1. Protection of Participants

Protection of participants means as a researcher you are not allowed to inflict pain, embarrassment, fear, or offense on them. In general, the level of injury risk during participation should be no greater than what individuals typically face in their daily routines; participants should not face hazards that are more severe or different from those they encounter in their everyday lives (Friedland & Peter, 2020). In this study participants were not exposed to any risks.

3.10.2. Honesty and Integrity

Dimant and Shalvi (2022) define research integrity as conducting research in a manner that instills trust in the methods used and the resulting conclusions. The participants' interviews were recorded to ensure honesty and integrity in this study.

3.10.3. Anonymity

Researcher anonymity is defined by Scott and Rains (2020) as the state in which subjects' identities are kept a secret. To maintain participant anonymity in this study, pseudonyms were used to name participants and schools.

3.11. Summary

This chapter discussed the research methods employed in the study. It provided a comprehensive explanation of the qualitative approach, and the data-gathering techniques used

to clarify the methodology. The chapter also detailed the research tools utilised in this study and their applications. Moreover, this chapter offered additional insights into the participant selection process and the sampling procedure. A thorough exploration of the study's validity and reliability was also included. The chapter concluded with an overview of the ethical considerations that ensured the safety and protection of all potential participants. The next chapter presents data analysis for this study.

CHAPTER 4: DATA PRESENTATION AND ANALYSIS

4.1. Introduction

The research methodology was detailed in the previous chapter. In this chapter, the researcher presented and analysed the data gathered through semi-structured interviews, focus group discussions, and document analysis. The study involved ten participants, comprising eight teachers and two principals from two schools in South Africa's Free State Province. The researcher conducted focus group discussions with four teachers and interviewed one principal from each school. To uphold ethical standards, all participants and schools were assigned pseudonyms. Through the data analysis, twelve themes emerged, outlined as follows:

1. Teachers' understanding of the law in addressing learner discipline.
2. Teachers' understanding of learner discipline.
3. Adoption learners' code of conduct.
4. Concerns about the South African Schools Act.
5. Legal constraints in learner discipline.
6. In loco parentis
7. Learners' misconducts.
8. Aggression towards teachers.
9. Lack of understanding of the law.
10. The use of corporal punishment.
11. Strategies schools can implement to create a positive and conducive learning environment that reduces disciplinary issues.
12. Role that education officials and policies can play in maintaining learner discipline in schools.

This chapter is arranged according to the above-mentioned themes. The chapter begins with discussing participants' profiles to show the pseudonyms of the participants and the schools. Thereafter, the data are presented and analysed. The chapter closes with the conclusion.

4.2. Participants Profile

The table below presents information about the participants from the case study schools, including their pseudonyms, ages, genders, years of experience, and the pseudonyms assigned to the schools. The schools are referred to as School A and School B. The Principal of School A is identified as PA, while the principal of School B is identified as PB. The teachers from School A are designated as A1, A2, A3, and A4, and those from School B are labelled B1, B2, B3, and B4. As mentioned in Chapter 2, teachers are categorised into four post levels: post-Level 1 refers to teachers, post-Level 2 to Heads of Department (HODs), Post-Level 3 to deputy principals, and post-Level 4 to principals. Therefore, principals were included as participants in this study titled "Teachers' Application of the Law in Addressing Learner Discipline in South African Secondary Schools."

Pseudonym	Age	Gender	Years of experience	School
PA	45	Male	23	School A
A1	27	Male	5	School A
A2	24	Female	2	School A
A3	30	Female	6	School A
A4	37	Male	14	School A
PB	57	Male	33	School B
B1	28	Female	5	School B
B2	30	Male	7	School B
B3	39	Male	11	School B

B4	35	Female	10	School B
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4.3. Data Presentation and Analysis

This section presents and analyses the data collected through semi-structured interviews, focus group discussions, and document analysis. The study's participants comprised both teachers and principals. As mentioned in Chapter 2, the term "teacher" encompasses both PL1 teachers and principals. The participants represented various post levels, from post-Level 1 to post-level 4, with principals actively involved in the study titled "Teachers' Application of the Law in Addressing Learner Discipline in South African Secondary Schools."

4.3.1. Teachers' Understanding of Law in Addressing Learner Discipline

The law is very broad, and the participants in both schools had diverse views of the law. Participants believed that learners have rights as stated in the Constitution and those rights should not be violated. PA said:

I know we all have rights, and our rights are protected by the constitution of the country. We all have equal protection from the law. Should you infringe anyone's right you should know that there are consequences to that. So, everyone should be treated in a dignified manner we should not infringe anyone's right.

A4 added:

I believe that without the law both learners and teachers would do as they please. So, it is according to the law that as a teacher are restricted to discipline learners in a certain way. It is through the law that I know that corporal punishment is against the law. There are certain disciplinary measures that I believe that there are suitable for learners' misbehaviour, I must check the learners code of conduct first no matter my beliefs.

In School B, PB believed that schools must follow certain laws to discipline learners. PB shared that: *In school I believe that law plays a very important role when it comes to learner discipline because we must follow certain rules when we discipline learners.*

B3 added:

We do follow certain laws when we discipline learners, and we do have a code of conduct for learners that is available for learners. Our code of conduct is plugged on the wall at our admin so that people do not forget about it.

B1 revealed:

The law is something that governs how people should act. All the laws that we have in South Africa derived from the Constitution. We do have a code of conduct for learners that teachers need to follow when they discipline learners remember we must protect learners' rights.

Participants exhibited a clear understanding of the law by recognising that everyone possesses constitutional rights and stressing the importance of equal legal protection. They acknowledged that infringing upon the rights of others carries consequences, thereby fostering a culture of respect and dignity in alignment with Section 10 of the Constitution (RSA, 1996). Additionally, teachers in the selected schools recognised that the law imposes limitations on certain disciplinary measures, such as corporal punishment, and this awareness shapes their approach when disciplining learners. They emphasised the necessity of adhering to established disciplinary methods and codes of conduct to ensure consistency and fairness in their actions.

Participants consider the law a guiding force that informs their decisions and judgments regarding discipline, helping them remain within legal boundaries. They are knowledgeable about the learners' 'Code of Conduct', its accessibility, and its role in guiding disciplinary practices, reflecting their understanding of the legal framework. Moreover, teachers prioritise the protection of learners' rights, acknowledging their legal obligation to do so. According to Hayek (2022), the law comprises a set of standards and guidelines that society must recognize as integral to its legal framework. The participants also demonstrated a comprehensive understanding of the legal framework governing learner discipline, which encompasses constitutional rights and protections, legal restrictions on disciplinary actions, the importance of adhering to established procedures, the law's role in regulating behaviour, and the safeguarding of learners' rights. Their insights stem from an appreciation of the law's significance in ensuring fairness, uniformity, and respect for learners' rights.

4.3.2. Teachers' Understanding of Learner Discipline

The participants shared their understanding of learner discipline. In school A, the participants had a common understanding about learner discipline, while in School B the participants had diverse views about learner discipline. Some participants described learner discipline and some defined learner indiscipline. PA from School A had this to said:

Since learners come from different backgrounds there must be measures put in place by the school on how learners are expected to behave. Those measures are there to make sure that if learners get out of the school, they follow those regulations that align with our disciplinary measures.

A3 added: *Learner discipline is a way of correcting bad behaviour from learners, we as teachers we play a crucial role in that. We must first design a code of conduct for learners that all learners should follow and respect.*

PB from School B described learner discipline as way of instilling best behaviour among learners and ensuring that learners display good behaviour within the school premises and outside the school. PB said:

Learner discipline, I think it has to do with instilling the best behaviour in the learners we need among learners and to ensure that they are responsible citizens within the school premises and outside the school premises. We need to ensure that they display the best behaviour to the best of their abilities. I think that's what discipline has to do with. When we're dealing with learner discipline its means we are trying to instil the best behaviour within the school premises that learners can display outside the school premises to ensure that we make our country a better place.

According to B1 it is the school's responsibility to teach learners acceptable behaviour. If learners are not in their best behaviours, the school is likely to underperform, hence learner discipline measures need to be taken by the school. B1 explained:

Learner discipline is how learners behave and how a school teach learners acceptable behaviour. Learner discipline goes a long way because it reflects on teachers and parents. Learner discipline also plays a role a role on how a school performs in terms of a pass

rate. If a school lacks learner discipline it is more likely to underperform. Because a disruptive behaviour makes it hard for teachers to teach and learners to learn.

Participants recognised the vital role schools play in establishing standards for learner behaviour, which aligns with the SASA requirement for maintaining discipline. They appreciated the significance of having a ‘*Code of Conduct*’, a legal obligation in South African schools that guides learner behaviour. Participants perceived discipline as a means to correct negative behaviour, which contradicts Section 6 of the National Education Policy Act (RSA 1996c), which emphasises fostering positive behaviour. They stressed the importance of teaching learners to be responsible citizens, in line with Section 5 of SASA (RSA 1996b), which focuses on cultivating social and moral values. Participants also acknowledged the relationship between learner discipline and academic achievement, consistent with SASA’s stipulation that schools provide an appropriate learning environment. They understood the necessity of teaching acceptable behaviour under SASA’s requirement for values-based education. Additionally, participants demonstrated a firm grasp of learner discipline, underscoring the importance of establishing rules, addressing inappropriate behaviour, and training learners to become responsible citizens.

4.3.3. Adoption of Learners’ Code of Conduct

Section 8 of the SASA mandates that all schools adopt a learners’ ‘*Code of Conduct*’ under the law. Participants shared a range of perspectives on the implementation of this code. Individuals from School A expressed confidence that stakeholders were actively engaged in its development. All participants concurred that the primary stakeholders involved included the principal, teachers, learners, and parents. P1 explained:

People who are involved in the development of learners’ code of conduct are teachers, the principal, the learners themselves, and the parents of the learners they also need to be part of the development of learners’ code of conduct because the parent has a say on how we should discipline their learners, so we need to consider their opinions as well. So, I can say people who participate in the development of learners’ code of conduct are teachers, learners, parents, and district officials.

A1 added:

We have the SGB, the principal, teachers, and we also have the support staff. These stakeholders are here to support us in the development of the code of conduct for learners.

A4 shared that:

There are quite a lot of documents that we use to adopt learners' code of conduct. We use SASA, National Policy on Discipline it provides guidelines. We make use of the Constitution to ensure that we do not infringe on learners' rights. There are many legal documents that we visit when we develop learners' code of conduct.

A3 also expressed her sentiment:

With all the teachers we review the code of conduct since we review the policies every year. So, upon the review of policies, there is an invite that is sent to the teachers and an invite to the parents that contains the agenda for that day of reviewing policies when the learners' code of conduct is announced there. Then the policies would be amended if any points are raised. Afterward, the attendance register will be available for all attendees to sign. Thereafter we send the reviewed learners code of conduct to the district circuit manager for approval. So, we do this at the beginning of each year because each year we have new learners, and we may also have learners who have forgotten about it which is it is important for us to present it every year. The parents must sign the code of conduct. The learners are also involved because when we call each learner is asked to come with their parents and they also need to sign the code of conduct.

Similar to School A participants, School B participants had a common understanding of stakeholders involved in developing the learners code of conduct. Participants in School B stated that the people involved in developing the learners code of conduct are the teacher, SGB, and the principal.

PB revealed: *In our school people who participate in the development of the learners' code of conduct is the principal, teachers, and the SGB. The SGB is representing parents, but we still need parents to sign the learners code of conduct.*

B4 added:

We always had a code of conduct for learners, as a disciplinary committee we usually take the code of conduct of the previous year and modify it where necessary. Our disciplinary committee consists of teachers' parents who are presented by the SGB and the principal.

B3 also shared that there are legal documents that they use to develop the learners code of conduct:

We use the SASA which is the major document that we align with in ensuring that our learner code of conduct it is within the South African law. We also use the Constitution of the country EEA because there also laws that teacher should follow when disciplining learners. There are also some documents that we get from the department of Education where it is indicated if a learner commits this level of misbehaviour, these are the sanctions of such misconducts. We also include the laws which include external organizations such as police for other cases. For example, if a learner stabs another learner, in such cases we call the police.

The data suggests that participants from both schools have implemented a code of conduct for learners. They engage similar stakeholders in the development process, including teachers, principals, the SGB, learners, parents, and district officials. This approach aligns with the SASA, which outlines distinct responsibilities for each stakeholder (RSA DoE, 1996). The SGB is tasked with adopting the learners' code of conduct and must consult with teachers, parents, and learners throughout this process. Teachers are responsible for implementing the code in the classroom, while parents contribute to its development and are expected to reinforce it at home. Learners are required to adhere to the code and report any violations to their teachers. The principal is responsible for ensuring that the school adopts a code of conduct under SASA and for monitoring its effectiveness in influencing learners' behaviour. Similarly, district officials oversee the implementation and effectiveness of the learners' 'Code of Conduct' (RSA DoE, 1996). Both schools conduct annual reviews and revisions of the code, actively involving parents and learners in the process.

These stakeholders contribute to creating a comprehensive code of conduct that aligns with education law and regulations. The participants mentioned Education Law and regulations mentioned in the data include SASA, National Policy on Discipline, the Constitution, EEA and Department of Education guidelines which are "Guidelines for the Consideration of School Governing Bodies in Adopting a Learners' Code of Conduct" for learners. This indicates that

participants in both schools use these legal documents to ensure their 'Code of Conduct' complies with national laws and regulations. They also involve parents and learners in the development and review process, which is in line with the legal requirements of SASA.

Even though participants from School A and School B shared some same sentiments on the adoption of learners' 'Code of Conduct', there were some differences. Participants School A mentioned the use of additional legal documents, such as the Constitution, to ensure learners' rights are protected. School B emphasised the role of the disciplinary committee in modifying the 'Code of Conduct' annually. Participants from School A indicated that they involve district officials in the development process, while participants from School B did not mention their involvement. Both schools demonstrated a commitment to developing a comprehensive learners' code of conduct that aligns with education law and regulations and involves relevant stakeholders in the process.

4.3.4. Concerns about the South African Schools Act

Participants from the two schools expressed their concerns about the SASA. PA noted that this act is not very helpful, as it simply states that corporal punishment is prohibited but fails to offer alternative disciplinary methods for managing learners. PA elaborated on this point further:

This is the code of conduct that our teachers use to discipline learners daily. However, SASA is not very clear and concise on how exactly we should discipline learners. We include it when we are developing a learners' code of conduct, but it is very hard to apply it daily. SASA does not allow us to suspend a learner for more than 14 days no matter how serious the misconduct is.

A3 added: *As much as we are given a right to discipline learners the SASA also does not provide us with enough information on how exactly we should discipline learners. Instead, it focuses on what we should not do when we discipline learners.*

In School B, PB revealed:

I would like to first tell you that times are changing SASA was first published in 1996 and no amendments have been made on the learner discipline sections. A lot has changed since 1996 we are in 2024 now. SASA was made based on the behavioural issues that they had

in 1996, but I think some of its stipulations are becoming irrelevant to the behavioural issues that we presently experience which makes it hard for us to apply it when we discipline learners.

B1 added:

SASA does not give us the measures on how we must discipline learners, the only thing it tells us is that corporal punishment is abolished. It never will never say to you this is how you must discipline learners. As a teacher you have a right to discipline learners but as the measures to how are not there. We are just making use of the document of levels of misconducts as to which legal document this comes from, we do not know because they are not in SASA. We include those sanctions in learners' code of conduct which are an alternative to corporal punishment, but they are not documented anywhere.

The participants recognised the prohibition of corporal punishment, which is in line with the SASA and the Constitution. However, they expressed concerns regarding the lack of clarity in SASA concerning disciplinary measures, which undermines its purpose of providing clear guidelines. This indicates a gap in the participants' understanding of the law, as SASA serves as a foundational statute for subsidiary regulations. The data revealed a challenge in suspending learners for more than 14 days, irrespective of the severity of their misconduct. This limitation contradicts SASA's provisions for fair discipline, specifically in Section 9, which permits the SGB to suspend a learner suspected of serious misconduct from attending school. Participants highlighted their reliance on ambiguous or undocumented disciplinary measures, which are inconsistent with Educational Law. SASA refers to the “*Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners.*” Additionally, some participants perceived SASA as outdated due to a lack of amendments, although it is essential to note that the Act was amended in 2011, particularly concerning Section 8, which addresses random searches and drug testing in schools. There was also uncertainty among participants about the sources of alternative disciplinary measures. Nevertheless, Section 8 of SASA stipulates that schools must develop a ‘*Code of Conduct*’ for learners, ensuring that all learners are disciplined accordingly. The Department of Basic Education (DBE) also published a booklet titled *Alternatives to Corporal Punishment* in 2000, which offers further guidance on this matter.

4.3.5. Legal Constraints in Learner Discipline

The data showed that a prominent challenge faced by teachers in the application of legal frameworks for learner discipline is the existence of regulatory constraints. Participants articulated the view that these legal stipulations impede teachers' ability to effectively administer discipline among learners. PA said:

There are too many constraints from the law when it comes to disciplining learners. Let us say for instance a learner is a threat to a school because that learner sells dagga inside the school premises and if a learner sells dagga in a school that means that learner has a potential to destroy a school environment. What we can only do as a school is to call a learner for a disciplinary hearing, there must be a representative to support a learner. If a learner is found guilty, we then as a school apply for expulsion to the department. The school cannot suspend or expel a learner because by if we are sending a learner home which means we are depriving that learner a right to education. The law does constrain us a lot because sometimes when we apply for such, we do not even get any response. According to SASA a learner cannot be suspended for more than two week no matter the seriousness of the misconduct. If that learner continues coming to school, he/she infringes other learners rights so it is better to get rid of one problem before that learner influences other learners this might work best to protect most learners. The law unfortunately favours the learners even though they are wrong.

A3 added:

The law favours learners more than teachers. These laws are protecting learners even if they are the ones who are at fault. As much as the law is supposed to help us discipline learner it delays us from disciplining learner, in some other cases learners are not disciplined at all.

In School B, just like in School A, the law was viewed as hindering teachers from disciplining learner properly, when necessary, PB opined:

The role that the law plays is extremely negative because learners know that we cannot do anything to them, so we are highly restricted in terms of the law. We cannot address some discipline matters as soon as it is required but we need to follow certain rules. Something you could have done in 30 minutes or an hour, now having to go through legal routes to

discipline this learner might take a week or two. If for instance a learner has murdered another learner and this has happened in another school whereby a learner was stabbed to death by another learner, so as a school we are unable to suspend or expel that learner with immediate effect. So that learner who has killed another learner will continue coming to school until the matter or the decision is taken by the department. Even the department is restricted in terms of law to expel a learner, no learner is expelled. What the department does is take that learner from that school to another school because according to the constitution, every child has a right to education so by expelling a learner which means you are infringing those learners' right to education.

The data highlighted that a significant challenge teacher encounter in handling learner discipline is legal constraints. It revealed that teachers' authority to discipline learners is often limited by these legal restrictions. Participants believed that the law tends to prioritise learners' rights over the needs of teachers. This perspective aligns with the findings of Terzoudi's study (2020), which indicated that teachers feel legislation predominantly supports learners and offers inadequate protection for them. Due process and specific protocols mandated by law can lead to delays in disciplinary actions. Consequently, schools are required to adhere to these legal obligations when addressing learner behaviour, including providing necessary support and representation. As a result, participants viewed the law as a hindrance to their ability to manage learner discipline effectively. While the law aims to safeguard learners' rights and ensure fair treatment, the participants were more concerned with maintaining order and discipline within the school environment.

4.3.6. In Loco Parentis and Learner Discipline

The data revealed that teachers are not only responsible for teaching learners, but they act as parents to learners when they are with them. Data indicated that teachers do not only play the role of teaching, but they also play the role of being parents to the learners within the school premises. According to the data teachers should have a clear vision in how they want their own children to be disciplined, that way should be the very same way they use to discipline learners in the school. This can help them fulfil their role of in loco parentis. It is therefore their responsibility to support learners as needed, guarantee that their rights are upheld, and be available to assist with any problems they may encounter in the school.

PA shared:

Basically, I think as a teacher you are also a parent and as a parent you know how you want your child to be treated. The same way you discipline the learners it is the very same way you would like your child to be disciplined, that really assist in playing our in loco parentis role. You cannot say you do not want your child to be beaten at school by teachers whereas you as a teacher at your school you are the one who implement corporal punishment within the school premises. In that way you are not playing your role of in loco parentis as you should, so you need to be there for a learner, provide all the necessary support, ensure that learners rights are not infringed, ensure that on whatever issues learners may have within the school premises you are there to render your help because that what you do at home.

Participants in School B also emphasised that the status of in loco parentis does assist them to discipline learners. This allows them to discipline learners as parents apart from being teachers because they are also regarded as parents to the learners in their school.

PB had the following to say:

As teachers we also play a role of being parents to the learner remember they spend 8 hours under our care. Apart from the learners' code of conduct the in loco parentis assist us disciplining in disciplining learners as their parents. I can say the way I discipline learners here is how I expect my child to be disciplined.

B2 added:

In our employment contract it is stated that we do not only teach these learners, but we are also parents to them whenever they are with us not only within the school premises but whenever they are under our care. Even if we have trips, we have to guard them and make sure that they are safe and in their best behaviour all the time. This role of being parents to our learners help us in disciplining learners because we now doing it as parents. As a parent you always want what is best for your child.

The participants in both schools viewed their role in a dual perspective, which is being a teacher and disciplining learners the same way they discipline their children at home. According to the data collected from the participants, teachers should discipline learners the way they discipline their own children. Teachers' primary responsibility is to teach learners. Still, they are also liable for the learners' psychological, emotional, and physical well-being, an obligation known

as 'in loco parentis' (SACE, 2020). According to Berlanda *et al.* (2019), a teacher's job description goes beyond simply imparting knowledge; they also have an obligation to act as role models for the learners they teach and foster a loving relationship with them. However, teachers are obligated to use the disciplinary procedure that is included in the learners' 'Code of Conduct' and that is fair to all learners. Teachers must balance their parental role with learners' constitutional rights.

4.3.7. Learners' Misconducts

The data from documents and participants showed that teachers deal with many learner misconducts on a daily basis. According to learners' code of conduct from both schools, there are numerous levels of misconducts which are as follows:

Level 1 misconduct,

Level 2 misconducts; and,

Level 3 misconducts.

There are also serious misconducts.

Participants for School A stated that learners' misconducts included late coming, smoking, learners insulting others, learner on learner sexual harassment, and learners who make noise during teaching and learning.

The incidents that were recorded in the incident report book from school A are: learner on learner sexual harassment, smoking, fighting, and bullying.

PA revealed the following:

When dealing with people there will always be challenges. We do not have anything major per say I can say we have misconducts such as late coming, backchatting, learners not completing tasks on time, failure to comply with instructions that have been given to them, these are the minor misconducts that we experience nothing major. We also have learners that smoke within the school premises we are trying to tackle that challenge and compared to the previous years there is a lot of improvement no case has been reported this year.

A4 emphasised that since they have more than one thousand learners in their school, they have a lot of learner misconducts. A4 gave the statement below:

We do have a lot of learner discipline issues since we have more than one thousand learners in our school. Some of the issues are peer based like a learner complaining about the other learner who have insulted them. In some cases, a girl would be complaining about another boy learner who have touched her inappropriate. Some would be of learners complaining about their calculators being stolen by other learners. Those are peer based there are also learners against teachers' misbehaviours. When a teacher is teaching in classroom learners are expected to abide by the class rules, but they are not some would be making noise, some it is late coming and there also some serious misconducts. As a teacher I treat my learners code of conduct as a bible because I must apply this document on daily basis. It differs by level of misconduct that a learner has done. We have a level 1 misconducts where a learner has arrived late, and we note that down in our incident books stating the learner misconduct with the learners' name. If the misbehaviour continues the level of misconduct, then moves up to level 2. So, any sanction of the misconduct is applied based on the level of the misconduct.

In School B they also have a lot of learner misconducts such as learners making noise, sexual harassment among learners, late coming. PB said:

We have a lots of learner misconducts in our school as you saw on our way some learners were singing in their class while there is a teacher who is teaching in the class next door. We also have misconduct such as sexual harassment whereby boys touch girls in the improper ways.

B2 Added:

It is hard to deal with these learners every day because some are doing these things deliberately. There are learners who are always in every misconduct and there are learners who are always repeating the very same misconduct. For example, you will always find that learner who comes to school late every day and they will be always that one learner who is always on the list of people who are making noise.

Learners go as far as missing deadlines for their assessments and not writing their homework.

B3 revealed this by saying:

Some of the times learners do not write their homework and miss assignment due dates and make excuses for not submitting. So, the way I discipline a learner depends on the seriousness of a misconduct for example a learner did not write their homework, we all know that rules are important they teach you responsibility so I usually give a verbal warning I also note it down on my incident book so that a learner can see how serious the offence is. In some other cases I may involve the parent, the parent can then come and assist me in disciplining a learner. We do not punish a learner on their first offence because learners are also people whom we also need to treat them with dignity, and we need to give them benefit of the doubt that what they did was a mistake, and it will never happen again.

According to the data, learner misconduct in schools is a complicated and multifaceted problem, with several challenges making it difficult for teachers to apply disciplinary. The data revealed that a framework for addressing misconducts is provided by the 'Learners' Code of Conduct' but its implementation is inconsistent, and teachers receive inadequate support. The data indicated that learner misconducts range from Level 1 to Level 3 and there are serious misconducts levels of misconducts. However, DBE (2018) states that learners' misconducts range from Level 1 to Level 5.

The data indicated an inconsistency between the legal framework and what is happening in schools even though education law places a strong emphasis on respect and discipline for teachers. The data revealed that the application of the learners' 'Code of Conduct' is inconsistent. The data also indicated a lack of teacher training and support. The data further revealed that there are peer-based issues like bullying and harassment are prevalent. Teacher parents are not always involved in discipline. Teachers believed that there is a lack of positive school culture.

4.3.8. Aggression towards Teachers

In both School A and School B, participants have experienced aggression towards them in their attempts to discipline learners. However, in School B, the aggression of learners towards teachers has decreased over the years. In School A, PA stated that they have experienced physical aggression from learners. There was also an incident in the school where a learner fought with a teacher. PA shared her experiences below:

Learners do attack us physically when we try to discipline them. We had an incident whereby our male teacher was beaten by one of our grade11 learner because the learner was disruptive in the classroom and disturbing the process of teaching and learning. The teacher then asked the learner to exit the classroom so that he can continue to teach. The learner then fought the teacher physically by throwing chairs at him. The teacher did not fight back you know even if you fight back as a teacher to protect yourself you will always be wrong. These laws are not protecting us as teachers.

A4 also shared that she is even afraid of those learners herself in the revelation below:

There was an incident whereby one of the grade11 learner came late into class and she found me there in class already teaching. When I asked why she was late she pushed my books out of the desk to the floor and she was ready to fight me when I stood up. Fortunately, one of the male teachers was passing by and I asked him to come into the classroom because I know that these learners respect male teachers more than us. I usually read about the stories whereby learners are killing teachers honestly such behaviours are scaring me.

A3 also added:

We are not only attacked by learners but even the parents do attack us. There was a learner who was bullying other learners therefore the learner was sent home with a letter to come with a parent the next day, so the learner did not give a letter to a parent. A learner told his parent that this teacher sent him home because he hates him. The parent then came with a sjambok looking for that teacher.

In School B the participants have also experienced physical aggression from learners. PB made the statements below:

In the previous years we had cases of learner retaliation, there was a teacher who was roughly handled by a learner. We have teachers who are young, and these learners see those teachers as their peers, and they want to take their chances. The violence against teachers is more verbally, there are learners who challenge teachers verbally. This does not sit well with teachers, and they think that the system is failing them because the only thing they can do is to report a learner to me, and I then discipline a learner. Most of the times it is female teachers who are abused by learners. This also affects the role of in loco

parentis because when teachers experience this from learners, they now want to stay away from them to protect themselves because the law does not protect them.

B2 also added:

I have not heard any case of physical aggression from learners but in the previous years there were few cases of learners beating teachers. Based on those cases we have tried to deal with such so it does not happen again. However, we do have cases of verbal aggression directed to teachers from learners.

The data highlighted one of the challenges teachers face when applying the law to discipline learners in schools, specifically aggression towards teachers. The data highlighted aggression towards teachers as one of the challenges that teachers encounter when enforcing the law to discipline learners in schools. Both participants from schools A and B have encountered incidents of verbal and physical aggressiveness from learners; however, participants from School A had more serious incidents, such as when a learner physically attacked a teacher. Participants believed that their rights under Section 9(1) of the Constitution are being violated and that the law does not protect them from this kind of violence. When teachers try to discipline learners, they encounter both verbal and nonverbal aggressiveness, according to the data. Participants struggle with learners behaving aggressively towards their teachers, although participants from School A had seen more serious incidents.

Participants believed their rights are being violated and that the law fails to protect them from aggression. Learner aggression is more likely to affect female teachers. As demonstrated by the incident from School A, parents also assault the teachers. Although the SASA (RSA DoE, 1996a) highlights the value of discipline in the classroom, teachers believed the legislation does not protect them from aggressive learners. Teachers' rights are guaranteed by the Constitution; however, the data indicated that these rights are being violated. Although the EEA describes teachers' duties, it does not offer enough protection against aggressive learners.

4.3.9. Lack of Understanding of the Law

The data revealed that everyone apply the law according to their understanding and understandings may differ. PA explained:

In terms of interpretation, we hold meetings where the code of conduct is thoroughly explained. We through it bullet by bullet with teachers, parents, and learners so that we can get a common understanding of the document. We go through the document together. However, the interpretation is up to each individual, so each person interprets the law according to their own understanding. As I have already mentioned that in the previous years, we had teachers who applied corporal punishment to discipline learners which means those teachers had their own interpretation. I can say we do have challenges in the interpretation of disciplinary laws because people do not understand the policies the same and I do not know how this can be addressed. I think if we can have someone who can come to our school and train teachers on disciplinary laws that can really be helpful. You can even ask the minister of education how we can apply the law to discipline learners on the daily basis, they cannot give you an answer that will be suitable for all the teachers. In every school each teacher will see on their own how they can apply the law to discipline learners.

Similar to School A, School B had challenges when comes to the application of law to address learner discipline. PB had this to say:

As far as that is concerned, we do not have proper training. Even people who specialise in such do not have answers. Let us take a teachers' dress code for example, we have a policy that says a teacher, or a public servant should always be neatly dressed and presentable. However, how we interpret neatly dressed and presentable may differ someone might say neatly dressed means wearing a suit, a tie, and a shirt. Another person can say as long my clothes are ironed and washed then I am fine I am neat and presentable. Even if you could ask that question to the legal practitioners cannot even answer. They came here they could not even answer that question because interpretation is up to a person. Because we do not have common interpretation it will always be a challenge to us to interpret the law correctly. We do not have adequate training when it comes to incorporating law with learner discipline or learner discipline alone unless if we apply for it from the department and the approval takes forever.

According to the data, teachers' inconsistent and inadequate interpretation of the law presents a significant challenge to the effective implementation of disciplinary laws in schools. As a result of teachers depending on their own interpretation of the law, there is an inconsistent

application of the law in both schools. Education legislation assumes that teachers are going to implement and comprehend disciplinary laws consistently. However, the data revealed that this is not the case. For teachers to properly interpret and implement disciplinary regulations, the law does not offer sufficient assistance or training. Despite highlighting the value of discipline in schools, the SASA offers no precise standards for its interpretation or implementation. Participants believed that SASA as a primary law should also tell them how to interpret the laws that are there in the SASA document. Participants believed that EEA describes teachers' duties, such as upholding discipline, while it leaves open questions about interpretation and implementation. According to DBE (2022), the EEA aims to create a framework that supports the employment of educators by providing terms and conditions of employment and defining the roles and responsibilities of teachers.

4.3.10. The Use of Corporal Punishment

The data from School A indicated that corporal punishment is still in use in some schools, and participants viewed it as more effective compared to the other ways of disciplining learners. PA mentioned that the other disciplinary measures are not effective compared to corporal punishment. PA said: *We still use corporal punishment since the other disciplinary measures that have been proposed are not effective. We tried not to use corporal punishment, but we failed because learners were doing as they please.*

A2 Added:

At times we still use corporal punishment where necessary. In some other misconducts a learner has to be corporally punished this can stop other learners from doing the same misconducts. If learners are not being punished, they repeat those misconducts, so we thought it was necessary.

According to the data from School A participants, the corporal punishment is still used to discipline learners. Participants applaud corporal punishment as one of the effective ways to discipline learners.

In School B, participants no longer use corporal punishment. According to PB, the use of corporal punishment might cause the learners to retaliate against teachers. They are using alternatives for physical punishment, such as punishing learner by ordering them to clean a classroom. PB explained:

We no longer use corporal punishment, but we have found alternatives. For example, when a learner is sent to my office for misbehaving, I first want to hear the side of the learner and hear what is going on. In some other matters we may find that a learner is behaving in that way because of their background maybe there is a domestic violence that is taking place at home. We do not let that learner off the hook we still discipline such learners so that they can be aware that their behaviour is unacceptable. If learner needs help, we do contact social workers. As we speak I have about seven contacts of social workers on my phone.

B4 added:

To be honest with you, we no longer use corporal punishment but in the previous years. After being reminded repeatedly by the principal, district officials and by us as well as we read about the corporal punishment, we learned that corporal punishment is not useful it only makes the learners worse because they will retaliate. We found alternatives to corporal punishment. For example, if a learner is being disruptive while I am teaching and that has done that repeatedly, I then find a way to punish that learner one of the punishments is cleaning the classroom. As I have already stated before that in the adoption of learners' code of conduct, we make use of several documents such as SASA, South African Constitution and the National Policy. The National Policy on learner discipline is the one that gives us guidelines on what to do when faced with a certain misconduct. So, sweeping the classroom is included in that, we can also punish a learner by taking away certain benefits let us say for instance there is an excursion and the learner want to go and we know that learner is troublesome we then take away those benefits that learner has to stay behind because we don't want to have any problems in that excursion.

B1 added:

For this year we have not heard of any case of corporal punishment in our school. But in the previous years there were a lot of cases of corporal punishment like last it did happen that few teachers used corporal punishment to discipline learners. Such is happening because I do not think that teachers are fully equipped in terms of the law. They only know that they should not use corporal punishment however they are not aware that using is now breaking the law. Teachers believe that corporal punishment is hitting a learner with a stick not knowing that even a smaller act of physical violence against a learner is

considered as corporal punishment. What we have done as a school we have emphasized to our teachers that corporal punishment is against the law whoever who uses it is breaking the law, we have also referred them to the SASA. We have also given them alternatives to use instead of corporal punishment, such alternatives are stated in the learners' code of conduct. Some of the alternatives are parental involvement, manual labour, referring learners to the disciplinary committee of the school.

The data showed that as a disciplinary measure, corporal punishment continues to be administered by participants from School A and this is still held illegal under the Constitution and Education Law. But it also meant that educational policies and practices were not being applied well in School A. According to the data, despite being banned, many teachers still think corporal punishment is one of the effective ways for effective disciplining. This is inconsistent with Section 10 of SASA, which stipulates that no person administers corporal punishment against a learner. The data suggest there could be some basic misunderstanding by teachers of what is, and is not, corporal punishment which, if true, would have major implications on its legal standing. There are school environments advising corporal punishment as a corrective measure. Many alternative disciplinary methods as outlined in the National Policy on Learner Discipline and those published in Alternatives to Corporal Punishment are not implemented routinely.

4.3.11. Role that Education Officials and Policies can Play in Maintaining Learner Discipline in Schools

According to the data, teachers believed that education officials can make programmes that can provide teachers with the polices should be thoroughly explained. PA revealed:

We do not have enough training when it comes to the policies. Teachers are not trained and given necessary support. The department is really failing us and at the end of the day we are expected to do thinks correct but to be honest we do not know how to do it. Yes, the policies are there but the application is not easy for teachers. That is why I think the role education officials that can play is to provide us with training where policies will be explained.

School B, similar to School A, suggested that education officials should provide them with training. PB said:

We as school management are trying our best but unfortunately it is not enough. Therefore, the education officials can assist us by providing workshops whereby teachers are being educated about learner discipline policies. As for how policies can help us, I am not sure because there is not enough knowledge about policies maybe after we have those workshops, we will know how policies can help us reduce learner discipline issues in our schools.

The data emphasised the critical role that education officials and policies can play in maintaining learner discipline. Teachers pointed out the need for training and support in understanding and effectively implementing learner discipline laws. According to the data, SASA demonstrates the need for school discipline but does not provide specific instructions for teacher training and support. The data identified that the EEA outlines teachers' responsibilities, such as maintaining discipline, but does not address the need for training and support. According to the data, teachers perceived that Education Law implies that they are able to maintain discipline, yet data revealed a lack of training and assistance. The findings also indicated that teachers believed that the law does not include appropriate measures for education officials to provide teacher training and assistance.

4.3.12. Strategies Schools can Implement to Create a Positive and Conducive Learning Environment that Reduces Disciplinary Issues

The data indicated that schools could make use the learners' 'Code of Conduct' to discipline learners, and it is the schools' responsibility adopt a 'Code of Conduct' that is within the law. PA explained:

I think schools we need to always make use the learners code of conduct whenever we are subjected to discipline learners in our schools. It is the school responsibility to ensure that their code of conduct in line with the law.

A2 also shared that:

The involvement of parents can be useful for a school because our learners' education needs to involve learners, parents and us teachers. In that it is not easy for learners to deceive teachers and parents if we all work together. I think that can help schools reduce disciplinary issues.

In School B, participants believed that schools should inform learners about the rules that they ought to follow that can assist in reducing discipline issues. PB shared the following:

If the learner understands the law, it is not easy for that learner to break the law in that way there will be no disciplinary actions needed. Another thing, disciplining learners' can be draining sometimes calling learners parents, informing them about the learners' misconducts. I am sure no learners want to go through that so the better they understand their code of conduct the better. You see the misconceptions here is that as teacher you need to be very strict all learners should fear. Fear and respect are very much different.

Participants raised various options that schools can implement to create a conducive learning environment that reduces disciplinary issues. This included the adoption and use of learners' 'Code of Conduct', the involvement of parents, and informing learners about the rules that they need to follow. This is consistent with SASA Section 8, which encourages schools to adopt a learners' 'Code of Conduct' that is line with the law. The participants argued that while SASA highlights the value of discipline in schools, it does not offer particular guidance for ways of promoting a conducive learning environment. The data showed that while the EEA lists teachers' duties, including upholding discipline, it leaves out the part that parents and learners play in maintaining discipline (Section 28(1)). While the data pointed to proactive approaches that reduce disciplinary issues, education law concentrates on discipline as a reactive strategy. The participants believed that the law failed to put enough emphasis on how crucial it is for parents and learners to be involved in upholding discipline. Section 5(1) of the 'National Education Policy Act' mandates that schools establish a conducive learning environment. However, it does not elaborate on how informing learners about the rules can maintain disciplinary issues (RSA 1996c). According to the data, informing learners about the rules can help to maintain discipline.

The data showed that schools can reduce disciplinary issues by using strategies to establish a conducive learning environment. According to the data, enforcing regulations, including parents, and providing learners with a 'Code of Conduct' can all help maintain disciplinary issues. According to the data, provisions for proactive measures to maintain disciplinary issues should be added to the education law when it is revised.

4.4. Summary

This chapter presented and analysed the data that was collected through semi-structured interviews, focus group discussions, and document analysis. The participants consisted of eight teachers and two principals. Two schools from South Africa's Free State Province were selected, whereby I interviewed 4 teachers through focus discussion and one Principal from each participant school. The overall number of participants who participated IN this study was ten. To adhere to ethical considerations, participants were given pseudonyms.

CHAPTER 5: SUMMARY, DISCUSSION OF THE FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1. Introduction

The previous chapter presented and analysed data. This chapter gives the summary of the study, discusses the findings, makes conclusions, and proffers recommendations. The main aim of this study is to explore teachers' application of the law in addressing learner discipline. The objectives were as follows:

1. To explore teachers' understanding of the law and learner discipline in the selected South African schools.
2. To determine how the teachers apply the law to address learner discipline.
3. To identify challenges teachers, encounter when applying the law to discipline learners.
4. To explore possible methods to maintain learner discipline in schools.

5.2. Summary of the Study

Chapter One of the study discussed the background, problem statement, research questions, study significance, and layout of the chapters. In the second chapter, the relevant literature for the investigation and the theoretical framework were examined. In Chapter Three, there was a discussion of the research methodology. The researcher used semi-structured interviews, focus group discussions, and document analysis in this qualitative study. Ten participants were purposefully selected, including four teachers and one school principal from each of the two schools. Twelve themes were identified and explored in Chapter Four following analysis of the data through the thematic approach. Chapter Five gives a summary of the study and discusses the major findings. Chapter Five also explores the importance of this research, drawing comparisons to similar studies on teachers' implementation of the law when dealing with learner behaviour, conducted globally and in South Africa. This chapter also addresses the study's limitations and provides recommendations for future research to be conducted on teachers' application of the law in addressing learner discipline in secondary schools.

5.3. Discussion of the Findings

The main findings of this study are discussed in this section. The chapter's introduction states that research objectives served as a guide for this chapter. The four major findings are organised as follows: the teachers' understanding of the law and learner discipline, the role of the teachers when applying the law in addressing learner discipline, challenges teachers encounter when applying the law to discipline learners, and possible methods to maintain learner discipline in schools are four of the major findings.

5.3.1. Teachers Understanding of Law and Learner Discipline

The comprehension of legal frameworks by teachers concerning learner discipline is essential for fostering equitable and effective disciplinary practices within schools. This section critically examines how teachers interpret legal statutes in the management of learner behaviour, the extent of their legal knowledge, and the implications of the learners' code of conduct. This major finding is discussed as follows: the teachers' understanding of learner discipline, and their comprehension of the legal instruments pertinent to it.

The teachers' acumen concerning learner discipline is pivotal for the reinforcement of effective behavioural standards in schools. Within the selected educational contexts, teachers acknowledged the integral role of the school in establishing normative standards for learner conduct, which is under the SASA mandate that schools maintain discipline. Furthermore, teachers recognised the necessity of implementing a code of conduct, a statutory requirement within South African educational settings, as a guideline for regulating learner behaviour. However, while teachers construed discipline as a mechanism for rectifying maladaptive behaviour, this interpretation is incongruent with Section 6 of the *'National Education Policy Act'* (RSA DoE, 1996b), which emphasises the cultivation of positive behavioural paradigms. Barger-Elsborg (2019) posits that teachers should conceptualise "discipline" as an active, dynamic process and engage with its fundamental aspects. This perspective serves as a foundation for guiding learners toward responsible behaviour.

Obafire and Sinthumule (2021) elucidate that discipline encompasses teacher-directed interventions aimed at leading, guiding, and managing learners whose behaviour infringes upon the rights of their peers. The study participants underscored the imperative of instilling a sense of civic responsibility in learners, which resonates with Section 5 of SASA (RSA 1996b:5),

focusing on the development of social and moral values among learners. In alignment with this, Hammarfelt (2019) contends that the objective of disciplinary measures is to facilitate the development of self-discipline, self-control, and appropriate behavioural conduct through the implementation of positive behaviour management strategies.

Moreover, teachers within the selected schools exhibited an awareness of the correlation between learner discipline and academic performance, consistent with the SASA provisions that mandate schools to provide a conducive learning environment. These findings correspond with the research conducted by Banda (2022), which highlights the criticality of maintaining order in schools as a prerequisite for effective teaching and learning, as well as the overall functioning of schools. The data indicates that teachers recognise their role in imparting acceptable behaviour to learners, thereby fulfilling SASA's requirement for values-based education.

Additionally, the teachers demonstrated a robust understanding of the principles of learner discipline, underscoring the necessity of establishing normative guidelines, addressing misconduct, and promoting responsible citizenship among learners. Hammarfelt (2019) defines discipline as a systematic framework devised to preserve order within educational establishments. In this context, teachers perceived discipline as an instrumental process to facilitate adherence to school regulations and encourage comportment that aligns with societal norms. The findings further suggest that teachers harbour a belief in the legitimacy and efficacy of legal frameworks as vital instruments for addressing disciplinary challenges within the learner population.

To effectively manage learner discipline, teachers must possess a comprehensive understanding of the legal framework that governs this area. The findings of the study revealed that the participants acknowledged the significance of constitutional rights and underscored the importance of equal legal protection for all individuals. Teachers recognised that the infringement of another's rights carries inherent consequences, thereby fostering a culture of respect and dignity that aligns with Section 10 of the Constitution (RSA, 1996). In the identified schools, teachers understood that legal statutes impose limitations on specific disciplinary measures, notably corporal punishment, and this awareness guides their actions when addressing disciplinary issues with learners. Furthermore, the participants stressed the

necessity of adhering to established legal disciplinary methods and codes of conduct to ensure both consistency and fairness in their practices. The findings indicated a robust involvement of teachers in their professional roles, demonstrating a commitment to nurturing a positive educational environment (Burt, 2020).

Moreover, the findings suggest that teachers perceive the law as a foundational guiding force that shapes their decisions and actions when disciplining learners, ensuring compliance with legal constraints. There is evident awareness among teachers regarding the learners' '*Code of Conduct*', its accessibility, and its pivotal role in informing disciplinary practices, which signifies a profound understanding of the overarching legal framework. According to the findings of a study conducted by Mahaye (2023c), teachers' perceptions of the influence of learners' rights on school disciplinary procedures exhibit variability, which, in turn, affects both the safety of learning environments and academic outcomes. The findings illustrated that teachers recognise the critical role of discipline within the educational system and prioritize the protection of learners' rights, acknowledging their legal obligation to do so. As articulated by Hayek (2022), the law constitutes a set of standards and guidelines that society is expected to uphold as part of its legal framework.

Furthermore, the study indicated that teachers possess a fundamental understanding of the legal principles that govern learner discipline, encompassing constitutional rights and protections, restrictions on disciplinary measures, the necessity of following established procedures, the law's role in regulating behaviour, and the safeguarding of learners' rights. This understanding among teachers in the selected schools stems from a recognition of the law's importance in ensuring fairness, uniformity, and respect for learners' rights. Klabbers (2020) defines the law as a system that establishes standards for behaviour. These findings emphasised the importance of teacher involvement in their profession and their commitment to maintaining a positive educational environment can serve as a social control mechanism. Overall, the findings suggest that teachers recognise the legitimacy and efficacy of the law as a crucial instrument for addressing issues related to learner discipline.

5.3.2. Teachers' Application of Law in Learner Discipline

The findings highlight the essential role that teachers play in disciplining learners; however, their application of the law must be informed by a thorough understanding of its principles. This section explores the specific legislation that directs teachers' responses to learner

misconduct in South African schools. The discussion centres on the development and implementation of a learners' *'Code of Conduct'*, emphasising the SASA, the prohibition of corporal punishment, and the legal doctrine of *in loco parentis*.

SASA advocates for the development and implementation of a learners' *'Code of Conduct'* in all schools. The findings from this study underscore the adoption of such codes in two schools, referred to as School A and School B. To enhance the educational experience, the *'Code of Conduct'* must be formulated and executed in a manner that prioritizes constructive discipline within the classroom environment (RSA DoE, 1998).

Each school is required to adopt a *'Code of Conduct'* that, under Section 8(2) of SASA (RSA 1996b:8), "aims to establish a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process." Despite the differences observed between the two schools, there are notable similarities regarding the stakeholders engaged in the development of the learners' *'Code of Conduct'*. These stakeholders typically include teachers, the principal, the SGB, parents, learners, and district officials. In line with SASA, these stakeholders possess distinct responsibilities in the code's formulation and enforcement (RSA 1996b). The SGB carries the primary responsibility for adopting the learners' *'Code of Conduct'*, a process that necessitates consultation with teachers, parents, and learners. Teachers are tasked with the implementation of the code within the classroom, while parents contribute to its development and are accountable for reinforcing its principles at home.

Participants from the schools indicated that learners are expected to adhere to the *'Code of Conduct'* and report any violations to their teachers. The "Guidelines for the Consideration of School Governing Bodies in Adopting a Code of Conduct for Learners" (RSA DoE, 1998) stipulates that the code must equip learners with the knowledge of appropriate behaviour and safety within civil society. The principal is responsible for ensuring the adoption of the code in compliance with SASA and for monitoring its efficacy concerning the behavioural conduct of learners. Similarly, district officials share a comparable responsibility in overseeing the effectiveness of the learner's *'Code of Conduct'* (RSA 1996b).

The findings indicate that participants from both schools engage in an annual review and revision of the learners' *'Code of Conduct'*, with the involvement of parents and learners in the review process. This collaborative effort among stakeholders is vital for the creation of a comprehensive code of conduct that aligns with educational laws and regulations. Legal

documents referenced in the findings include SASA, the National Policy on Discipline, the Constitution, the EEA, and the Department of Education guidelines. Both schools utilise these legal frameworks to ensure adherence to national laws and regulations. Furthermore, the findings suggest that schools actively involve parents and learners in both the development and review processes, thereby aligning with the legal stipulations of SASA. Plata (2023) emphasises the necessity for the learner's '*Code of Conduct*' to be accessible and subject to regular review, underscoring the frequent evaluations and amendments are essential for maintaining its effectiveness.

While participants from Schools A and B exhibited some converging views regarding the adoption of a learners' '*Code of Conduct*', significant divergences were also evident. School A underscored the incorporation of supplementary legal instruments, such as the Constitution, to safeguard learners' rights. Conversely, participants from School B emphasised the pivotal role of the disciplinary committee in the annual revision of the '*Code of Conduct*'. Furthermore, participants from School A indicated the involvement of district officials in the developmental process, a factor that School B did not address. Nonetheless, both schools demonstrated a commitment to formulating a comprehensive learners' code of conduct that aligns with educational laws and regulations, thereby including pertinent stakeholders in the development process.

The findings elucidated that the participants in both schools manifested engagement as a fundamental aspect of social control theory. Specifically, teachers demonstrated a commitment to their profession and the maintenance of a positive educational environment, which functions as a mechanism of social control (Burt, 2020). The SASA serves as the national legislative framework governing South African schools. Participants articulated concerns regarding the lack of clarity within SASA concerning disciplinary measures, which appears to contradict its intent to provide comprehensive guidelines. This seems to reflect a deficit in understanding among participants regarding legal frameworks, as SASA is foundational to subsidiary legislation. The SASA (RSA 1996b) aims to establish a standardised framework for the governance and structure of schools, ensuring the protection of the rights of learners, parents, and teachers, while fostering a sense of responsibility for school management. Notably, Section 8(3) of SASA advocates for the utilisation of '*Guidelines for governing bodies when adopting a learners' code of conduct*' (RSA 1996b:8).

Moreover, participants indicated that teachers are imposing suspensions exceeding 14 days on learners, irrespective of the severity of the misconduct, which contradicts SASA's stipulations regarding equitable discipline. Section 9 delineates that SGB may suspend a learner suspected of serious misconduct (RSA 1996b). Concerns were raised about reliance on ambiguous or undocumented disciplinary measures, which are inconsistent with educational legislation, as SASA explicitly refers to '*guidelines for consideration for school governing bodies in adopting a code of conduct for learners*'. Furthermore, legal norms and regulations can be located within various legal sources, including legislation (such as SASA), common law—an unwritten legal framework that has evolved, and judicial rulings (Holmes, 2020).

The findings of this study indicate a significant lack of knowledge among teachers regarding the SASA. Participants from the selected schools expressed that, due to an absence of amendments, SASA has become increasingly irrelevant. It is crucial to highlight, however, that SASA was amended in 2011, specifically concerning Section 8, which addresses random searches and drug testing within schools. Furthermore, BELA Act initially published for commentary in 2017, has since been enacted as an official Act. This development was formalised with the South African President's signing of the BELA Act on 13 September 2024, during a ceremony at the Union Buildings in Tshwane. The BELA Act has resulted in amendments to sections of EEA (1998), as well as the SASA of 1996.

Participants also reported ambiguity surrounding the sources of alternative disciplinary measures. Notably, Section 8 of SASA stipulates that schools must establish a '*code of conduct*' for learners, which mandates that all learners be disciplined under this code. Additionally, the Department of Education published a booklet titled *Alternatives to Corporal Punishment* in 2000, emphasising alternative disciplinary methods. The findings revealed that teachers exhibit a lack of belief, which is a fundamental element of social control theory. This study elucidates teachers are not motivated to adhere to societal norms and regulations due to their diminished belief in the legitimacy of these norms. Consequently, teachers expressed doubts regarding the effectiveness of legal frameworks as a mechanism for addressing disciplinary issues among learners. Obafire and Sinthumule (2021) found that teachers struggle to interpret and apply learner discipline laws, leading to confusion and inconsistent practices which is similar to the findings of this study. Similarly, Banda (2022) found that teachers' lack of understanding of learner rights and responsibilities hinders effective discipline management.

While teachers' primary responsibility is to impart knowledge, they are also tasked with safeguarding their learners' psychological, emotional, and physical well-being, a responsibility encapsulated in the principle of '*in loco parentis*' (SACE, 2020). Participants from both schools conceptualised their roles from a dual perspective: as teachers and as disciplinarians, often mirroring the methods they employ to discipline their own children at home. The findings emphasise the notion that teachers should apply similar disciplinary approaches to learners as they would to their own children.

Commitment to the role of *in loco parentis* signifies teachers are invested in the well-being and academic success of their learners, reflecting the commitment aspect of social control theory. In the context of teacher-learner relationships, commitment denotes the degree to which teachers are dedicated to their roles (Chriss, 2022). Berlanda *et al.*, (2019) argue that a teacher's professional responsibilities extend beyond mere knowledge transmission; they also encompass the role of a mentor and the cultivation of supportive relationships with learners. Nevertheless, it remains imperative that teachers adhere to the disciplinary procedures outlined in the learners' '*Code of Conduct*', ensuring equity for all learners.

The findings from this study are consistent with social control theory, which posits that individuals are more likely to conform to societal norms when they possess a strong commitment to conventional schools, such as schools (Wu, Liu, Boateng, Cui & Shuai, 2021). Furthermore, this study highlights the necessity for teachers to balance their parental roles with learners' constitutional rights. When teachers are committed to their profession and their learners, they are more likely to effectively manage disciplinary issues and foster a conducive learning environment (Chriss, 2022).

5.3.3. Challenges Teachers Encounter when Applying the Law to Discipline Learners

The findings elucidate teachers encounter considerable challenges in the application of disciplinary measures within the legal framework governing learner behaviour. In line with the observations made in Mabasa's (2021) study conducted in South Africa, teachers are cognisant of the complexities associated with fulfilling their disciplinary obligations. A primary challenge lies in determining the appropriate course of action that safeguards learners' rights to safety while adhering to legal standards. South African teachers face the intricate dilemma of enforcing discipline whilst maintaining an awareness of learners' rights. Consequently, disciplinary issues remain pervasive across the nation. Mahaye (2023a) further elucidates

teachers confront issues such as learner aggression and legal constraints. The subsequent discussion will encompass themes such as learner misconduct, aggression directed toward teachers, legal limitations, and a lack of comprehension regarding the law.

South Africa is noted for having the highest incidence of learner misconduct across schools on the African continent, with a significant number of these schools situated in perilous, crime-infested regions. Moreover, many learners originate from communities afflicted with violence, which exacerbates disruptions within educational settings, as articulated by Makoelle and du Plessis (2019). The findings indicate that learner misconduct represents a multifaceted issue, imbued with a plethora of challenges that complicate the enforcement of disciplinary measures by teachers. Although a framework for addressing such misconduct is delineated within the learners' code of conduct, its practical implementation remains inconsistent, and teachers frequently report inadequate support. The findings suggest that learner misconduct can be categorised into Levels 1 to 3; however, the DBE stipulates that misconduct ranges from Levels 1 to 5.

A notable inconsistency exists between the policies governing learner discipline and their practical application within educational environments, despite the strong emphasis placed on respect and discipline for teachers by existing education laws. The findings indicate a disparity in the implementation of the learners' '*Code of Conduct*' and underscore a pervasive lack of training and support for teachers. Additionally, issues related to peer interactions, including bullying and harassment, are prevalent, and parental involvement in disciplinary matters is often insufficient. Teachers also assert a deficiency in efforts to cultivate a positive school culture.

Document analysis of learners' codes of conduct, incident report books, and insights from participants in selected schools revealed a multitude of misconduct incidents. These behaviours encompass tardiness, missed deadlines, disruptive noise, and instances of sexual harassment each detracting from the educational process. According to Banda (2022), it has become increasingly commonplace for learners to bring weapons, such as knives and firearms, to school, thereby posing a significant risk to both their peers and teachers. Furthermore, cases of learners entering school grounds under the influence of drugs serve to further complicate this already challenging environment.

The findings derived from the learners' *'Code of Conduct'* indicate that both schools classify misconduct into three tiers, supplemented by a category for serious misconduct. This classification aligns with existing scholarly literature; however, the South African Council for Educators (SACE, 2020) further delineates five distinct levels of misconduct.

Level 1 misconduct encompasses minor infractions of classroom rules, including, but not limited, to non-attendance, academic dishonesty such as cheating on assessments, unauthorised exits from the classroom, failure to complete homework, and minor acts of dishonesty, all of which incur minimal consequences. Level 2 misconduct pertains to minor violations of the school's *'Code of Conduct'* and includes the repetition of Level 1 behaviours, tobacco use, habitual absenteeism, verbal threats towards peers, and cheating during examinations. Level 3 misconduct constitutes serious violations of the school code, incorporating repeated Level 2 offenses, infliction of minor injuries upon others, alcohol use, significantly disruptive behaviour, possession of dangerous weapons, and acts of theft or vandalism. Level 4 misconduct is categorised as a very serious violation, involving the repeated commission of either Level 2 or Level 3 offenses, threats made with dangerous weapons, intentional infliction of physical injuries, and extortion of property from others. Level 5 misconduct represents the most severe breaches of conduct, including the repetition of Level 4 offenses, possession of narcotics, assault, sexual harassment or abuse, intentional use of dangerous weapons, and significant theft or robbery (SACE, 2020). The influence of positive attachments may act as a deterrent against learner misconduct (Goode, 2022).

The instances of misconduct reported by participants are commensurate with the learners' *'Code of Conduct'*. The findings suggest that certain teachers administer discipline under this framework. Per the SASA, it is mandated that all learners be disciplined in alignment with the established school code (RSA, 1996b). This study posits that teachers' application of legal principles in the management of discipline represents an effort to reinforce conventional norms and foster positive relationships with learners.

A notable challenge confronting teacher in the disciplinary process is the verbal and non-verbal aggression exhibited by learners. The findings underscore the difficulties that teachers face when enforcing legal protocols, particularly regarding aggressive behaviour. Both School A and School B have documented occurrences of verbal and physical aggression; however, School A has reported a higher incidence of severe cases, including instances where learners

have physically attacked teachers. Research conducted by McMahon *et al.*, (2020) on physical aggression directed towards teachers reveals that the predominant form of physical aggression involves bodily contact. Teachers expressed concern that their rights, as stipulated in Section 9(1) of the Constitution, are being compromised and that current legal frameworks do not provide adequate protection against such violence. Conversely, Section 9(2) affirms that all individuals possess the right to equal enjoyment of rights and freedoms.

The findings of this study elucidate that when teachers endeavour to discipline learners, they frequently encounter both verbal and non-verbal forms of aggression. While both schools grapple with learner aggression towards teachers, School A has experienced a greater frequency of severe incidents. This aligns with findings from McMahon *et al.*, (2020) study, which identified bodily contact as the most prevalent type of physical aggression, encompassing behaviours such as hitting, kicking, biting, and pushing.

Teachers convey a sense of their rights being infringed upon and contend that existing legal protections are insufficient in safeguarding them from aggressive learners. This aggression disproportionately affects female teachers. Moreover, there have been documented instances of parental assaults on teachers. Although the SASA (RSA 1996b) emphasises the significance of discipline within educational settings, teachers express apprehension regarding the inadequacy of legislative measures to protect them from aggressive behaviour. While the EEA outlines the duties of teachers, it fails to provide sufficient safeguards against learner aggression.

The findings of this study indicate that legal constraints pose a significant challenge for teachers when applying disciplinary measures to learners. Despite the commitment demonstrated by teachers in the selected schools to uphold discipline and foster social control, they frequently encounter obstacles stemming from these legal limitations. Specifically, teachers' authority to discipline learners is curtailed by legislation that prioritises the rights of learners over the needs and authority of teachers. This observation aligns with the research conducted by Ntshengedzeni *et al.*, (2024), which underscores the restrictive nature of existing laws on teachers' disciplinary practices.

Additionally, the findings resonate with the conclusions drawn by Terzoudi (2020), which indicated that teachers perceive the legal framework as being disproportionately favourable to learners, thereby leaving them vulnerable and unprotected in disciplinary contexts. Banda

(2022) supports this perspective, revealing that education officials often align themselves with learners, complicating teachers' ability to enforce discipline. This dynamic has led to an increase in undisciplined behaviour among learners, adversely affecting the teaching and learning experience within secondary schools.

Moreover, the study underscores the necessity for adherence to due process and protocols as mandated by law, which can result in significant delays in disciplinary proceedings. While such legal frameworks intend to safeguard learners' rights and ensure equitable treatment, the participants of the study expressed a sentiment that these regulations impede their capacity to effectively maintain discipline. The legislation's emphasis on learner rights contrasts sharply with teachers' objectives of sustaining order and discipline within the educational environment. This tension is further illustrated by the findings of Zondo and Mncube (2020) in South Africa, which highlighted the challenges teachers encounter in enforcing discipline due to policies that prioritize learners' rights.

Additionally, the study revealed that a lack of comprehension regarding legal frameworks among teachers contributes to the challenges of disciplining learners. Inconsistent and inadequate interpretations of the law not only hinder the effective implementation of disciplinary measures but also lead to substantial discrepancies between established legal standards and actual school practices. This observation is supported by the findings by Wolhuter and van der Walt (2020), who noted that some teachers continue to employ corporal punishment despite its prohibition.

Teachers in the selected schools often depend on their interpretations of the law, resulting in a lack of uniformity in its application. Mahaye (2023a) further observes that many educational schools grapple with the complexities of disciplinary procedures, facing the challenge of balancing adherence to regulations with the imperative to protect learners' rights to safety. The findings indicate that teachers are insufficiently equipped with the necessary support and training to effectively interpret and implement disciplinary regulations, as the prevailing legal framework inadequately addresses these needs. While the SASA emphasises the significance of discipline within educational schools, it fails to provide explicit criteria for interpretation and execution. Segalo and Rambuda (2018) contend that there exists a general lack of comprehension among teachers, parents and learners concerning the implications of the codes of conduct that govern school behaviour. Teachers expressed the sentiment that SASA, as a

primary legislative document, should encompass clearer guidelines for the interpretation of its provisions.

The research further reveals that teachers perceive the EEA Act as delineating their responsibilities, particularly concerning maintaining discipline, yet it leaves numerous ambiguities surrounding the interpretation and implementation of these responsibilities. The DBE (2022) articulates that the EEA aims to construct a framework that underpins the employment of teachers by defining their roles and responsibilities while establishing the terms and conditions of employment. Nonetheless, the findings suggest a significant deficit in teachers' belief in the effectiveness of the law as an instrument for social control concerning learner discipline. This lack of conviction contributes to inconsistencies in the legal application concerning disciplinary matters. Teachers who exhibit scepticism regarding the law's efficacy may exhibit reluctance to utilize it as a disciplinary mechanism (Costello & Laub, 2020).

Moreover, the findings underscore the continued use of corporal punishment as a disciplinary strategy within schools, despite its contravention of constitutional principles and educational legislation. This observation aligns with the research conducted by Abdi-Idris (2023), which highlighted that, although corporal punishment is prevalent in their study of Somali schools, it fails to produce effective disciplinary outcomes and is associated with detrimental effects. These observations imply that educational regulations and procedural frameworks are not being adequately enforced. In particular, teachers at School A maintained the belief that corporal punishment is among the most effective means for disciplining learners. The Eastern Cape DoE (EC DoE, 2018) reported that a considerable number of teachers endorse corporal punishment, arguing that it was effective during their own educational experiences and did not result in harm.

Conversely, extant literature calls into question the effectiveness of corporal punishment. Studies conducted by Zondo and Mncube (2022), Heekes *et al.*, (2022), and Visser *et al.*, (2022) demonstrate that injuries constitute the most frequent negative outcomes associated with corporal punishment. This finding stands in stark contrast to Section 10 of SASA, which explicitly prohibits the administration of corporal punishment against learners. There appears to be a fundamental misunderstanding among teachers regarding the legal definitions and consequences associated with corporal punishment. The DBE (2018) has confirmed that in

instances where corporal punishment has been reported, disciplinary actions have been taken against the offenders.

The entrenchment of corporal punishment within certain educational environments complicates efforts to reform existing disciplinary practices. Alternative disciplinary strategies, as delineated in the National Policy on Learner Discipline and the accompanying booklet *Alternatives to Corporal Punishment*, are not systematically or consistently applied. Research by Banda (2021) has elucidated the severe adverse effects of corporal punishment on learners, with outcomes ranging from ruptured eardrums and brain damage to serious physical injuries and, in extreme cases, death. In addition, the findings elucidate teachers exhibit a deficiency in belief an integral component of social control theory in the law as a viable means of regulating learner behaviour. This scepticism fundamentally undermines the consistent application of disciplinary measures. As articulated by Costello and Laub (2020), teachers who lack confidence in the law's effectiveness are less likely to employ it as a disciplinary tool.

5.3.4. Possible Methods to Maintain Learner Discipline in secondary Schools

This section discusses the findings regarding possible methods for maintaining learner discipline in secondary schools, emphasising two predominant subjects: the role of education officials and policies, and the strategies that schools can implement to foster a positive learning environment.

The first theme underscores the essential function of education officials and relevant policies in promoting learner discipline. Despite the existence of legislative frameworks such as the SASA and the EEA, teachers have reported a notable deficiency in training and support aimed at comprehensively understanding and effectively enforcing learner discipline laws. This finding elucidates the necessity for education officials to equip teachers with the requisite training and resources to bridge this critical gap.

The findings indicate the substantial role that education officials and policies can assume in the maintenance of learner discipline. Obadire and Sinthumule (2021) affirm that effective engagement and support from education officials can enhance teachers' comprehension of learners' rights. Teachers emphasize the critical need for training and assistance in the effective implementation of discipline-related laws. Furthermore, Scribner and Warnick (2021) advocate

for the clarification of the '*Code of Conduct*', suggesting a thorough review of the levels of infractions articulated therein.

Notably, while SASA underscores the importance of discipline within educational settings, it fails to provide specific directives concerning the training and support necessary for teachers. The EEA delineates teachers' responsibilities, including upholding discipline, yet does not adequately address the requisite training and support necessary for teachers. Findings reveal that teachers perceive educational legislation as implying that they are equipped to uphold discipline; however, a conspicuous lack of training and support persists. Additionally, participants suggested that the law does not mandate sufficient measures for education officials to facilitate necessary teacher training and assistance. Bipath (2017) corroborates this assertion, indicating that teachers must be adequately prepared to manage discipline within the classroom.

Participants articulated a range of strategies that schools can implement to cultivate a conducive learning environment and thereby diminish disciplinary challenges. Among these strategies are the adoption of a learners' '*Code of Conduct*', the engagement of parents, and the systematic communication of rules to learners. This approach aligns with SASA Section 8, which advocates for the establishment of a compliant code of conduct within schools. Mahaye (2023a) recommends that a copy of the '*Code of Conduct*' should be visibly displayed in each classroom. Additionally, Taylor (2019) posits that incentives and recognition can effectively encourage learners to adhere to established school rules consistently. While SASA highlights the critical importance of discipline in educational contexts, it does not provide specific guidance for promoting a conducive learning environment. The findings suggest that, although the EEA delineates teachers' duties such as upholding discipline, it overlooks the roles that parents and learners themselves play in sustaining such discipline (Section 28(1)). While the findings point to proactive approaches that could reduce disciplinary issues, educational legislation tends to focus predominantly on discipline as a reactive measure. Participants asserted that the law fails to emphasise adequately the essential roles of parents and learners in maintaining discipline. Section 5(1) of the National Education Policy Act mandates schools to establish a conducive learning environment but does not elaborate on the significance of informing learners about the rules that govern behaviour (RSA 1996b:5). The findings indicate that effectively communicating expectations to learners can significantly aid in maintaining discipline.

The findings demonstrate that educational schools can mitigate disciplinary issues by implementing strategies aimed at fostering a positive learning environment. Specifically, the enforcement of regulations, the active involvement of parents, and the provision of a comprehensive '*Code of Conduct*' for learners can significantly enhance disciplinary outcomes. Furthermore, the findings advocate for the incorporation of proactive measures to address disciplinary matters into the forthcoming revisions of educational legislation.

5.4. Recommendations

Since several strategies can be used to maintain learner discipline and assist teachers with the application of the law in addressing learner discipline, the below recommendations can be used by participants' schools. The recommendations are made for schools, the DBE, and future research.

5.4.1. Recommendations for Schools

The findings indicate that schools should carefully review and revise their code of conduct for learners. Schools need to implement this code as a foundation for learner discipline. Learners need to be informed about the rules they are expected to follow to minimise disciplinary issues. Teachers must consistently adhere to this code of conduct when addressing learner behaviour, ensuring that the rights of learners are upheld. Additionally, schools should actively involve parents in the discipline process. The findings highlight a deficiency in positive school culture and underscore the necessity for schools to cultivate a supportive environment through targeted programs and initiatives. They also identify instances of learner misconduct and recommend that schools address the underlying causes of misbehaviour such as domestic violence or other social issues by collaborating with social workers and support services. Moreover, the findings suggest that schools should promote positive relationships among teachers, learners, and parents to mitigate aggression and enhance the overall learning environment.

5.4.2. Recommendations for the Department of Basic Education

One of the key challenges identified is that existing laws do not adequately protect teachers from learner aggression. Consequently, it is vital to review and revise the Education Law to ensure better protection for teachers. The findings indicate a need for strategies that effectively support teachers in maintaining discipline while safeguarding their safety and well-being.

The continued use of corporal punishment reveals a significant gap between education law and its practical application, highlighting the necessity for improved teacher training and capacity-building focused on alternative disciplinary measures. Additionally, the findings point to a lack of support from the Department of Basic Education (DBE), emphasising the need for comprehensive training and workshops for teachers on learner discipline policies. These policies must be clearly explained and clarified to promote consistent application.

Teachers have reported uncertainty regarding the interpretation of disciplinary laws; thus, the DBE should provide clear guidelines for their interpretation and application. This will facilitate a shared understanding of these laws among teachers, parents, and learners. Moreover, it is imperative to enhance the monitoring and enforcement of the Education Law and policies. Increasing teachers' awareness and understanding of the legal and ethical implications of corporal punishment is critical. The findings suggest a pressing need for the development of more effective and sustainable alternative disciplinary measures.

In addition, the current disciplinary provisions are insufficient for addressing learner discipline. Therefore, the study advocates for a revision of the Education Law to incorporate proactive strategies aimed at reducing disciplinary issues.

5.4.3. Recommendations for Further Research

This study aimed to explore how teachers apply the law to address learner discipline in South African secondary schools. The research specifically centred on two secondary schools in the eastern part of the Free State province, which means the findings may not be generalisable to schools in other districts. To develop a more comprehensive understanding of teachers' application of the law in disciplinary matters, further research should be conducted in additional districts.

Moreover, this study focused on teachers' perspectives regarding discipline laws. Participants indicated that the interpretation of these laws can be challenging due to their ambiguity and potential for multiple interpretations. Therefore, future research should also consider learners' perspectives on the application of the law in discipline situations. This study utilised a qualitative approach to explore the extent of teachers' application of the law in managing discipline. To deepen our understanding, subsequent investigations could incorporate statistical analysis through quantitative or mixed-method methodologies.

5.5. Limitations

The findings of this study may not apply to other countries or regions, as it was conducted in two schools within the Eastern Free State of South Africa. However, the objective of this research was not to generalize the findings; rather, qualitative research seeks to provide a nuanced understanding that can inform policy decisions. It is also crucial to acknowledge that teachers' self-reported data may not always accurately represent their actual practices, as self-reporting can introduce bias. To enhance the reliability of the collected data, the study employed triangulation, utilising both focused group discussions and semi-structured interviews. This approach strengthened the study's dependability and helped reduce potential bias by offering a comprehensive description of the observed phenomena or patterns.

5.6. Conclusion

The study aimed to explore teachers' application of the law in addressing learner discipline in secondary schools. The findings suggest that teachers continue to face challenges in applying the law effectively to manage learner discipline. Understanding teachers' interpretation of learner discipline and relevant laws is crucial for ensuring fair treatment of learners.

The results indicated that teachers have a clear understanding of learner discipline, as well as the legislation governing the disciplinary process in schools. Teachers play a vital role in maintaining discipline among learners; however, their application of the law must be guided by a thorough understanding of these regulations. This section examined the legislation that directs teachers' responses to learner misconduct in South African schools, focusing especially on the SASA, the issue of corporal punishment, and the *in loco parentis* doctrine. By exploring these legal frameworks, we can better understand the various aspects of teacher decision-making in disciplinary situations and the implications for creating a safe and supportive learning environment.

The findings also revealed that teachers encounter difficulties when applying the law in disciplinary contexts. One of the primary challenges is determining the appropriate course of action that does not infringe on learners' rights to safety or contravene the law. South African teachers face the dilemma of enforcing discipline while being mindful of learners' rights. The study highlighted teachers experience obstacles related to learner misconduct, aggression from learners, legal constraints, and a lack of understanding of the law.

Additionally, several potential methods to maintain learner discipline were identified. One key finding is the significant role that education officials and policies can play in ensuring discipline among learners. Despite the existence of policies such as SASA and the EEA, teachers reported a lack of training and support for understanding and effectively enforcing disciplinary laws. This section underscores the necessity for education authorities to provide teachers with the training and support needed to bridge this gap.

Moreover, other strategies were identified for maintaining learner discipline, including the implementation of learner codes of behaviour, involving parents, and clearly informing learners about the rules they must follow. These strategies can help create a positive and conducive learning environment while reducing disciplinary issues.

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APPENDIX A Title Registration.



16 October 2023

APPLICATION FOR TITLE REGISTRATION

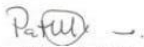
Applicant: Mabaso, N
Student Number: 2016176535
Discipline: Education Law
Study Code: Masters (EDLW8900)

Dear Ms Mabaso

Your registered title is as follows: *"TEACHERS APPLICATION OF THE LAW IN ADDRESSING LEARNER DISCIPLINE IN SOUTH AFRICAN SECONDARY SCHOOLS"*

All of the best with your studies.

Yours sincerely,



Prof Patrick Mafora
Chair: CTR committee



Ms CS Duvenhage
Secretary: CTR committee

205 Nelson Mandela Drive | Park West, Bloemfontein 9301 | South Africa
P.O. Box 339 | Bloemfontein 9300 | South Africa | www.ufs.ac.za



APPENDIX B Ethical Clearance



GENERAL/HUMAN RESEARCH ETHICS COMMITTEE (GHREC)

19-Feb-2024

Dear Ms Nontobeko Mabaso

Application Approved

Research Project Title:

Teachers application of the law in addressing learner discipline in South African schools.

Ethical Clearance number:

UFS-HSD2023/2299

We are pleased to inform you that your application for ethical clearance has been approved. Your ethical clearance is valid for twelve (12) months from the date of issue. We request that any changes that may take place during the course of your study/research project be submitted via an Amendment on RIMS to the ethics office to ensure ethical transparency. Furthermore, you are requested to submit a Final Report on RIMS for your study/research project to the ethics office once the project has concluded. Should you require more time than the allotted 12 months to complete this research, please apply for an extension by submitting a Continuation/Report on RIMS. Thank you for submitting your proposal for ethical clearance. We wish you success with your research.

Yours sincerely,

Dr Adri Du Plessis

Chairperson: General/Human Research Ethics Committee

Adri
Du
Plessis

Digitally
signed by
Adri Du
Plessis
Date:
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APPENDIX C Language editor letter

Great Zimbabwe University
Department of Curriculum Studies
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26 October 2024

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Cell: +263 772 978 970

TO WHOM IT MAY CONCERN

**Re: Confirmation of Editing of Nontobeko E. Mabaso's (2016176535)
Dissertation**

This is to certify that I, **Prof. Rugare Mareva** (National Identity Number 22-101 400K 22), have, to the best of my ability, language-edited and the above-stated student's Dissertation titled: **'Teachers' Application of the Law in Addressing Learner Discipline in South Africa'**, to be submitted to the University of the Free State (UFS). Any errors and omissions are inadvertent. I am a holder of a PhD (English) (University of Venda), M.Ed (English) (University of Zimbabwe), B.Ed (English) (University of Zimbabwe), and a Certificate in Education (English Major) (University of Zimbabwe).

Thank you.



Prof. Rugare Mareva (PhD)

Prof. Rugare Mareva (PhD), Language Editor: Policy Documents, Journal Articles, Book Chapters, Books, Reports, Projects, Dissertations and Doctoral Theses. Research Consultant. Great Zimbabwe University, Department of Curriculum Studies, Masvingo, Zimbabwe

APPENDIX D Turnitin report

ORIGINALITY REPORT			
10%	8%	5%	2%
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