

**Exploring the infusion of restorative justice in a secondary
school's code of conduct**

by

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(B.Ed., PGDip Education Policy)

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Declaration

I, **Mdanini Japi Msimanga**, declare that the dissertation, *Exploring the infusion of restorative justice in a secondary school's code of conduct*, submitted for the qualification of **Master of Education with specialisation in Education Policy Studies** at the University of the Free State is my own, independent work.

All the references that I have used have been indicated and acknowledged by means of complete references.

I further declare that this work has not previously been submitted by me at another university or faculty for the purpose of obtaining a qualification.

A handwritten signature in black ink, appearing to read 'Msimanga', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

SIGNED

30/07/2021

DATE

Abstract

In some South African secondary schools, there seems to be a misalignment between policy expectations, the school's code of conduct for learners, and teachers' and learners' understanding of how the school's code of conduct should regulate disciplinary measures. Based on this, in this study I was interested to explore the potential of infusing a participating school's code of conduct for learners with the principles of restorative justice to attempt and address the misalignment between policy expectations, the participating school's code of conduct for learners, and teachers' and learners' understanding of how the code of conduct for learners should regulate disciplinary measures. The aim of this study was thus to explore the possibilities of infusing restorative justice principles in the participating school's code of conduct for learners to create a conducive learning environment.

This study chose a qualitative approach and employed research methods that included a literature review, policy analysis, participant observation and semi-structured interviews. For policy analysis, I employed Samuel's (2017) approach to reading a policy and to conduct a content analysis. I did this specifically to determine whether the participating school's (School AB) code of conduct for learners aligned with the policy expectations present in the current education policy framework, and secondly, if the principles of restorative justice and Ubuntu were infused in the School AB's code of conduct for learners. The analysis of School AB's code of conduct for learners revealed that the code was punitive in nature. School AB's code of conduct for learners drew its inspiration from several documents that included the *Constitution of the Republic of South Africa* (RSA, 1996a), the

South African Schools Act 84 of 1996 (RSA, 1996b), and *Free State Provincial Schools Act No. 1 of 1996*. This indicated that the School AB's code of conduct for learners was informed by, and in most instances aligned with, the policy expectations. However, it was found by reading of the policy that restorative measures did not always inform School AB's code of conduct for learners.

To determine the teachers' and learners' understanding of how the code of conduct for learners should regulate disciplinary measures at School AB, five teachers and ten learners participated in the semi-structured interviews. Five teachers who were opposed to the use of corporal punishment and eager to implement the code of conduct for learners were invited to participate in the study. The ten participating learners were selected as follows: one from each class of the teacher participants, two from my (the researcher's) class and three from other classes of which the teachers were not participants. A thematic data analysis was applied to identify themes that emerged from the data generated through the participants' observations and semi-structured interviews. The themes were informed by the discussion presented in the literature review. The findings indicated that neither the teachers nor the learners at School AB were familiar with the school's code of conduct for learners. Thus, teachers varied in their disciplinary measures and lacked understanding of what the code of conduct entailed. Furthermore, corporal punishment seemed to be the prominent disciplinary measure employed by the teachers.

Based on the policy analysis and analysis of the generated data, this study proposes ways in which restorative justice can be infused in the school code

of conduct for learners to transform teachers' and learners' practices. If successful at School AB, a similar process can be implemented in other schools that are experiencing a misalignment between policy expectations, the school's code of conduct for learners, and teachers' and learners' understanding of how the school's code of conduct for learners should regulate disciplinary measures.

Keywords: restorative justice; ubuntu; school discipline; education policy; code of conduct for learners; conducive learning environment.



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CERTIFICATE OF EDITING

To Whom It May Concern

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to be submitted by **Msimanga Mdanini Japi**
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Faculty of Education
at the University of the Free State

has been edited for English language grammar, spelling, syntax, style,
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Ethics Clearance Certificate



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APPLICATION APPROVED

With reference to your application for ethical clearance with the Faculty of Education, I am pleased to inform you on behalf of the Ethics Board of the faculty that you have been granted ethical clearance for your research.

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Thank you for submitting this proposal for ethical clearance and we wish you every success with your research.

Yours faithfully

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Dedications

This work is dedicated to my late father, Lefu Msimanga, and my mother, Elizabeth Msimanga. They have always believed in my abilities, sacrificed and invested for my education, supported me in my achievements, and modelled a modus operandi on how to cope with challenges in life.

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Exploring the infusion of restorative justice in a secondary school's code of conduct

Chapter 1: Orientation

1.1. Introduction

Many educators in South African schools are faced daily with the difficulty of coping with learner misconduct. Since the abolition of corporal punishment as per the *South African Schools Act* (Act 84 of 1996), teachers' hands have been tied as they do not know how else to enforce discipline (Coetzee, 2005: 184; Gershoff, 2017: 226). This lack of teachers' knowledge to address learner misconduct remains a challenge. Mestry and Khumalo (2012: 98) assert that "many educators in rural secondary schools acknowledge they have serious problems of disciplining learners and disempowered to deal with learners' disruptive behaviour". Consequentially, unacceptable learner behaviour, and a lack of knowledge of how to enforce appropriate intervention/disciplinary measures by teachers and the school governing body (SGB), hamper the delivery of quality teaching and learning (Van Wyk, 2016: 54).

Furthermore, Coetzee (2005: 224) states that the right of young people to learn is often affected by other learners who act in a demeaning and socially destructive manner. Maphosa and Mammen (2011: 219) have found that because of teachers' limited knowledge of disciplinary strategies in South Africa; they may employ meaningless disciplinary measures that infringe learners' right to education. The right to learn is supported by section 29 (1a) of the *Constitution of the Republic of South Africa* (RSA, 1996), which states that "everyone has the right to a basic education" (RSA, 1996). Furthermore, Okonofua, Walton, and Eberhardt (2016: 382) contend that "exclusionary discipline-suspension or expulsion directly undermines children's opportunities to learn". Corporal punishment of learners has been a major concern worldwide for researchers and policymakers (Gershoff, 2017: 228). A survey conducted in 2013 revealed that 50% of South African learners had reported being subject to corporal punishment (Gershoff, 2017: 228); this was after corporal punishment had been abolished in schools.

Instead of using punitive and punishing measures, teachers have the right to discipline learners in a corrective and educative manner (Segalo & Rambuda, 2018: 1). For teachers to administer such disciplinary measures they will have to follow procedures from the school's code of conduct for learners; hence, Boezaart (2009: 508) claims that the purpose of the school's code of conduct is to "provide learners with opportunities to develop self-control, self-discipline, and accept responsibility for their behaviour". UNESCO (2017: 90) also supports the above, explaining that "codes of conduct state rules for acceptable behaviour at school, with detailed disciplinary measures and procedures, effectively communicated to all learners and adults". Teachers' understanding of discipline in terms of the code of conduct for learners varies; some define discipline as a means for social control, while others perceive it to be rules with punitive disciplinary measures established to discourage misconduct or deviant behaviour (Semali & Vumilia, 2016: 51). The above arguments indicate a gap between teachers' understanding of discipline and what the code of conduct for learners (should) entail.

The study intends to infuse restorative justice principles within a code of conduct of School AB for learners to apply corrective measures and structures for counselling towards learners' poor discipline. Reyneke and Pretorius (2017: 124) assert that restorative justice as an approach "is a process of deliberation and collaboration to find solutions to problems and fix harm caused by the misconduct". This approach empowers learners to know how they should deal with the same situation in the future. According to Payne and Welch (2018: 227), the implementation of restorative justice as an approach to learner misconduct has been effective.

1.2. Research problem and questions

Learner behaviour is a serious problem in some South African schools. This is supported by various newspaper articles and research conducted on the topic. For example, it has been reported by the weekly newspaper, *The Sunday Times*, that a learner is facing disciplinary action after hitting her teacher with a book in her classroom, in a school in Sedibeng (Kgauhelo, 9 March 2018). It is further stated that the Gauteng Department of Education has offered counselling for the affected teacher, so that she may heal

emotionally; otherwise, she may long for vengeance. At an information session conducted by the South African Human Rights Commission held at Hlengisa Junior Secondary school in Nyanga, Cape Town, a teacher, Ncumisa Hlwele, asserted that learners were only informed about their rights but not about their responsibilities. The teacher further claimed that in 2017 she witnessed a group of Grade 9 learners fighting with scissors. In relating her experiences of violence, she stated that as teachers “we just accept it [the prevalence of violent behaviour amongst learners]” (Etheridge, 22 March 2018). The claim that teachers are no longer safe around pupils is supported by Magaba (2018: 1), who emphasises that research shows that cases of learners’ ill-discipline are not only increasing in South African schools but have also brought anxiety on teachers’ lives and everyday practices. In the Eastern Cape, learners are alleged to have murdered others within the schoolyard, which raises a major concern regarding the safety of the school and classroom environment (Moyo, Khewu, & Bayaga, 2014:1). Such cases impact negatively on teaching and learning (Ntuli, 2012: 1; Gershoff, 2017: 232). As a result, the above-mentioned factors contravene the aim of the South African *Constitution*, which is “to improve the quality of life of all citizens and free the potential of each person” (RSA, 1996).

Furthermore, Section 8(2) of the *South African Schools Act (SASA)* states that “the code of conduct must be aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process” (SASA, 1996). There seems to be a misalignment between policy expectations, schools’ codes of conduct, and teachers’ and learners’ understanding of how schools’ codes of conduct should regulate disciplinary measures. Based on this, the study explores the potential of infusing a participating school’s code of conduct for learners with principles of restorative justice in an attempt to address the misalignment between policy expectations, School AB’s code of conduct for learners, and teachers’ and learners’ understanding of how the code of conduct should regulate disciplinary measures. This is specifically done to promote the creation of a conducive learning environment. Based on this, the following main research question is posed:

- To what extent can the infusion of restorative justice in School AB's code of conduct for learners contribute towards creating a conducive learning environment?

The main research question will be answered by addressing the following subsidiary questions:

- What are the perceived effects of punitive measures on learning?
- To what extent has restorative justice been applied in the South African school context and what has been the impact thereof in terms of discipline?
- How is discipline framed within School AB's code of conduct for learners?
- How do the teachers and learners at School AB understand School AB's code of conduct for learners concerning discipline and how is this understanding enacted?

1.3. Research aim and specific objectives

The overall aim of this study is to explore the possibilities of infusing restorative justice principles in School AB's code of conduct for learners to create a conducive learning environment. The specific objectives are to:

- examine the perceived effects of punitive measures on learning;
- determine the extent to which restorative justice has been applied in the South African school context and its impact in terms of discipline;
- explore how discipline is framed within School AB's code of conduct for learners; and
- establish how teachers and learners of School AB understand the school's code of conduct for learners concerning discipline and how this understanding is enacted.

1.4. Value of the study

Segalo and Rambuda (2018: 2) state that "teachers are confused and afraid to discipline the learners, due to the fact that they might in doing so infringe on their human rights as

outlined in Section 12 of the South African *Constitution*, and Section 10 of the *South African Schools Act*". The study intends to offer suggestions and recommendations that would hopefully transform teachers' perceptions towards learner misconduct. The study is meant to empower teachers with positive measures to curb learner misconduct. Among those measures is the school code of conduct for learners, which is meant to liberate teachers from frustrations and anxiety that they often experience as a result of learner misconduct. Teachers are exposed to the effects and consequences of corporal punishment. This study highlights the extent to which restorative justice has been applied in South Africa. Furthermore, the study propose ways in which restorative justice can be infused in the school code of conduct for learners to transform teachers' and learners' practices towards discipline. This idea is affirmed by Payne and Welch (2018: 227) who state that "research since the initial implementation has illustrated the effectiveness of restorative approaches as a response to student misbehaviour". If successful, this may perhaps also be implemented in other schools. Furthermore, this inquiry may convince teachers to refrain from always administering punitive punishment measures, and to also explore restorative approaches that may positively impact on the learning environment. The study specifically offers recommendations concerning education policy as it relates to possible infusion thereof with the principles of restorative justice and discipline.

1.5. Research paradigm

Kuhn (1970, as cited by Blaikie and Priest, 2017) defines a research paradigm as a "discipline matrix which consists of views of the nature of reality (ontological assumptions), concepts, theories and techniques of investigation that are regarded as appropriate (epistemology) and examples of previous scientific achievements that provide models (exemplars) for scientific practice". This idea is supported by Mertens (2014: 469) who asserts that a "research paradigm is a perspective that is based on a set of shared assumptions, concepts, values, and practices". Deducing from the above definitions, a research paradigm refers to how a researcher uses theories and concepts to guide their knowledge, perception, and thinking about the teaching place (school). Thus, the purpose of a research paradigm is to provide alternative ways of investigating and addressing research problems; and the basis from which the researcher can view the social world (Blaikie & Priest, 2017).

1.5.1. Transformative paradigm

Mertens (1994: 4, as cited in Romm, 2015: 412) defines a transformative paradigm as “an umbrella term that encompasses paradigmatic perspectives that are meant to be emancipatory, participatory, and inclusive”. A transformative paradigm places emphasis on usually silenced voices to ensure that oppressed groups in society are equally heard (Mertens, 2014: 33; Shannon-Baker, 2016: 326). Furthermore, Gravem *et al.* (2017) define a transformative paradigm as “radically changing an understanding of a concept, causing paradigm shift, or opening new frontiers”. It is clear from the above definitions that this paradigm is centred on change by allowing the marginalized to voice themselves. Thus, this paradigm advocates for social transformation (Mertens, 2014: 22). The basic principle of this paradigm is that knowledge is not neutral. It reflects the power and social relationships within society; thus, the purpose of knowledge construction is to aid people to improve society. Mertens (2014: 25) states that a “transformative paradigm provides a philosophical framework that addresses issues of power and justice”. This argument informs my aim in this research, as I wish to explore issues of power and justice specifically in how they relate to the manner in which discipline is handled within a secondary school context. Through grounding my study in a transformative paradigm, I set out to allow the voice of all the stakeholders to be heard as a means to interrogate current disciplinary practices, raise consciousness, and hopefully contribute toward creating a conducive teaching and learning environment. Ultimately this paradigm is about transforming practices – in this case it would be how teachers and learners engage with one another when it comes to discipline.

1.5.2. Theoretical framework

Green (2014: 35) defines a theoretical framework as a “framework based on theories to guide a research”. Grant and Osanloo (2014: 13) maintain that a theoretical framework is “a blueprint for the entire dissertation inquiry”. Drawing from the above definitions, a theoretical framework refers to a foundation of the study which is based on theories to guide the entire dissertation. Hence, Grant and Osanloo (2014: 13) assert that “it serves as a guide to build and support the structure to define how you will philosophically,

epistemologically, methodologically, and analytically approach the dissertation as a whole”. Furthermore, a theoretical framework allows the researcher to perceive or see an ordinary phenomenon being studied in various (new or different) perspectives (Anfara and Mertz, 2014: par. 3).

1.5.2.1. Ubuntu

Gade (2012: 492) defines Ubuntu as “a philosophy, an ethic, African humanism, or as a worldview”. Letseka (2011: 48) adds: “Ubuntu is a worldview that emphasizes commonality and interdependence of the members of the community”. Deducing from the above definitions, Ubuntu is a principle that emphasizes unity and oneness. Unity or interdependence is marked by the expression of compassion, forgiveness, justice, dignity, mutuality, harmony, and humanity in the interests of building, maintaining, and strengthening the community. Hence, Gade (2012: 490) articulates that Ubuntu as a social ethic is founded on the Zulu maxim, ‘*umuntu ngumuntu ngabanye*’. This implies that man is not an island, but 'I am what I am because of others'. The theory of Ubuntu contends that the sense of community makes you who you are, therefore if that is broken then you are also affected. The healing and restoration of the community cannot happen until you contribute to it (Gade, 2012: 493). Gade (*ibid.*) further argues that “Ubuntu is more important to secure communal harmony than to secure punishment”. In other words, Ubuntu is centred more on restoring relationships than enforcing punishment. Ubuntu does not focus on the inflicted pain towards the offended but recognises the damage. This theory is relevant for my study because it supports restorative justice, through restoring, healing, reconciling, and building relationships. Therefore, Ubuntu will enable me as a teacher to understand the learners and also bring a sense of interdependence in class. Learners will also know that my presence makes them who they are, and the same applies to me as I cannot be a teacher without learners. This theory refrains from securing punishment to restore relationships, which is also important for my study. Ubuntu is opposed to violence or punitive measures. Therefore, incorporating the values of Ubuntu in School AB’s code of conduct for learners may empower educators and learners to become transformative agents of change.

1.6. Research methodology

Kitchin and Tate (2013: 6) define research methodology as “a coherent set of rules and procedures which can be used to investigate a phenomenon (within the framework dictated by epistemological and ontological rules)”. Also, Novikov and Nokvikov (2013: 3) emphasize that a research methodology is centred on rules and principles of organizing the research activity — choosing an efficient (adequate, rational) research technique. The above definitions imply that the research methodology is a framework that consists of theories and methods that guide a researcher to conduct successful research. Ahmed *et al.* (2016) advocate for the aforementioned definitions, asserting that a research methodology “is a roadmap that provides a clear vision and directives on how research is conducted”. Moreover, a research methodology enables others to know what the research is trying to achieve, its significance, and why is it conducted in a particular manner (*ibid.*).

The research methodology that I implement for my study is qualitative. According to Taylor *et al.* (2014: 11) a qualitative methodology refers in the broadest sense to “research that produces data – people’s own written and spoken words and observable behaviour”. This definition is enlightened by Kumar (2014: par. 4) who claims that a “qualitative approach is embedded in the philosophy of empiricism; follows an open, flexible and unstructured approach to inquiry; aims to explore diversity rather than to quantify; and emphasises the description of feelings, perceptions and experiences”. Comparing the view of Taylor *et al.* (*ibid.*) with that of Kumar (2014), it is clear that qualitative methodology is a systematic approach that gathers knowledge through observation, interaction with participants, and spoken words. Flick (2015: 7) contends that “qualitative research aims to create an environment in which views of participants can be analysed and understood”. In conjunction with the aforementioned aim, I believe that a qualitative methodology is appropriate for my study, because I generate data in my workplace through observation, interactions, and interviews, and by conducting a policy analysis. These methods are aligned with a qualitative methodology and a transformative paradigm.

1.6.1. Research design

Defining case study research can be problematic as it forms part of both the research design and methods. However, in this study it was used as a research design. Thomas (2011: 513) defines case studies as “analyses of persons, events, decisions, periods, projects, policies, institutions, or other systems that are studied holistically by one or more methods”. This is affirmed by Hancock and Algozzine (2017: 13) who maintain that “case study means conducting an empirical investigation of a contemporary phenomenon within its natural context using multiple sources of evidence”. Inferring from prior definitions, it is clear that case study is an inquiry that uses different research methods to gather information and make analyses about everyday observable occurrences that include humans, policies, institutions, events, and decisions. For this study, an intrinsic case study was chosen because the research aims to gather in-depth, accurate knowledge that is context-based by focusing on one specific school. Nieuwenhuis (2007: 455) defines an intrinsic case study as “conducted to understand a particular case that may be unusual, unique or different in some way”. Tight (2017: par. 5) concurs with the above that an intrinsic case study is conducted by “one who wants a better understanding of a particular case”. This study investigates how teachers and learners understand discipline in terms of the school’s code of conduct for learners. Cronin (2014: 20) further asserts that “when using this design the researcher can investigate everything in that situation, which includes individuals, groups, activities or specific phenomenon”. I use a case study as my research design, because it enables me to identify areas of concern in the workplace and measures affecting stakeholders (learners and educators) in the school context. The case study provided me an opportunity to develop insight into learners’ misconduct and teachers’ inappropriate disciplinary measures. It allowed me to analyse the school setting and School AB’s code of conduct for learners, and to determine the implementation of restorative justice. Thus, as Cronin (2014: 20) argues, “the goal of case studies is to create an accurate and as complete as possible description of a case”. The case study also enables me to discover areas of weakness, assumption, and limited understanding concerning discipline within my classroom and the whole school context. Janesick (2011: 47) contends that “case study is a legitimate form of social inquiry because the study is instrumental in furthering the teacher-researcher’s understanding of

a given problem, concept, issue, or behaviour in learners”. Thus, the case study also implies a contemporary phenomenon (learners in a real-world context) and the classroom where the boundaries between home, community, and the school are distorted, as a result of the impact they have on learners (Janesick, 2011: 47).

1.6.2. Research methods

Fellows and Liu (2015: 31-32) assert that “research methodology refers to the principles and procedures of logical thought processes which are applied to a scientific investigation; a system of methods. Methods concern the techniques which are available (for data collection, analysis, etc) and those employed in a research project”. The aforementioned is affirmed by Bernard (2018: 4) who argues that “research method is a set of techniques for gathering and handling data”. Research methods are techniques employed for data collection. This study used the following methods for data collection: literature review, policy analysis, participant observation, and interviews.

1.6.2.1. Literature review

Machi and McEvoy (2016: 1) define the literature review as “a written document that develops a case to establish a thesis. This case is based on a comprehensive understanding of the current knowledge of the topic”. This definition is attested by Averyard (2014: par. 2) who claims that literature review “is the comprehensive study and interpretation of literature that addresses a specific topic”. Drawing from the above definitions, a literature review is the analysis and synthesis of current knowledge to find gaps in the literature. Furthermore, the literature review enables the researcher to be exposed to disciplinary debates and perspectives through an investigative search and analytical reading of the literature (Hart, 2018: 10). As a result, familiarity with such knowledge enables the researcher to identify gaps from the previous studies and develop a valid topic. Aveyard (2014: par. 1) adds that the literature review contributes to the researcher’s development of intellectual capacity and practical skills through consistent engagement with the literature. A literature review is significant for this study because it assisted me to examine the perceived effects of corporal punishment, to know what has been done related to restorative justice so far, and to what extent restorative justice has

been implemented in schools. As a result, this enabled me to develop a framework for analysis that will be employed in the study to conduct the policy analysis of School AB's code of conduct for learners, and to interpret the generated data.

1.6.2.2. Policy analysis

According to Patton, Sawicki, and Clark (2015: 18) policy analysis is “a set of systematic procedures that can be used to challenge contemporary policy problems”. This is supported by Dunn (2015: 2) who claims that “policy analysis is a process of multidisciplinary inquiry aiming at the creation, critical assessment, and communication of policy-relevant information”. Deducing from the above definitions for the purpose of this study, I make use Samuel's (2017) approach to policy reading to explore whether School AB's code of conduct for learners (2011) aligns with the South African education policy framework. Secondly, I explore whether School AB's code of conduct for learners incorporates principles of restorative justice. To accomplish this, I conduct a policy analysis (cf.3.5.1.1) by employing the ten steps of Samuel's (2017) approach to policy content analysis. Policy analysis is client-based viewpoints relevant to public decisions and informed by social values (Weimer & Vining, 2017: 30). Inferring from the above, I implement this method by breaking up the code of conduct's problem into parts, understanding them, and developing ideas for improvement. The assessment of the school code of conduct was informed by the principles of restorative justice, to identify the gaps that need to be transformed. Furthermore, the advantages of policy analysis include that it provides a heuristic aid to better policymaking, without any presumptions and enables the researcher to scrutinize the content within a document (Wagenaar, 2014: par. 5; Carley, 2013: 24; Patton *et al.*, 2015: 6; Loseke, 2017: 100).

1.6.2.3. Participant observation

According to Marshall and Rossman (2016: 45) participant observation “demands first-hand involvement in the social world chosen for study — the researcher is both a participant (to varying degrees) and an observer (also to varying degrees)”. This is validated by DeWalt and DeWalt (2011: 10) who define participant observation as “a method in which a researcher takes part in the daily activities, rituals, interactions and events of a group of people as one of the means of learning the explicit and tacit aspects

of their life routines and their culture”. Deducing from the prior definitions, it is clear that participant observation entails that the researcher assumes two roles (participant and observer), meaning that one is actively involved in the daily occurrences. This method has a variety of advantages, which include improving the quality of data gathered during observation. Participant observation serves both as a tool of data collection and as an analytical tool, and it emphasizes the construction of new research questions and ideas based on the observation scene (DeWalt and DeWalt, 2011: 10). This argument is supported by Guest *et al.* (2013: 31) who assert that “participant observation as an unstructured form of inquiry is great at generating valid data, identifying locally relevant issues, and gaining deeper understanding of a given research topic”. However, its setback lies in the inability to do a comparative analysis (Guest *et al.* 2013: 31). For instance, it is difficult to compare responses of unstructured questions if using in-depth interviews. I prefer this method for my study because it enabled me to understand the social dynamics of my participants, for instance, their values, beliefs, assumptions, behaviour, and how they relate. As a result, this assisted me to answer my fourth subsidiary research question which is to establish how the teachers and learners at School AB understand School AB’s code of conduct for learners concerning discipline and how is this understanding enacted. I also used observations at School AB, as well as during the restorative justice workshop. Therefore, this research method enabled me to be consistent with my research paradigm, theory, and methods to attain my aim. This method helped to empower me with in-depth knowledge, which was useful in formulating recommendations for School AB’s code of conduct for learners.

1.6.2.4. Semi-structured interviews

McIntosh and Morse (2015: 1) define semi-structured interviews as instruments “designed to ascertain subjective responses from persons regarding a particular situation or phenomenon they have experienced”. Edwards and Holland (2013: par. 3) emphasize the aforementioned definition by providing characteristics of an interview method as follows:

- A thematic topic, topic-cantered, biographical, or narrative approach where the researcher has topics, themes, or issues they will cover.

- The interactional exchange of dialogue (between two or more participants, in the face to face or other contexts).
- A perspective regarding knowledge as situated and contextual, requiring the researcher to ensure that the situated knowledge can be produced.

Deducing from the above definitions, an interview method refers to a narrative approach in which the social interactions are facilitated by an interviewer to discover more knowledge about human actions relating to a given topic. The type of interview that I used for this study is a semi-structured interview. Semi-structured interviews are open questions asked by the researcher, followed with probing and clarification to confirm data arising from other sources (Nieuwenhuis, 2007: 93). On the other hand, Gersch and Rebar (2015: 158) define semi-structured interviews as “questions asked in order to collect data that specifically targets objective factors of interest”. In other words, the researcher formulates questions that address an area of interest beforehand, but during the interview process the interviewer may decide to change the format or structure of the questions.

According to Seale (2011: 183), the advantages of face-to-face interviews include the presence of an interviewer to clarify difficult questions to an interviewee; interviews can be generally longer than self-completion techniques but the interviewees are less likely to give up halfway through; more opportunities for the respondents to ask open questions as they do not have to write the answers; visual aids can be used during the session; and the interviewer can take control of the setting and context by ensuring that the interview takes place in a conducive environment and questions are posed in a logical order. These advantages are also affirmed by McIntosh and Morse (2015: 7), who maintain that the presence of the interviewer creates a structure for the interview situation by facilitating the communication process (verbal or non-verbal), rephrasing the questions and creating prompts, discerning the discomfort of the question, and providing emotional support. On the other hand, face-to-face interviews can be timeously and geographically costly. Face-to-face interviews can be biased due to the interviewees, through their responses, wanting to please to the interviewer. This may affect the reliability of responses, and undesired interviewer effect is maximized as respondents would give similar responses,

and the interviewer may be distracted by other aspects which are not related to the study (McIntosh, 2015: 7; Braun, 2017: 1; Alshengeeti, 2014: 43). As the number of participants was relatively small, this type of interview served well for the proposed study, as it provided useful data through open-ended questions and probing participants' responses. This flexible method afforded me the freedom to establish teachers' and learners' understanding of School AB's code of conduct for learners concerning discipline, as well as the application of their understanding.

1.6.3. Participant selection

When the researcher plans to conduct a qualitative project, participant selection should be made on the basis of what one wants to know, what is at stake, the purpose of the study, and what can be useful (Cleary, Horsfall, & Hayter, 2014: 473; Braun & Clarke, 2013: 55; Harding, 2013: 17). Also, a participant selection should be favourable towards the research questions, aim, and theoretical framework, and provide an adequate amount of data to address the research aim and answer the questions (Braun and Clarke, 56; Cleary *et al.*, 2014: 473). Cleary *et al.* (2014; 473) suggest key participant selection principles as follows:

- Small numbers are studied intensively;
- Participants are chosen purposefully;
- Selection is conceptually driven by the theoretical framework;
- It is commonly sequential rather than predetermined; and,
- A rationale for selection is necessary.

The most commonly used participant selection in qualitative research is purposive. This participant selection is also known as judgemental, which refers to selecting the most appropriate members of a subculture or unit based on the research question (Harding, 2013: 17). This argument is supported by Braun and Clarke (2013: 56) who maintain that purposive participant sampling enables the researcher to gain in-depth knowledge of the topic of interest for data analysis through an appropriate selection of data cases (participants, texts). Braun and Clarke (2013: 55) posit that there are no rules for participant numbers in qualitative research. In some instances, a single participant or text could offer in-depth data, although a single interview with 15-30 participants is also

common. For my study, participants comprised five teachers and ten learners — a small sample, which enabled me to complete the study within the allotted timeframe. Teachers was chosen who were opposed to the use of corporal punishment, and eager to implement the code of conduct. The ten learners were selected as follows: one from each class of the teacher participants, two from my (the researcher's) class, and three from other classes in which the teachers are not participants. This was done so that different views may be explored, and to determine whether participants share the same experiences. Also, a member of the school management team who is responsible for discipline was asked to participate, as this might be beneficial for the school. If the implementation of restorative justice is successful, this person would also be in an influential position to bring about change. It is important to note that a workshop was offered at School AB to teachers, the Learner Representative Council (RCL), and the school governing body (SGB) in September 2019 to equip the stakeholders at the school and teach them how they can implement restorative justice as a disciplinary approach. That workshop was initiated by one of the workshop facilitators, after which I engaged the school principal who approved our request to hold a workshop. Additionally, the Department of Education approved our request. The workshop was presented by two facilitators who respectively work at the University of the Free State in the Department of Social Work and Faculty of Law. The training session lasted for seven hours and covered seven modules on restorative justice. These modules included:

Module 1: Changing the paradigm: Discipline then and now;

Module 2: What does it mean to teach restoratively?;

Module 3: The brain and fear;

Module 4: Starting at the beginning: Values and our school;

Module 5: Preventing discipline problems and changing the culture of the school — some helpful techniques; and,

Module 6: Restorative interventions to resolving discipline problems (Reyneke and Reyneke, 2016: 1).

Lastly, the workshop was also conducted with an intention to ensure that the researcher generates credible data, as well as not to disadvantage the participants by interviewing them on the subject (restorative justice) that they are not informed of.

1.6.4. Data analysis

Gersch and Rebar (2015: 348) define data analysis as “a process that pulls information together or examines connections between pieces of information to make a clearer picture of all the information collected”. This argument is advocated by Bajoe (2010: 76, as cited in Harding, 2013: 4) who asserts that “qualitative analysis consists of cutting data up to put it together again in a manner that seems relevant and meaningful”. Drawing inference from the above definitions it is clear that qualitative analysis refers to the process of organizing and interpreting a bulk of data collected through the use of different methods. Harding (2013: 4) mentions the following approaches that a researcher may choose from:

- Thematic analysis, which is particularly associated with inductive approaches and involves identifying new themes that emerge from data; and,
- Content analysis, where the researcher works systematically through each transcript, looking to see how certain factors (which are recorded by codes) arise. A similar process of content analysis is associated with the analysis of documents.

Miles, Huberman, and Saldana (2013: 12) view qualitative data analysis in three concurrent flows of activity: data condensation, data display, and conclusion drawing. According to Miles *et al.* (2013: 12) data condensation refers to “the process of selecting, focusing, simplifying, abstracting, and transforming the data that appear in the full corpus (body) of written-up field notes, interview transcripts, documents, and other empirical materials”. Referring to the aforementioned, condensation strengthens data analysis because the collected data is selected, summarized, coded, and themes and categories are developed. Miles *et al.* (2013: 12) argue that data display is “an organised, compressed assembly of information that allows drawing conclusion and action”. The last stage involves the drawing of conclusions by the researcher, when the process of data collection has been completed based on the field notes, and the coding, storage, and retrieval methods that were used (Miles *et al.*, 2013: 12). Verification might be brief and

undetermined, as it can take place when the researcher is going through the notes, compiling a report, and reviewing some ideas with colleagues. For the proposed study, the qualitative data were coded to develop themes. Selected characteristics from restorative justice, critical peace education, and Ubuntu, as discussed in the literature review, were used to inform the codes that were developed to analyse and interpret the data. The analysed data was referred to the participants to verify whether it was correct.

1.7. Trustworthiness of the study

Harding (2013: 24) remarks that “in order to justify the time and energy expended on a project, by both the researcher and respondents, there must be the potential outcome”. This statement implies that the researcher should be transparent and ethical on the procedures followed to arrive at the conclusion. Thus, Marshall and Rossman (2016: 44) believe that “transparency in the use of conceptual and empirical literatures, blended with the researcher’s abilities and intentions, contributes to a study being seen as sound, trustworthy, and good”. Marshall and Rossman (citing Lincoln and Guba, 1985) further suggest procedures to ensure the standards of trustworthiness are met as follows: researchers should be in the setting for a considerable time (prolonged engagement); discuss the findings and interpretations with participants (member checks); triangulate by gathering data from various sources through various methods, and multiple theoretical perspectives; and discuss their emergent findings with critical friends to ensure that data analyses are embedded in the data (peer debriefing). I assured confidentiality in my study by guaranteeing my participants that data collected during participant observations, policy analysis, and interviews would only be used for the study. The above-mentioned methods were used in the participants’ setting to reflect lived experience and to develop an in-depth understanding of the phenomenon under study. In addition, data obtained for the phenomenon under study was returned to the participants to check if their responses were apprehended and correctly recorded. Trustworthiness was ensured through specific practices, which included a thick description and partiality (Tracy, 2010: 843).

1.8. Ethical consideration

Ethics carries the essence of how researchers treat the participants. The key principles of good ethical practice are stated by Ritchie, Lewis, Nicholls, and Ormston (2013: 78) as follows:

- research should be worthwhile and should not make unreasonable demands on participants;
- participation should be based on informed consent;
- participation should be voluntary and free from coercion or pressure; and,
- adverse consequences of participation should be avoided, and the risks of harm known.

The abovementioned principles are emphasized by Maree and Van der Westhuizen (2007: 41) who assert that “an essential ethical aspect is the issue of the confidentiality of the results and findings of the study and the protection of the participants’ identities”. Ritchie *et al.* (2013: 78) further claim that good ethical qualitative research refers to being able to foresee what might arise and also to counteract the unexpected phenomenon in a considerate and reflective manner. This implies that the researcher should be mindful of participants’ interests.

Ethical clearance to undertake this study was sought from the University of Free State Faculty of Education’s Ethics Committee. Permission was also sought from the Free State Department of Education and the school principal at the participating school to conduct observations and to invite teachers and learners to participate in semi-structured interviews. All participants were provided with an informed written consent form, which they were to sign in agreeing to participate in the study. Since learners were minors, written informed consent was requested from their parents or guardians for permission. Participants were assured that data collected from them will be kept confidential and be utilised for study purposes only.

1.9. Demarcation of the study

1.9.1. Scientific demarcation

Bridges, Smeyers, and Smith (2009: 43) define education policy as “a detailed description for action aimed at the preservation or alteration of educational institutions or practices”. This definition is supported by Sykes, Schneider, and Petersen (2015: par. 2) who attest that education is no longer restricted to the school and classroom occurrences, but is subject to “rules and regulations promulgated in state capitals and federal government designed to improve student academic performance and social development as well as management and operation of the schools they attend”. Deducing from the above definitions it is clear that education policy is concerned about principles and government policies which contain a collection of laws and rules for the operation of the education system. This study aims to infuse restorative justice in the school code of conduct to create positive learning environments. To attain the abovementioned aim, I analysed School AB’s code of conduct to ascertain whether it complies with the *Constitution of the Republic of South Africa*, the *National Education Policy Act*, and the *South African Schools Act*. Hence, Gulson, Clarke, and Petersen (2015: 16) claim that policy is perceived universally as applied in all schools, whereas “logics of practice and classrooms, including pedagogies, are complex, much more contingent and specific, and each school has its thisness, as each classroom does”. This brings about a gap between policy texts and policy enactment.

1.9.2. Geographical demarcation

The study sought to bring to attention different viewpoints from the participants. The study was conducted at School AB for learners, in Rocklands. Rocklands is one of the big townships in Bloemfontein under the Mangaung Metropolitan Municipality. Rocklands comprises both middle- and lower-class residents. However, learners enrolled at School AB come from different townships, such as Dinaweng, Motshabi, Kopanong, Phelindaba, Ipopeng, Phase 2 and Phase 6. These underdeveloped townships are characterised by unemployment and illiteracy, giving rise to rife gangsterism. These conditions are part of the causes of learner misconduct. For instance, gangsterism/violence does not end in the townships, but extends to the school context, where some of the gangsters would classify

themselves as “Romans”, and others as “BTKs”. The school is also known as the centre of “Romans” (gangsters). Furthermore, the Motheo district is composed mainly of two towns, namely Botshabelo and Thaba-Nchu, although there is a list of smaller towns that make up the district.

I invited ten learners and five educators together with one principal to participate in the study. This number enabled me to obtain sufficient data, while allowing me to assist learner participants individually with language clarity and content simplification, because most of the learners were from grade 8. Regarding teachers, I invited persons who I know are passionate about the school and interested in exploring alternative approaches to disciplinary approaches.

1.10. Outline of the study

Chapter 1 provides an orientation of the study. It contains the background of the study, outlines the problem statement in-depth, research aim, questions, and objectives. It also provides a synopsis of the chapters included in the dissertation. In Chapter 2, I present an in-depth literature review on punitive measures and the implementation of restorative justice in South African schools, and develop a theoretical framework based on the principles and values of restorative justice. This is followed in Chapter 3, in which I present a policy reading to answer my third subsidiary research question by analysing School AB’s code of conduct against the current education policy framework as it pertains to discipline (cf. 1.2). Secondly, I used Samuel’s (2017) reading approach to determine if the principles of restorative justice and Ubuntu are infused within School AB’s code of conduct. Thereafter, in Chapter 4, I focussed on the analysis and interpretation of the data collected through participant observations and semi-structured interviews conducted with the teacher and learner participants. The last chapter (Chapter 5) addresses the main research question and offers suggestions towards the possibilities of infusing the principles of restorative justice in the participating school’s code of conduct.

1.11. Summary

In this chapter an introduction, problem statement and research questions, aim and objectives were addressed. The chapter outlines the value of the study, data analysis, and trustworthiness, demarcation of the study, ethical considerations, and the chapter outline. The chapter also contains definitions and explanations of major concepts, research paradigm, theoretical framework, research methodology, design, and methods, which are discussed in detail in the upcoming chapters.

Failure to implement the school code of conduct by school management teams (SMTs) has led to teachers' lack of knowledge to curb learner misconduct (cf. 1.1). Thus, corporal punishment is prevalent in most South African schools (cf.1.1). Learners' lack of insight regarding their conduct raises the rate of violence and misconduct in schools. As a result, quality teaching and learning is hindered. In Chapter 2, I address the perceived effects of punitive measures on learning, the extent to which restorative justice has been applied in the South African school context, and its impact on discipline.

Chapter 2: Literature review and theoretical framework

2.1. Introduction

According to Rebar and Gersch (2015: 205) a literature review refers to “a synthesis of the literature that describes what is unknown or has been studied regarding the particular research question or purpose”. On the other hand, Hart (2018: 14) defines a literature review as “the range of documents on the topic, which contain information, data and evidence written from a specific perspective to fulfil certain aims on the nature of the topic”. Thus, a literature review is the synthesis of information gathered from different sources to address the researcher’s topic. A literature review allows me insight into my research topic, and where to situate my study within the broader field of education research. This includes knowing what has been done on the topic, how it has been researched, and identifying potential issues to be addressed (Hart, 2018: 3).

This chapter presents an in-depth literature review that sets out to address the first two subsidiary research questions of my study. Firstly, I explore the common punitive disciplinary measures used in South African schools to address ill-discipline and examine the effects of punitive disciplinary approaches on learning and conducive learning environments. Secondly, I consider the implementation of restorative justice in the South African context. Thirdly, I consider how discipline is framed within Ubuntu, and its convergences with restorative disciplinary approaches. This in turn enables me to develop a framework for analysis that will be employed in the study to conduct the policy analysis of School AB's code of conduct, and to interpret the generated data.

2.2. Common punitive approaches to discipline in South African schools

Punishment is defined by the Belgian Supreme Court as an unpleasant treatment imposed by the criminal justice system, centred on the law to punish behaviour that is banned by the law (Morris and Maxwell, 2001: 19). Four elements of punishment include coerciveness, the hard treatment of pain, and the connection between the infliction of pain and the wrong committed (Morris and Maxwell, 2001: 19). Poor behaviour in schools infringes both teachers' and learners' constitutional rights (Coetzee, 2005: 224). Reyneke

(2011: 129) argues that punitive measures such as detention, suspension, and expulsion may violate the offender's right to education. In addition, misbehaviour may also infringe on the victim's right to dignity. Dignity is a fundamental right included in the South African *Constitution* (Reyneke, 2011: 131). This right also plays a major role in shaping school discipline, thus Reyneke (*ibid.*) asserts that "dignity is an acknowledgment of the intrinsic worth of human beings and therefore all human beings are entitled to be treated as worthy of respect and concern". However, within the South African schools context, punitive measures still predominate. The above claim is supported by Davids and Waghid (2016: 30), pointing out that over the past ten years, the South African Department of Education has been placing increasing emphasis on attitudes towards discipline and punishment, including increasing attention to publications such as 'Alternatives to Corporal Punishment' (hereafter ATCP) (SACE, 2000). Moyo *et al.* (2014: 2) state that the recommended ATCPs include detention, demerit, community service, and menial physical work.

Punitive disciplinary measures can be defined as "discipline focused on punishment and withholding of privileges" (Fletcher & Johnson, 2016: 3150). It is also believed that punitive disciplinary measures destroy relationships, which in turn erode human capital (Morrison, 2015: 446). The predominant use of punitive disciplinary measures can be argued to be problematic, given that the application of a punitive regulatory framework has been argued to promote irrational fear. In addition, suspension and expulsion cannot be correlated with any certainty to overall improved learner behaviour. Hence, Moyo *et al.* (*ibid.*) argue that after the introduction of ATCP in 2000, research has shown that indiscipline in schools has continued to grow. On the other hand, a restorative justice framework considers what has happened, listening respectfully and dealing with the concerns of both the offended and the offender in such a way that there is healing on both sides (Morrison & Vaandering, 2012: 139; Laas & Boezaart, 2014: 2673).

Song and Swearer (2017: 318) further distinguish between restorative and punitive measures as follows: Restorative justice asks (1) who was harmed? What is the extent of the harm? (2) What are the needs that have given rise to the event? (3) How do we ensure that harm is repaired, relationships are restored, and future harm is prevented? In

contrast to this, Song and Swearer argue that a punitive approach involves asking questions such as: (1) What rules were broken? (2) Who did it? (3) What punishment does the perpetrator deserve? In the school context, the application of punitive regulatory framework is believed to have been ineffective and damaging for decades.

Moyo, *et al.* (2014; 8) state that after the abolishment of corporal punishment in 1996 in South Africa, the Department of Education did not immediately provide an alternative. As a result, teachers were left helpless, with no training to empower them to adopt alternative discipline methods to corporal punishment; hence learners were hurt emotionally and humiliated by teachers. Moyo, *et al.* (*ibid.*) further argue that in 2000, different approaches to handle offences were suggested. For minor offences the following measures were recommended: additional work, physical work, community work, and detention. Suspension was suggested for serious misconduct such as theft, selling of drugs, and alcohol abuse, after consultation with the Provincial Department of Education. Lastly, criminal acts such as rape and robbery should be referred to the Provincial Department of Education for possible expulsion (Moyo *et al.*, *ibid.*). Punitive measures in the form of office referrals, suspensions, and expulsions are believed to worsen learners' academic performance and increase disciplinary cases (Rocque & Snellings, 2017: 4). Consequentially, punitive measures have been found to alienate learners from the school community, leading to higher dropout rates (Kwong, Darron, Davis & Ryan, 2015: 69). It has been argued that other forms of punitive disciplinary measures, such as verbal abuse and deprivation of basic needs (food and toilet usage), emanate from corporal punishment (Moyo, *et al.*, 2014; 2). Reyneke (2015: 58) asserts that the most prominent disciplinary approaches in South African schools are punitive, which include additional schoolwork, withdrawal of privileges, menial tasks, detention, humiliation, behavioural management contracts, and corporal punishment. Serame, Oosthuizen, Wolhuter, and Zulu (2013: 3) concur with Reyneke that retroactive methods such as reprimanding, corporal punishment, detention, extra work, isolation in the classroom, isolation outside the classroom, notifying parents, a point demerit system, suspension, expulsion, and criminalisation are prevalent. Retroactive disciplinary response is backward-looking, by punishing offenders on what they have done, without considering what they might do in the future, in comparison to the proactive disciplinary response (Brooks, 2012: 16).

Globally, it is believed that administering punitive measures in schools has been increasing through the implementation of zero-tolerance policies (Morrison & Vaandering, 2012: 139). On the other hand, a South African study by Davids and Waghid (2016: 35) involving five school principals' responses to violence, reported that the policy documents in all the schools cited the abolition of corporal punishment, yet it was practised in three of the schools, with punitive measures that include verbal abuse and humiliation of learners. Also, Davids and Waghid (*ibid*) discovered that the other two schools had policies related to demerit and referral systems for counselling, but which were not implemented. The above study concurs with Shaikhmag, Assan, and Loate's (2015: 26) argument that many South African teachers find it difficult to replace corporal punishment as a disciplinary measure if it is practised at home, and where parents support its use at school.

2.2.1. Corporal punishment

Globally the use of corporal punishment in schools is continuing even though it has been prohibited by law in many countries (Portela & Pells, 2015: 5). Portela and Pells (2015: 7) in their study in Ethiopia, India, Peru, and Vietnam on the effects of corporal punishment, concur with Gershoff (2017: 224) and Jones and Pells (2016: 1) that corporal punishment is "any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light". The common approaches to corporal punishment involve hitting (smacking, slapping, spanking) learners by hand or by whipping with a stick, a belt, a shoe, and a wooden spoon (Portela & Pells, *ibid.*). Other examples may include kicking learners, shaking or throwing learners, scratching, burning, scalding, or forced ingestion (Portela & Pells, 2015: 7). This understanding is supported by Gershoff (2017: 224) who states that children globally have reported that they have been hit by their teachers with a variety of objects, including sticks, straps, and wooden boards on some occasions. Gershoff (2017: 225) adds other examples of corporal punishment enforced by teachers, such as forcing learners to stand in painful positions or in the sun, sit in an 'invisible' chair for long periods, hold or carry heavy objects, dig holes, kneel on small objects such as stones or rice, exercise excessively without rest or water, and ingest harmful substances.

South Africa abolished school corporal punishment under the new *Constitution* (RSA, 1996) which was adopted after the first democratic elections held in 1994. This was done to bring disciplinary practices in school in alignment with the foregrounding of human rights in the *Constitution*, and other policies that emanated from it. This argument is supported by Kubeka (2018: 92) who asserts that after 1994, South Africa implemented a new constitution, which banned corporal punishment as a disciplinary measure. With the inclusion of the Bill of Rights in this *Constitution*, the rights of children were recognised and protected in section 28 (Gershoff, 2017: 226; Segalo & Rambuda, 2018: 1). The abolition of corporal punishment in South Africa is supported by section 12 (1)(e) of the *Constitution* of South Africa, which states that “everyone has the right to freedom and security of the person, which includes the right not to be treated or punished in a cruel, inhumane or degrading way” (RSA, 1996). The *South African Schools Act* No. 84 of 1996 (SASA) is also clear on corporal punishment. Section 10 of SASA (1996) states that (subsection 1) “No person may administer corporal punishment at a school to a learner; (subsection 2) any person who contravenes subsection 1 is guilty of an offence and liable on conviction to a sentence which could be imposed for assault”. Corporal punishment is defined by Kubeka (2018: 92) as a disciplinary method administered by teachers on learners to cause bodily harm to modify disruptive behaviour. The above definition is advocated by Moyo, Khewu, and Bayaga (2014: 2) who assert that “corporal punishment is a kind of discipline that entails infliction of pain on the physical body”.

However, even though the use of corporal punishment is illegal as per the South African *Constitution* and SASA, it has been argued that corporal punishment remains a regular approach to discipline in South African schools as teachers insist on using it as a disciplinary measure (Kubeka, 2018: 92). Portela and Pells (2015: 7) posit that the use of corporal punishment in schools is often believed by its proponents to be an effective disciplinary measure by creating respect and allowing learners to develop into responsible adults. However, this idea is disputed by Reyneke (2015: 60) who claims that punitive punishment does more harm than good, and teachers who experienced punishment in their childhood are more likely to justify the use of corporal punishment. The above claim is supported by Moyo *et al.* (2014: 3) who argue that there is still no firm evidence that indicates a significant change in learners’ behaviour, even though corporal punishment is

still commonly administered in schools. In a study conducted by Kumar and Teklu (2018: 215) on the psychological effects of corporal punishment, they found that the largest percentage of learners (42,4%) felt sorry about their mistake, 32,4% of learner's felt sad after receiving corporal punishment, and 22% felt humiliated/shamed. Inferring from the above, the highest percentage of learners feeling sorry about their mistakes after the infliction of corporal punishment may not be a true reflection of their inner emotions. Feeling sorry is just an emotion that does not guarantee that learners will indeed not repeat the mistake. Morrison and Vaandering (2012: 141) contend that "...students are rational actors, who will uniformly respond to the codes of conduct and laws". This does not imply that learners have necessarily changed their attitude or character, but they only 'respond' and 'act' concerning the code of conduct, or to please and attract the teachers' interest.

There were also other psychological effects, including feelings of sadness, anger, anxiety, depression, lowered self-control, aggression, sleep disturbance, relational problems, and a problem with compliance (Kumar & Teklu, 2018: 215). Kumar and Teklu (2018: 221) found that learners who received corporal punishment developed an attitude accompanied by feelings of hatred and aggression towards their teacher and the subject itself, while some felt vengeful. Reyneke (2015: 60) further argues that "punishment suppresses negative behaviour temporarily but does not necessarily change it in the long run". According to Breen, Daniels, and Tomlinson (2015: 132) several studies reveal that many learners who have been interviewed on the use of corporal punishment have reported that it is an unfair discipline method as it causes physical and emotional pain. Morrel (2001: 13) claims that among the reasons for the continual use of corporal punishment is failure to stipulate alternative mechanisms for discipline, rebelliousness of learners, on-going belief in authoritarian teaching and management styles among teachers, and very large classes that make it difficult to deploy alternative forms of discipline. The above claim is supported by Breen *et al.* (2015: 137) who states that corporal punishment is still a common practice in poor and rural schools in South Africa due to under-resourced and overcrowded classrooms, and overworked teachers who feel ill-equipped with viable alternative approaches of discipline to maintain a safe and secure learning environment.

2.2.1.1. Perception of the effects of corporal punishment on learning

In general, not all learners behave well all the time, and their misbehaviour may disrupt their own and their peers' learning (Gershoff, 2017: 231). Thus, every school must institute some form of guidance to monitor discipline (*ibid.*). In societies where cultural norms approve violence and corporal punishment as a mechanism to address misbehaviour, it may influence local schools to adopt the same approach (Breen *et al.*, 2015: 132). Learners may also be socialized to believe that corporal punishment by authorities is an unavoidable, integral part of childcare (Kumar & Teklu, 2018: 220). They may also believe that it is teachers' responsibility to punish them corporally, and theirs is to accept the punishment (*ibid.*).

Furthermore, a study conducted by Ngubane (2018) in Pinetown in KwaZulu-Natal on the perceptions and experiences of learners on the banning of corporal punishment in South African schools presents some justification for teachers' use of the outlawed measure. The continual use of corporal punishment by teachers may be associated with a belief that it maintains discipline and order (Ngubane, 2018: 168). In accordance with their past experiences, most teachers perceive that corporal punishment was successfully used to control behaviour, to enforce 'normalised' behaviour through obedience to school rules, and to establish the authority of the teacher as a provider of knowledge (Ngubane, 2018: 137). Such a view is supported by Mahlangu, Chirwa, Machisa, Sikweyiya, Shai and Jewkes (2021) who contend that physical (corporal) punishment is effective in correcting learners' deviant behaviour. According to Veriava and Power (2017), proponents of corporal punishments believe that banning corporal punishment increased the indiscipline amongst learners. Thus, it is argued that different disciplinary approaches are not as effective as corporal punishment (Veriava and Power, 2017).

Another study conducted in KwaZulu-Natal on corporal punishment contestations, paradoxies and implications from two high schools explores teachers and learners opinions (Makhasane and Chikoko, 2016: 4). Deducing from teachers' responses, corporal punishment may be described as an African cultural practice (Makhasane and Chikoko, 2016: 4-5). One of the teacher participants in Makhasane and Chikoko's study argued as follows:

I do not know what corporal punishment is. As far as I am concerned, it had to do with culture. That is how we were raised. As an African, I know that corporal punishment was used when I was in school. But I did not leave school. In a way it helped me in my education (teacher participant).

This view upholds a perception that corporal punishment as an African asset contributing positively towards the education project. Proponents of corporal punishment contend that if it is justly executed it promotes cultural or religious belief (Veriava and Power, 2017: 336). This view is linked with a famous Christian proverb 'Spare the rod, and spoil the child' which means if children are not corporally punished then their personal development will suffer (Veriana and Power, 2017: 336). This belief further suggests that physical disciplining a child is an essential part of development which ensure the child becomes diligent and shuns sin (Veriana and Power, 2017: 336). Therefore, Ngubane (2018: 137) suggests that learners who are exposed to beatings and abuse by teachers in predominantly rural and township schools cannot report such incidences as corporal punishment as they are considered 'normal' even though corporal punishment has been abolished. In a study a study conducted by Makhasane and Chikoko (2016: 4) one of the teacher participants argued:

When we were learners, our teachers used corporal punishment and we were a well-disciplined generation; but now that corporal punishment is not allowed, look at how badly these learners behave. I think the government should bring back corporal punishment (teacher participant).

On the other hand, the majority of the learners whose home life is marked by a parenting style which advocates for corporal punishment as a disciplinary approach, means that some parents or guardians would expect teachers to instil the same disciplinary approach at school (Veriana and Power, 2017: 336). Parents and teachers are more likely to use corporal punishment if they were exposed to it during their childhood development (Mokhoasane and Chikoko, 2016: 5). Notwithstanding the arguments presented by the proponents of corporal punishments, Mahlangu *et al.* (2021) contend that there is no consensus in the literature on the effectiveness of corporal punishment as a deterrent to curb learner misconduct.

Gershoff (2017: 231) contends that there is no evidence that corporal punishment enhances learners' learning in the classroom. A study conducted by Portela and Pells (2015: 29) in Ethiopia, Vietnam, and India on whether corporal punishment affects children's outcomes, reveals that corporal punishment at age eight is negatively associated with later mathematics scores at age 12. This is supported by a study conducted in Jamaica, where school children who received one or two types of corporal punishment scored lower in mathematics, and children who received three types of corporal punishment at school scored lower in spelling, reading, and mathematics (Gershoff, 2017: 231). Furthermore, Kumar and Teklu (2018: 220) comment on the negative effects of corporal punishment, which include "children's fear of going to school, create a violent and humiliating learning environment, erode learners' trust in schools and teachers, and lead to increased levels of school drop-out". In a study conducted by Breen *et al.* (2015: 135) in South Africa on children's experiences of corporal punishment, when participants were asked about teachers who were good or helpful, a learner participant claimed, "she is kind, ..., she doesn't hit too much like the other miss; even when your answer is wrong, because they say you won't be beaten". In addition, within the same study another learner participant asserted that if they did not complete their homework, they would copy from the one who completed it, because of the fear of punishment. Hence, Cheruvalath and Triphati (2015: 130) argue that teachers cannot force learners to do their homework through the infliction of corporal punishment, because love and respect cannot arise from fear. It is believed that corporal punishment interferes with learners' cognitive abilities, which include lasting negative effects on verbal and executive functioning (Kumar & Teklu, 2018: 220). This is affirmed by Gershoff (2017: 231) who argues, based on the results from a study at a school that allowed corporal punishment in Nigeria, that corporal punishment result in lower receptive vocabulary, lower executive functioning, and lower intrinsic motivation. Cheruvalath and Triphati (2015: 130) contend that secondary school teachers need some training as they do not know exactly how they should maintain discipline in class or deal with ill-disciplined learners.

2.2.2. Detention

McCann (2017:2), and Chikwature, Oyedele, and Ganyani (2016: 41) remark that detention is one of the most common punishments used in schools to curb learners'

deviant behaviour. Detention is a form of punishment where a learner remains at school during a certain time and reports to a particular room (McCann, 2017: 2). Saloviita (2017: 137) states that “in detention the learner is typically obliged to attend a designated classroom and sits there to undertake schoolwork for a specified period”. It is believed that detention may not prove to be an effective form of discipline, as learners associate the school environment with discomfort (Chikwature, Oyedele, & Ganyani, 2016: 41). Consequently, offenders develop a negative attitude towards their studies. A study conducted by Fabelo, Thompson, Plotkin, Carmichael, Marchbanks, and Booth (2011, as cited by McCann, 2017: 5-6) revealed that learners in detention were much more likely to hold back, drop out, or get involved in a criminal activity. This idea is affirmed by Chikwature, Oyedele and Ganyani (2016: 41) who assert that in a study conducted on the management of deviant behaviour in Zimbabwe, Mutare urban schools (Mutare district) 30% of respondents against detention contended that “when the learner eventually moves out of the education cycle he/she would have been prepared for the world of isolation and becomes a brewed criminal”. Furthermore, detention as a form of punishment may cause negative emotional side-effects of destroying the teacher-learner relationship, and neglects the offender’s rights (Saloviita, 2017: 139). Teachers might neglect learners’ right to the exclusion of detention by detaining a learner on the basis that most of them have complaints about the deviant behaviour of the learner, without considering that detention is only applicable after they have tried all other measures. This is because in section 28 (g) of the rights of children as encapsulated in the South African *Constitution* it is stated that “every child has the right not to be detained except as a measure of last resort”. Based on the aforementioned it can be argued that detention does not improve learners' academic performance or teach learners to behave in a more acceptable/expected manner (McCann, 2017: 2). Hence, Masitsa 2008 (cited in Moyo, Khewu & Bayaga, 2014; 12) questions if detention can change learners' deviant behaviour as it is not well received by learners. Similarly, Chikwature *et al.* (2016: 41) believe that when detention is used as punishment it worsens the matter instead of correcting it.

2.2.3. Suspension

According to Noltemeyer, Ward, and Mcloughling (2015: 224), suspension in the U.S. context refers to “the denial of school attendance for a specific amount of time that may be 10 days or less”. On the other hand, Hemphill, Broderick, and Heerde (2017: 2) define school suspension as “a behaviour-management approach adopted by both primary and secondary schools”. In the South African context, suspension refers to the temporary denial of a learner’s access to the school premises (Masingi, 2017: 62).

Section 9(1) of SASA stipulates:

The governing body may on, reasonable grounds and as a precautionary measure, suspend a learner who is suspected of a serious misconduct from attending school, but may only enforce such suspension after a learner has been granted a reasonable opportunity to make representations to it concerning such suspension. (1c) A governing body may, if a learner is found guilty of serious misconduct during the disciplinary proceedings contemplated in section 8(e),

(a) impose the suspension of such learner for a period not longer than seven school days or any other sanction contemplated in the code of conduct of the public school.

Deducing from the above, a learner may be suspended on the following conditions:

- A learner must be given a fair hearing before suspension.
- After such hearing, a learner may not be suspended for more than seven days.
- The suspension must be regarded as a corrective measure.
- The School Governing Body should make a recommendation to the Head of Department to expel such a learner from the school; and the Head of Department should consider the recommendation by the School Governing Body and decide whether to suspend the learner or not.

The concept of suspension can be divided into internal (in-school) suspension and external (out of school) suspension. Hemphill, Broderick, and Heerde (2017: 2) assert that “internal suspension involves the temporary removal of a disruptive or noncompliant student from the classroom; external suspension removes the student from the physical

school environment — generally in response to a breach of the school rules or code of conduct, and usually for a predetermined period of time”.

Noltemeyer, Ward, and Mcloughling (2015: 224) concur with the above definition that internal suspension “often involves the student being removed to a separate classroom for at least a full day, where he or she must complete work and cannot participate in mainstream activities alongside peers”. Studies show that suspension tends to predict a higher future rate of misbehaviour instead of decreasing the chances of disruption (Lasnover, 2015: 1). In a study at five high schools on violence, citizenship and the responses of the principals in the Cape Flats (Western Cape), it was reported that learners were suspended from school for acts of violence and disruptive behaviour without involving the School Governing Body and the parents (Davids & Waghid, 2016: 35). The above procedure does not comply with section 9 of *SASA* (1996), hence the teachers’ inconsistency in the application of disciplinary measures triggered the learners’ misbehaviour. Findings of the above study further indicate that out of the five principals, three of them suspended learners regularly, while the other two were hesitant about suspension as a disciplinary approach, since they knew that this was what the disruptive learners wanted. Learners often returned displaying worse behaviour than before, because they knew the principal would not do anything (Davids & Waghid, 2016: 35). This implies that suspension is ineffective in producing positive behavioural change as it is linked to negative effects on learners, which include academic failure and school dropout (Lasnover, 2015: 1; Noltemeyer, Ward, & Mcloughling, 2015: 224). In addition, Lasnover (2015: 1) states that research indicates a negative relationship between the application of suspension and the school-wide academic achievement. This idea is advocated by Noltemeyer, Ward, and Mcloughling (2015: 224), who claim that suspension is inversely proportional to academic achievement. In a study conducted on the impact of ill-discipline on the performance of grade 9 learners at Nghonyama High School in Limpopo, it was found that 44% disagreed and 36% of learners strongly disagreed that suspension could address indiscipline, while only 20% of learners agreed that suspension could combat indiscipline (Masingi, 2017: 62).

Furthermore, in many cases external suspension leaves offenders vulnerable (unsupervised) as their parents are at work. In a study conducted by Hemphill, Broderick, and Heerde (2017: 9), the findings indicate a relationship between external suspension and various negative behaviours such as antisocial behaviour, impulsivity, drug abuse, low school commitment and grades, and family conflict, which are harmful to the well-being and health of young people. Of further significant relevance, Mendez (2003: 25, as cited in Goggins, 2015: 27) has found that frequent implementation of suspension as a deterrent does not curb ill-discipline or contribute positive academic effect. Mendez (*ibid.*, as cited in Goggins, 2015: 7) also argues that schools do not offer enough social, academic, and emotional support for suspended learners, which may deter their future success. As a result, this may give them a chance to engage with peers who are not at school and commit antisocial acts, which exacerbates the problem of the suspended learner. For those who are not interested in school, suspension may be perceived as a reward to detach from the school environment. Consequentially, they may develop an 'outsider' mentality, internalising their identity as 'bad' or 'disruptive' learners. It is for this reason that a growing body of research believes that "suspension is largely ineffective as a deterrent against further problem behaviours" (Hemphill, Broderick & Heerde, 2017: 10).

2.2.4. Expulsion

Lukman and Hamad (2014: 15) define expulsion as "the removal of a pupil permanently from the school". This is supported by Gagnon, Jaffee, and Kennedy (2016: 2), who assert that "expulsion is a permanent denial of a student's attendance at school". Expulsion may vary according to schools and offenses, for instance it may be imposed on the grounds of possession of a weapon on school grounds, drugs or alcohol, and inflicting bodily harm (Bock & Wolf, 2018). In terms of section 9.(2) of SASA (1996) "a learner at a public school may be expelled only by the Head of Department and if found guilty of serious misconduct after disciplinary proceedings in section 8 were conducted". However, it should be noted that, in South African schools, principals have only the authority to suspend learners, while expulsion can be executed by the Department of Education based on a report received from the school (Lukman & Hamad, 2014: 15). Expulsion is considered as a last resort when all other methods of discipline have failed (*ibid.*). Gagnon *et al.* (2016: 4)

indicate different views about the effect of expulsion as an exclusionary measure. Some arguments claim that exclusionary discipline creates a better learning environment for learners still in the school, while other studies contest that exclusionary discipline has not been found to improve learners' academic performance (*ibid.*).

Some researchers indicate that even students uninvolved in exclusionary disciplinary measures may suffer from 'collateral consequences' if they attend schools at which it is frequently administered (Gagnon *et al.*, 2016: 4). This is supported by Skiba (2014: 29) who claims that "no data exist to show out-of-school suspensions and expulsions reduce disruption or improve [the] academic climate". This argument is affirmed by Valdebenito, Eisner, Farrington, Tofi and Sutherland (2018: 28) who argue that research indicates school exclusion to be related to serious negative outcomes, which are said to impact the learners' development in three areas, namely: behavioural, academic, and future social inclusion. Valdebenito *et al.* (2018: 29) further state that there is a relationship between exclusionary punishments (expulsion) and behaviour, which may lead to learners' deviant behaviour and eventual dropout from school. Secondly, academic exclusion may affect learners' learning outcomes, through missed academic activities, alienation, and demotivation to set academic goals. Thirdly, the learners who are being excluded from school may show a high risk of becoming NEET (Not in Education, Employment, or in Training) in the future (Valdebenito *et al.*, 2018: 29). Research has shown that both suspension and expulsion are ineffective and increase the risk of negative social and academic outcomes, particularly for learners from disadvantaged backgrounds (Skiba, Chung, Trachok, Baker, Sheya, & Highes, 2014: 645). The abovementioned effect of suspension and expulsion is risky in desolate backgrounds because offenders (learners) are unsupervised, while exposed to deviant behaviour.

Reyneke (2015: 57-58) accentuates that "socio-economic problems at home and in the school environment are also contributing to the fact that millions of South African children are performing poorly in school, presenting with behavioural problems, and even dropping out of the schooling system". Reyneke (2015: 58) further asserts that children from all walks of life are coming from broken families, where some are orphans and others take care of their siblings (child-headed). Therefore, it can be deduced that from such

experiences where there is no parental care, support, and supervision, children are more likely to lack hope, vision and perceive education as useless, hence others will commit acts that lead to expulsion. According to Statistics South Africa, 2016, on Early Childhood Development in South Africa, it was concluded that “as brain growth and development in infancy is much faster than during other periods of the human life cycle, appropriate care during this phase is important for the development of the cognitive ability of the child (Brief, 2018: 12)”. This emphasizes the importance of cognitive development. Learners who were abandoned by their parents at an early age and who did not undergo this phase appropriately, are more likely to react unpredictably, which may also result in expulsion if they are treated in a hostile manner (Reyneke, 2015: 51).

In conclusion, deducing from the preceding, it is clear that punitive measures do not entirely address learners' deviant behaviour, hence some of the approaches result in school dropout, academic failure, and deviant behaviour. Punitive measures are not as effective as claimed by its proponents. Although they may temporarily remedy learners' misconduct, learners do not learn to be responsible for their acts. This is supported by Kagoiya and Kagema (2018: 2) who contend that “suspension, expulsion and corporal punishment do little to help learners acquire new and responsible behaviour to replace the ones that are not working for them or the school as a whole”. Among other factors, punitive disciplinary practices were found to diminish a conducive learning environment. Mowen and Brent (2016: 634) indicate that other than increasing learner misconduct, punitive measures have been found to create an unwelcoming and unpleasant school atmosphere that hampers quality education. Thus, discipline is described as setting clear, defined, and understood roles, responsibilities, and mutual expectations that create a predictable, orderly, and consistent life (Shaaza, 09 November 2017). Discipline is not punitive but focuses on the best interest of the child (Shaaza, 09 November 2017). In what follows I consider restorative approaches to discipline in general and how they have been employed in the South African education context.

2.3. Restorative justice

The term ‘restorative’ denotes restoring health, bringing back or attempting to bring back the original state by rebuilding or repairing (Cremin, Sellman, & McCluskey, 2012: 429).

Additionally, MacAlister (cited in Cremin *et al.* 2012: 429) states that the significance of restoration includes returning something to how it was before, suggesting that a change or improvement may take place over a while. Furthermore, restorative justice emphasizes that punitive measures are inclined to be socially unjust for diverse learners. Hence a restorative justice framework uses a responsive regulatory approach that identifies social engagement as the crucial element for creating productive or conducive environments that foster bonds of belonging (Morrison & Vaandering, 2012: 139). This interactive process is grounded on strong support and accountability (*ibid.*: 141).

It should be noted, however, that the concept restorative justice is deeply contested. Van Ness and Strong (2015: 44) define restorative justice as “a theory of justice that emphasizes repairing the harm caused or revealed by criminal behaviour. It is accomplished through cooperative processes that include all stakeholders”. Marshall (1999: 5, in Shapland, Robinson & Sorsby, 2011: 5) defines restorative justice as “a process whereby all parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future”. Therefore, the above conceptualisations hold in common that restorative justice is a collective approach towards addressing a transgression to repair the harm caused to social relationships. Restorative justice aims to restore broken relations within the community through the enactment of peaceful measures to the harm inflicted during crimes and infringement of human rights (Shapland, Robinson, & Sorsby, 2012: 5). According to Lund and Winslade (2018: 7; Gravielides & Loseby, 2014: 28), the principles of restorative justice include:

- Restoration or reparation, not retribution, punishment or consequences.
- Problems exist primarily in relationships, not individuals.
- Responsibility to the offender.
- Include more voices rather than isolate the individual.

Within the educational policy context, Morrison and Vaandering (2012: 140) assert that the general aim of restorative justice is to be more reactive and restorative to the needs and challenges of the school community (Morrison & Vaandering, 2012: 140). Reyneke (2015: 65) similarly maintains that “restorative justice is a reactive strategy that is used

after wrongdoing has taken place”. Deducing from the abovementioned, I recognize that restorative justice happens after a wrongdoing has occurred, as argued by Morrison and Vaandering, and by Reyneke. However, it also has a proactive orientation, given that it seeks to build stronger social bonds and address the root cause of transgressions. According to Nabudere and Velthuisen (2013: 3), restorative justice posits an epistemological shift that is understood as moving away from old ways of asking questions associated with punitive disciplinary approaches. Within a punitive paradigm, questions are asked, such as: (i) what laws have been broken?, (ii) who committed the crimes?, and (iii) what is the appropriate punishment? Within the new paradigm of restorative justice the following questions are posed: (i) who has been hurt?, (ii) who is responsible?, (iii) what is the root underlying cause?, and (iv) how should the damage be repaired? This difference in approach is affirmed by Jansen and Matla’s (2011: 85) comparison of punitive and restorative measures to disciplinary problems (see Table 1).

Table 1: Comparison between punitive and restorative measures to disciplinary problems (following Jansen & Matla, 2011: 85)

Traditional punitive response to discipline problems (focused on punishment)	Restorative response to disciplinary problems (focused on responsibility, healing, and needs)
Question asked: <ol style="list-style-type: none"> 1. What rule has been broken? 2. Who is to blame? 3. What is the punishment going to be? 	Question asked: <ol style="list-style-type: none"> 1. Who has been affected? 2. What does he/she need? 3. What has to happen to make things right?
Response focuses on establishing blame (whose fault is it?) and delivering punishment, pain.	Response focuses on identifying the needs created by harm and making things right.
Justice is sought through making people prove who is right and who is wrong.	Response is through understanding, dialogue, and reparation.
Justice is achieved when someone is proven to be guilty and punished.	Justice is achieved when people take responsibility for their actions, people’s needs

	are met, and the healing of individuals and relationships are encouraged.
Limited possibility for full acceptance back into school/family/community.	Maximises the possibility for full acceptance back into the school/family/community.

As indicated in Table 1, it is evident that there are differences between punitive and restorative approaches to attain justice. Ideally, a restorative approach is more people centred to discover who has been affected by the misconduct, what their needs are (victims and wrongdoer), and how the wrongdoer is going to make amends to remedy the conflict and harm caused to the social relationships impacted (Reyneke, 2015: 67). A major difference between the two approaches is that a restorative approach is directed at establishing why the learner needs to misbehave. The aforementioned is achieved through dialogue aimed at healing. Healing in this context refers to the restoration of a damaged relationship between the stakeholders (learner, teacher, principal, and others), not a private affair (Brooks, 2012: 78). The success of healing is attained when the stakeholders are satisfied with the outcome of the restorative conference (Brooks, 2012: 78). They agree to a contract together, not separately, but with the help of a trained facilitator (*ibid.*). When healing is achieved, acceptance back into the community becomes much easier. Therefore, when relationships are repaired among the affected stakeholders, misbehaviour (source of conflict) is also addressed. The implementation of restorative practices helps to reduce crime, violence, and bullying, improve human behaviour, strengthen civil society, provide effective leadership, restore relationships, and repair the harm created during the misconduct (Reyneke, 2015: 68).

It is argued that when a school decides to use a restorative approach to discipline, children learn to act socially responsible not only in the school environment, but also in the broader community (Reyneke, 2015: 66). For instance, if a learner breaks a window, then the restorative measure would encourage the learner to replace and fix it, which may empower the learner with accountability and responsibility skills. The same cannot be said of punitive practices (Reyneke, 2015: 68). Consequently, the deterrent approach equips learners with skills and knowledge that a punitive approach does only occasionally

attain (Lund & Winslade, 2018: 7). Thus, it is believed that restorative justice empowers teachers' and learners' feelings with emotional literacy and respect for each other and other members of the broader community in which the school is situated (Cremin *et al.*, 2012: 423). This makes discipline much more of an educational learning process; linking it to the original aim of discipline. This idea is supported by Parimah, Davour, and Winder (2018: 422) who contend that the implementation of restorative approaches at nine primary schools in Hull, Riverside, resulted in a reduction of detention, bullying, suspension, and absenteeism; and created a conducive learning atmosphere in schools. Reyneke (2015: 68) suggests that other forms of restorative practices that could be implemented to repair harm, include personal or emotional statements and questions; small unplanned meetings; circles (community and peace-making); and formal meetings (family group conferencing and community conferencing).

Restorative practices are an interactive and community-based approach that do not stigmatize, marginalize or exclude, but instead foster belonging, peaceful co-existence, becoming and inclusion in addressing transgressions (Lund & Winslade, 2018: 7). Lund and Winslade (*ibid.*) further state that restorative justice practices are executed to sensitize schools to take responsibility for the process of learners becoming somebody, irrespective of the role they take in interactions. Importantly, it has been argued that a restorative approach to discipline in schools are learnable, doable, and feasible (Reyneke, 2015: 68).

Restorative justice aims for the restoration of offenders, victims, and the wider community (Brooks, 2012: 64). The relationship between them may be damaged by an offense from an offender, which requires an approach to foster the common bonds (Brooks, 2012: 64). In such instance, the focus should be shifted from executing punitive measures to teaching the values of restorative justice. Teise (2015: 67) recommends that schools should consider the extent to which their policies and practices build, restore, repair, and maintain relationships. Teise (*ibid.*) concludes: "It may also be necessary for schools to revisit not only their discipline and safety policies, their disciplinary processes and the composition of their disciplinary committees, but also their vision and mission statements". Reyneke (2011: 141) highlights that restorative justice is not a "no-blame"

approach to ill-discipline, but preferably a “full-accountability” approach. For instance, when a male learner sexually harasses a female teacher, will punishment (suspension or expulsion) restore the teacher’s dignity? Will punishment change the perception of other learners towards the teacher? To what extent can punishment reassure a victim and other stakeholders with a sense of security within the school, and that in future the same incident will not recur? Thus, it is asserted that restorative approaches support the use of collaborative attempts to counteract the imbalances created by an individual’s behaviour, and aim at bringing about agreement and harmony (McCluskey & Lephala, 2010: 24). In what follows I consider Ubuntu with restorative justice, as the two theories share intertwined restorative principles which can be infused within the participating school’s code of conduct for learners.

2.3.1. Ubuntu and restorative justice

Historically Ubuntu has been understood as an African concept and an exact depiction of Africa’s legislative, social, and cultural system. Ubuntu descended from the African customs characterised by the belief that ‘I am human because you are human’ (Manifesto on Values, Education and Democracy, 2001: 13). From a constitutional perspective, Ubuntu is founded on the value of human dignity. The values of Ubuntu and human dignity embody the practices of compassion, kindness, altruism, and respect, which are at the very core of making schools places where the culture of teaching and learning thrive instead of conflict and pain centres (*ibid.*). Gade (2012: 489) characterizes the concept of Ubuntu into two clusters from the answers gathered from South Africans of African descent. Answers in Cluster 1 define Ubuntu as “a moral quality of a person” (Gade, 2012: 489). Some of the South Africans of African descent (SAADs) assert that the attribute of Ubuntu is so optimistic that the very possession of it is praiseworthy. Desmond Tutu describes someone who possesses the quality of Ubuntu as ‘Yu u nobuntu’, which implies ‘Hey, he or she has Ubuntu’ (Gade, 2012: 489). Additionally, Ubuntu is “a kind of divine element” (Gade, 2012: 489). This implies that there is a God in a human being. For instance, when one thinks of stealing, when there is no one around, there is something from within which tells you, ‘Please...don’t, don’t!’ (Gade, 2012: 489). On the other hand, in Cluster 2, Gade (2012: 488) defines Ubuntu as a phenomenon, “a philosophy, an ethic, African humanism, or as a worldview”. This idea is supported by Elechi, Morris, and

Schauer (2010: 75) who contend that Ubuntu is a prescription to treat others in the same way as we would like them to treat us. Elechi, Morris, and Schauer (2010: 75) further state that Ubuntu is a principle that requires adopting mutual support and care. In this respect, victim care is of paramount importance because of the belief that victims whose needs are not addressed may become potential offenders. It is believed that in a communitarian society when one individual suffers, the whole community suffers, which is coupled with the Ubuntu concept of 'an injury to one is an injury to all' (Elechi, Morris, & Schauer, 2010: 75). The principle of Ubuntu is summed up by a Zulu saying, 'umuntu ngumuntu ngabantu' which translates as 'a human being is a human being through (the otherness) other human beings'. It emphasizes the importance of group solidarity on survival issues in communities (Elechi, Morris & Schauer, 2010: 75; Parimah *et al.*, 2018: 423). In addition, McCluskey and Lephalala (2010: 22) proclaim that Ubuntu appreciates the importance of opinions of every individual in a school setting, which can contribute to enhancing harmony, that is, both the rights and responsibilities of every citizen in promoting individual and social well-being. This principle recommends us to respect and treat others with compassion and relate with them in a sincere manner (Elechi, Morris, & Schauer, 2010: 75). Thus, it is argued that Ubuntu encapsulates the concept of mutual understanding and the appreciation of human differences (Manifesto on Values, Education and Democracy, 2001: 13). This implies knowing and respecting others if you are to know and respect yourself.

Ubuntu and restorative justice both emphasize the significance of consensus, agreement, and reconciliation (Gravielides & Loseby, 2014: 28). The abovementioned is affirmed by Nussbaum (2003: 2, in Elechi, Morris & Schauer, 2010:75) who posits that Ubuntu is an interactional worldview that expresses "our interconnectedness, our common humanity, and the responsibility to each other that flows deeply from our deeply felt connection". Within the (South) African context, Ubuntu may serve as a foundation for restorative justice. Ubuntu as an expression of indigenous and restorative justice is an example of a contemporary approach to justice with common principles and values (Parimah *et al.*, 2018: 423). Such principles and values include respect, restoration of relationships, remorse, apology, forgiveness, reconciliation, mercy, companionship, reciprocity, dignity, harmony, and humanity in the interest of building and maintaining community justice and

mutual caring (Morrison & Vaandering, 2012: 140; Parimah *et al.*, 2018: 423). This convergence of the concept of Ubuntu and restorative justice is of larger relevance as it describes how African philosophies can add to restoration as well as conflict resolution (Parimah *et al.*, 2018: 423). This is supported by McCluskey and Lephalala (2010: 22) who state that Ubuntu, as a functional and examined cultural approach to conflict resolution, can present knowledge and alternatives of understanding discipline, reconciling transgressions and conflict, and building an ethos of 'a person is a person because of others' in a school context. The application of restorative and reconciliatory practices would shame the act and not the person to identify the root cause of conflict, and thus maintain the character of humanness (Gravielides & Loseby, 2014: 28). I considered Ubuntu as a restorative approach in this study because it supports restorative justice, through restoring, healing, reconciling, and building relationships. Therefore, the idea of Ubuntu might enable learners to be familiar with its principles, given their cultural background, and allow me to consider indigenous responses about restoration. Learners will also know that my presence makes them who they are, and the same applies to me as I cannot be a teacher without learners. Drawing on Ubuntu and how it converges with restorative justice could assist in shifting the focus from securing punishment to restoring relationships. Ubuntu does not focus on the inflicted pain towards the offended, but recognises the damage caused (Gravielides & Loseby, 2014: 28). Ubuntu and restorative justice are both opposed to punitive measures. The link between the two is on shaming the act, not the person, to identify the root cause of the conflict, which will eventually maintain the character of humanness.

2.3.2. Restorative justice in South African schools

In August 1993, a 26-year-old Fulbright scholar from California was killed in the township of Gugulethu in Cape Town as a result of mob violence (Clark, 2012: 85). The amazing part of this story is that the four young men who murdered the scholar, after being sentenced for 18 years, applied to have the case heard by the Truth and Reconciliation Commission (TRC). The TRC was instituted in South Africa in 1995 to reduce and address the past harms, injustices, and conflict by recalling the notion of Ubuntu. The family of the deceased supported the application of the four men to the TRC. The TRC consisted of three committees: the Amnesty Committee, Reparation and Rehabilitation

Committee, and the Human Rights Violations Committee. It is argued that the work of the TRC was informed by a restorative approach to justice (Clark, 2012: 86). It is believed that the relative successes of the TRC are an indication of the potential of the majority of South Africans to successfully take part in and gain from restorative processes (Reyneke, 2011: 160) On the other hand, it is argued that RJ is not successful or practical in hard-core crimes, as it may be difficult for the victim and the perpetrator to sit together for coffee (Clark, 2012: 85). However, McCluskey and Lephala (2010: 24) remark on the work of TRC that it remains the best-known example of the application of restorative justice on such a large scale. McCluskey and Lephala (2010: 24) maintain that Northern Ireland is the most recent example among the countries which modified this model in 2009 to address the political unrest and violence that have marked that country. Even though the relative success of the TRC has been argued, there seems to be little attempt to convey this 'crucial vehicle of empowerment' into the South African schools' context (McCluskey and Lephala, 2010: 21). Reyneke (2011: 150) adds that "restorative justice provides a suitable vehicle for engaging in schools comprised of diverse groups. Relationships would thus be healed and fostered where necessary." Below I briefly consider the few instances that have been studied in which a restorative approach has informed disciplinary procedures within the school context.

Based on a study conducted in Mpumalanga on bullying, it was argued that restorative justice was an appropriate mechanism to incorporate into a school-based bullying plan to address the occurrence thereof, as both the perpetrator and victim of the act of bullying could learn valuable lessons from the process (Laas & Boezaart, 2014: 2692). Additionally, Laas and Boezaart (*ibid.*) conclude that bullying is not mentioned in the *Child Justice Act 75 of 2008* (RSA DoJ, 2008) or the *Protection from Harassment Act 17 of 2011* (RSA DoJ, 2011), and that a restorative justice approach may be a resolution to render rehabilitation and healing for the bully and victim within the school context. Pitsoe and Letseka (2014: 1531) contend that the exploration of the paradigm and practice of restorative justice into the South African education system can produce conducive environments for learning in schools. This argument is supported by Reyneke (2015: 69) who concludes that "restorative practices could lead to a reduction in school violence and bullying, improve human behaviour, and restore relationships". Furthermore, Van

Rensburg, Thobane, and Da Costa (2018: 48) suggest that restorative justice should be constituted as a resolution towards dealing with youth violence and drug abuse. Van Rensburg *et al.* (2014: 48) state that “the *Child Justice Act 75* of 2008 exhibits a vision and hope for the South African youth by wanting to restore them back to society”. This idea is supported by Pitsoe and Letseka (2014: 1531) who state that failure to implement the key assumptions of restorative justice in communities where violence and punishment are perceived as a solution to ill-discipline may encourage domination and social inequalities, resulting in docile or passive communities. In contrast, Pitsoe and Letseka (2014: 1531) argue that schools, as social institutions and state instruments, can play a crucial role in influencing democracy in South Africa when teachers manage discipline effectively by acknowledging the significance of restorative justice. This implies that through dialogue and negotiation the voices of both learners and teachers are of equal importance instead of an authoritative order; which may lead to collaboration and accountability in disciplinary issues.

In a study conducted on learner discipline in Pretoria, Gauteng, in two township primary schools, it was asserted by the two principals of the schools that the elimination of corporal punishment left a vacuum with no successful options to inspire good learner behaviour (McCluskey & Lephala, 2010: 22). The two principals were not convinced that the national government, through the Department of Basic Education (DBE), was supportive of or willing to suggest constructive alternatives to a punitive disciplinary approach. They regarded ill-discipline as a cause for concern that needed a ‘fresh approach’ (McCluskey & Lephala, 2010: 22). The above study found that more than one teacher referred to the South African *Constitution*, indicating that the problem resonated from there, as reflected in the following statement by one teacher: “[e]ven to take children out of the class is against the *Constitution*” (McCluskey & Lephala, 2010: 22). To counteract the above argument, it is argued that the removal of an offender does not solve the problem but relocates the problem in time and space (Reyneke, 2011: 155). Howbeit, Reyneke (2011: 155) points out that those principals who have implemented restorative measures state that they are solving problems instead of moving or postponing problems in their school setting. Reyneke (2011: 161) acknowledges that teachers are working under immense pressure as a result of understaffing in many

schools, but he calls for creative measures to help teachers implement restorative justice programmes in schools. Pitsoe and Letseka (2014: 1531) contend that there is still a need to re-interpret school discipline policies (as living documents) and approaches within a restorative justice framework.

In conclusion, the content and presentation of restorative justice programmes have been implemented differently in the international context (Reyneke, 2011: 161). For instance, in New Zealand restorative practices in the School Pilot Project include the Pilot Community Conferencing and Restorative Practices Programme, the Healthy Schools Programme, and the SaferSanerSchools Programme; and in Australia the Citizen Programme (Reyneke, 2011: 161). Other methods used in different programmes to implement restorative justice principles include circles, victim-offender mediation, reconciliation programmes, victim-impact panels, victim awareness programmes, community reparative boards, diversionary conferences, family conferences, community accountability conferences, circle sentencing, and juvenile justice teams. It might be argued that the process and programmes of restorative justice would not work in South Africa. However, Reyneke (*ibid.*) posits that these programmes have been implemented in contexts marked by high levels of school violence, bullying, high suspension and expulsion rates, high truancy rates, drug abuse, lack of parental involvement, consistent class disruptions, and inadequate resources, which factors are parallel to the South African context. This argument is advocated by McCluskey and Lephalala (2010: 24) in their comparative study (restorative approaches) between South Africa and the United Kingdom, when they acknowledge the political, cultural, and historical differences, but affirm that the colonial legacy may have similarities in the justice and educational systems. This implies that our struggles are different, but based on 'border pedagogy' our experiences may communicate similarities. From the literature review conducted it is evident that restorative justice has to a large extent not been considered within the schooling context in South Africa.

This paucity has informed my decision to determine the extent to which restorative justice has been applied in the South African school context, and what has been its impact in terms of discipline. As such, in the next chapter I present presented a policy reading to

answer my third subsidiary research question by analysing School AB's code of conduct for learners against the current South African education policy framework as it pertains to discipline.

Chapter 3: Policy Analysis

3.1. Introduction

In this chapter, I present a policy reading to answer my third subsidiary research question by analysing School AB's code of conduct for learners against the current education policy framework as it pertains to discipline (cf. 1.2). The aim is to explore how discipline is framed within School AB's code of conduct for learners. This will be done to first determine whether School AB's code of conduct for learners is aligned with the policy expectations present in the current education policy framework, and secondly, if principles of restorative justice and Ubuntu are infused in the school's code of conduct for learners. To achieve this, I discuss what policy and education policy are in general (cf. 3.2 and 3.3). After this discussion, I provide an overview of the South African education policy hierarchy (cf. 3.4). This discussion is specifically done in regard to discipline. This is followed by a discussion on the difference between analysis for policy analysis, and analysis of policy, as the latter is employed in my study (cf. 3.5). I conclude this chapter by providing a policy reading of the code of conduct of School AB, based on the policy analysis framework proposed by Samuels (2017) (cf. 3.6.1). In conducting the policy reading, I was informed by the literature review I conducted, as well as the discussion of the South African education policy hierarchy.

3.2. What is policy?

Policy is a multidisciplinary concept (Smith & Larimer, 2017). Dye asserts (1987: 1) that "policy is whatever governments choose to do or not to do", whereas Eyestone (1971: 18) argues that policy refers to "the relationship of governmental units to its environment". In line with Dye, Wilson (2006: 154, cited in Smith & Larimer, 2017: 3) contends that policy is "the actions, objectives, and pronouncements of governments on particular matters, the steps they take (or fail to take) to implement them, and the explanations they give for what happens (or does not happen)". Based on the above commentaries, I concur with Wilson (2006) that policy should be communicated and explained to the affected stakeholders. This implies that the words 'objectives', 'actions' and 'implement' are important to notice and I should consider them in answering my research question. These

words are vital, as I use the framework proposed by Samuels to explore whether the objectives and actions (measures) of School AB's code of conduct for learners are aligned with the South African legal framework in terms of discipline. James (1994: 5) affirms that "policy is a purposive course of action or inaction undertaken by an actor or set of actors in dealing with a problem or matter of concern". Thus, "policy is not random but purposive and goal-orientated" (Smith & Larimer, 2017: 3). This implies that a policy should not be aimless but should be intentional and known, as well as provide direction and purpose on a specific aspect. In other words, in terms of discipline, there needs to be a clear direction and purpose. As I am proposing that restorative justice and Ubuntu are important to consider in terms of education policy, it implies that this should be reflected in the objectives, actions, and manner in which the relevant policies are implemented, and how they find expression in School AB's code of conduct for learners.

Samuels (2017: 6-7) discusses different types of policies, namely: procedural, material, redistributive, regulatory, and symbolic policy. In the case of this study, I have engaged with a regulatory policy in the form of School AB's code of conduct for learners. According to Samuels (2017: 7), a regulatory policy states the rights and responsibilities of various stakeholders involved in an institution intended to achieve a specific action. In terms of this study, it outlines the rules and laws that regulate teachers' and learners' conduct to create conducive learning environments. In this study, I employ Samuel's (2017: 11) approach to analyse the code of conduct of the participating school. Doing this has enabled me to explore whether School AB's code of conduct for learners effectively addresses disciplinary problems by incorporating the principles of restorative justice and Ubuntu (cf. 2.3.1), and if it is aligned with the policy framework. Daigneault (2014: 458) points out that "policies are not only material and institutional — made of resources, activities, laws, official declarations, rules and regulations — but also ideational, in that they may minimally embody a conception of the problem to be solved and goals to be pursued". Inferring from the above statement, it means that policies can never be successful if they are imposed on learners without considering who the learners are and their schooling context. If this is the case, it implies that the code of conduct of School AB should consider the learners' background in offering solutions to disciplinary indiscretions. Specifically, I propose that such solutions should draw on the principles of restorative

justice and Ubuntu, and not only be problem-focused. Having provided a brief description of the policy and how it is conceptualised within this study, I turn my attention to describing how education policy is conceptualised within my study.

3.3. Education policy

Education policy is defined by McLaughlin (in Waghid, 2002:1) as “a set of political decisions which have been taken by those who exercise power (policymakers, teacher unions, and community organizations) through a prescription of action aimed at changing educational institutions or practices”. In addition, Ling (2017: 167) states that “education policy is the soil in which education development thrives and strengthening research on education policy is an important means of guaranteeing the healthy development of modern education”. Laws and policies are not instituted out of nowhere, but mirror the thinking of the leadership, a society’s requirements, and offer directions to be followed (Legotlo, 2014: v). Education policy, therefore, represents an important site for the ‘playing out’ of political control and authority over the very nature of education, what its purpose is, how it manifests through structures and practices (for example through schooling, curriculum, pedagogy, etc.), and what issues it prioritizes and neglects (for example standards, equity, etc.) in different contexts of practice (Ward, Bagley, Lumby, Hamilton, Woods & Roberts, 2016: 43). In South Africa, the supreme law is the *Constitution* (RSA, 1996: s.2) in which it is stated that every learner has the right to quality education (RSA, 1996: s.29). Jansen and Sayed (2001:1) argue, however, that a problem of the post-apartheid education policies is the substantial gap that exists between policy (official statements of intent) and practice (experiences of teachers and learners in educational institutions). This is elaborated on by Legotlo (2014: 10) who asserts that educators are the main implementers of policies at the school, although they find themselves in an area of uncertainty. It is also believed that “very little is documented on the harsh realities of the implementation phase that educators face” (Legotlo, 2014: 10). Regarding the abovementioned, such arguments are important for this chapter, as I explore how discipline is framed within the participating school’s code of conduct in the light of the South African education framework. Having provided a brief description of what education policy entails, I now present the South African education policy hierarchy

and quote the relevant sections in those documents to create a framework in which to conduct a policy reading of School AB's code of conduct.

3.4. The South Africa education policy hierarchy

In this section, I draw on selected policies to develop a framework against which I can explore whether School AB's code of conduct is aligned with the South African education legal framework in terms of discipline. I first consider the *Constitution of the Republic of South Africa* (1996), because it is the supreme law. Next, I consider the *National Education Policy Act* (1996a) and the *South African Schools Act* (1996b). Following the engagement with the parliamentary acts, I consider the subordinate legislation *Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners* (1998). To conclude this section, I engage the *White Paper on Education and Training* (1995) before turning my attention to the *Manifesto on Values, Education and Democracy* (2001) (see Figure 1).

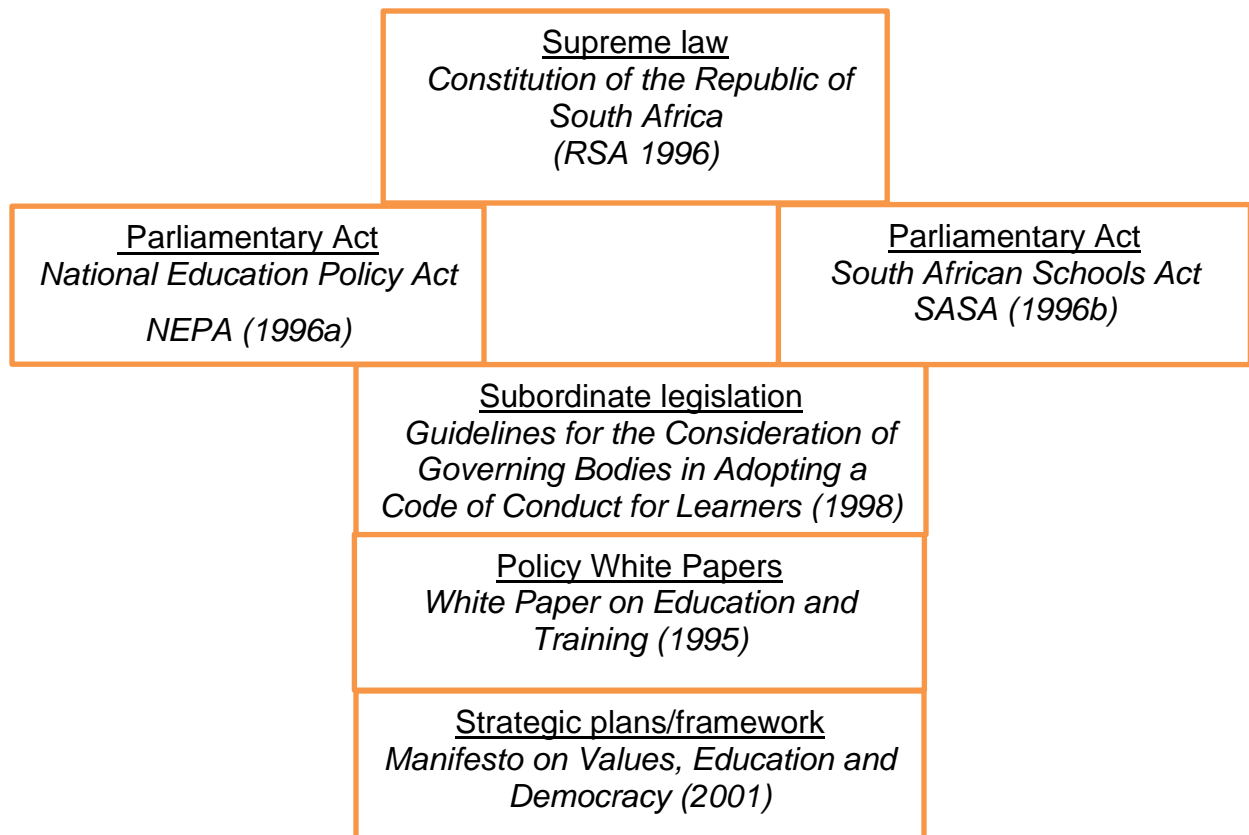


Figure 1: The South African education policy hierarchy.

3.4.1. The *Constitution of the Republic of South Africa* (1996)

Within the context of South Africa, the “*Constitution* is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled” (RSA, 1996: s.2). The objectives of the *Constitution of the Republic of South Africa* (RSA, 1996) include the implementation of constitutional values, democratic principles, and a human rights culture in the school context (Bray, 2005: 134). The provisions of the *Constitution* that focus on education furthermore make up the foundation of all education law (Joubert, 2015: 193). According to Section 29 of the *Constitution*, “everyone has the right to a basic education, including adult basic education, and to further education, which the state, through reasonable measures, must make progressively available and accessible” (RSA, 1996: s.29. (1a and 1b)). With regard to my study, this implies that disciplinary measures from different policies should not deprive learners of their right to education. Furthermore, section 12.(1e) states: “Everyone has

the right to freedom and security of the person, which includes the right — not to be treated or punished in a cruel, inhuman or degrading way”. At the hand of the Constitution, it can be argued that corporal punishment is a degrading or inhuman treatment (RSA, 1996: s.12(1)). Corporal punishment infringes on globally recognised human rights to freedom from cruel, inhuman, and degrading treatment or punishment. Besides, corporal punishment violates learners’ dignity, which is the cornerstone of the *Constitution* (RSA, 1996: s.10). The *Constitution* (RSA, 1996) requires the parliament (in the national government sphere) and nine provincial legislatures to share law-making functions relating to education (Bray, 2005: 134). The above-mentioned functions by the *Constitution* are addressed in the next discussion of the *National Education Policy Act* (No. 27 of 1996) and the *South African Schools Act* (No. 84 of 1996). In my discussion, I specifically consider the parts of the acts that make provisions for discipline.

3.4.2. *National Education Policy Act* (No. 27 of 1996)

The *National Education Policy Act* (*NEPA*) aims to “facilitate the democratic transformation of the national system of education into one which serves the needs and interests of all people of South Africa and upholds their fundamental rights” (RSA DoE, 1996a). Section 3.(4n) of *NEPA* states that the Minister may determine national policy for “control and discipline of learners at education institutions: Provided that no person shall administer corporal punishment, or subject a student to psychological or physical abuse at any education institution” (RSA DoE, 1996a). This is in alignment with the fundamental rights of learners such as dignity and no inhuman treatment (RSA, 1996: s.10 and s.12). *NEPA* further articulates that the Minister “may determine national policy for education support services, including health, welfare, career and vocational development, counselling and guidance for education institutions, within the functional responsibility of a department of education” (RSA DoE, 1996a: s.3.(4o)). With reference to my study, this implies that the code of conduct of School AB may encompass education support services such as counselling and welfare to address learner ill-discipline.

Given these two legislative directives, I consider *SASA* (1996b) to focus its position on the SA education policy hierarchy as well as the determinants it makes concerning adopting a school code of conduct and enforcing discipline.

3.4.3. The *South African Schools Act* (No. 84 of 1996)

The *South African Schools Act* (SASA) (RSA DoE, 1996b: Index section) was adopted by parliament with the purpose to provide a uniform system for the organisation, governance and funding of schools, to amend and repeal certain laws relating to schools, and to provide for matters connected therewith. This implies that parliamentary acts, such as *NEPA* and *SASA*, endorsed by Parliament (e.g. *SASA*) prescribe overall rules and standards for all schools in South Africa.

Although the overall rules and standards are provided through national legislation, provincial legislatures adopt, implement, and enforce legislation for all public schools in their respective provinces (Bray, 2005: 134). Maringe, Masirine, and Nkambule (2015: 365) posit that in South Africa the assumption is that provincial governments, in collaboration with their respective districts and co-ordinating departments of education, have a greater understanding of effective mechanism for the specific circumstances in schools. Within the provincial government, school education is further redistributed to expand powers and duties as wide as possible. In this way, individual institutions (public schools) can govern their affairs (Bray, 2005: 134). This argument is supported by Maringe *et al.* (2015: 365) who assert that “several challenges are place-specific and can be best tackled using a place-based policy approach”. It is in light of this that section 8.(1) of *SASA* (1996b) entitles all public school governing bodies to adopt a code of conduct for their schools, although the direction is provided by the Minister (national Department of Basic Education) to help school governing bodies in this regard (Bray, 2005: 134).

In some schools, however, parents and learners are rarely involved in the process of adopting the school’s code of conduct. According to Mncube (2009: 102), the complexity of the legal framework and the nature of the relationship between stakeholders are the main causes for the democratic voice of parents to be hardly recognised in some schools. Similarly, Mbokodi and Singh (2011) report on parental partnerships in the governance of five primary schools in the townships close to Port Elizabeth where, although legal requirements are met, parental involvement is ineffective because of problems arising from the poor educational background of those involved. In terms of learner involvement in the policy process, Bush and Glover (2016: 10) focus on the role of learners in

governance. They note that learner expression is supported as part of democratic governance by the national Department of Basic Education's *Guidelines for Representative Councils of Learners* (RSA DoE, 1999). However, they argue that the role of representative councils is hindered by minimal and traditionally authoritarian perceptions, as is evident in various schools (Bush and Glover, 2016: 10). Therefore, Bush and Glover (*ibid.*) conclude that there is very limited involvement of learners in school governance, despite the national framework for their involvement.

Section 8.(2) of SASA (1996b) states that the code of conduct should be intended at creating a disciplined and meaningful school environment, dedicated to improving and maintaining quality teaching and learning. For a school to be healthy or run effectively, discipline and academic performance must be inspired by quality teaching and learning (Foncha, Ngoqo, Mafumo, & Maruma, 2017: 9022). Section 8.(4) of SASA (1996b) further articulates that nothing contained in this Act exempts a learner from the responsibility to comply with the school's code of conduct. In terms of section 8.(5a) of SASA (1996b), "a code of conduct must contain provisions of the due process safeguarding the interests of the learner and any other party involved in disciplinary proceedings". Section 8.(5b) of SASA (1996b) supports NEPA (RSA DoE, 1996a: s.3.(4)) by stipulating that the code of conduct must also provide for support measures or structures for counselling a learner involved in disciplinary proceedings. Section 9.(1) of SASA (1996b) states that "the governing body may, on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of serious misconduct from attending school, but may only enforce such suspension after the learner has been granted a reasonable opportunity to make representations to it in relation to such suspension" (cf. 2). The key from this section is that suspension may be imposed on the offender; however, it should be under fair conditions, which include allowing the offender to present his/her side and other procedures mentioned. This is supported by section 9.(1) of the *Constitution* (RSA, 1996) which states that "everyone is equal before the law and has the right to equal protection and benefit of the law". To this study, it implies that suspension should not be imposed based on emotions from the school governing body, but that the protection/benefit of the offender should be considered, which is following all the procedures stipulated by section

9 of SASA. Such suspension should also not inflict on the right of the learner to receive education (RSA, 1996: s.29 (1a and 1b)).

Furthermore, SASA (RSA DoE, 1996b: 10 (1)) and NEPA (RSA DoE, 1996a: s.3 (4n)) state that “no person may administer corporal punishment to a school learner”. This is affirmed by section 12.(1c-e) of the *Constitution* (RSA, 1996) which asserts that no person should be treated or punished in a degrading manner. Thus, SASA 10(1) considers teachers who inflict corporal punishment as guilty of an offence or assault. Having considered the parliamentary acts in terms of discipline, in the next section I discuss the subordinate legislation of the *Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners* (1998).

3.4.4. Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (1998)

The *Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners* (RSA, 1998) (hereafter Guidelines) is a subordinate legislation in the education policy hierarchy, and falls under the protection of section 8(3) of SASA. The *Guidelines* aim to recognise the authority of educators to supervise learner behaviour to keep a safe and orderly learning environment (De Wet & Russo, 2009: 1). The *Guidelines* state that in the policy hierarchy “the Code of Conduct must be subject to the *Constitution of the Republic of South Africa*, 1996, the *South African School’s Act*, 1996 and provincial legislation” (RSA DoE, 1998: s.1.4). According to Bray (2005: 134), “a code of conduct is a legal document and must be drafted within broader parameters provided by the supreme *Constitution*”. This is also highlighted by Mestry and Khumalo (2012: 98) who assert that a code of conduct for learners is a form of subordinate legislation which should embody the *Constitution* of South Africa (RSA, 1996) and set out to instil the values of human dignity, equality and freedom. Inferring from the *Guidelines* (RSA, 1998: s.1.9), a code of conduct for learners must include the moral values, rules, and principles that the school community must approve. In section 1.5 of the *Guidelines*, a school code of conduct for learners is defined as a ‘consensus document’ before its adoption, and should involve the parents, learners, educators, and non-teaching staff at that school.

Pursuant to the *Guidelines* (RSA DoE, 1998: s.1.4) “the Code of Conduct must inform learners in the way they should conduct themselves. The main focus of the Code of Conduct for learners must be positive discipline; not punitive and punishment orientated but facilitate constructive learning”. The *Guidelines* (RSA DoE, 1998: s.3.4) state that the code of conduct must be displayed at the school and as far as possible be given to each learner in the official language of teaching of the learner. As learners are obliged to obey the school code of conduct, they must be informed about its subject matter, communication channels, grievance procedures, and due processes in conducting a fair hearing (RSA DoE, 1998: s.3.4). This is a vital subsection included in the *Guidelines*, because there is no way in which learners can behave accordingly if they are not informed of the expectations of the code of conduct for learners. It is because of this that section 3.6 of the *Guidelines* articulates: “Nothing shall exempt a learner from complying with the Code of Conduct of the school”.

While educators possess authority in maintaining discipline, the *Guidelines* (RSA DoE, 1998: s.4.3) and the *Constitution* (RSA, 1996: s.12) outline the respect that has to be given to learners’ right to dignity, respect, and privacy. However, it should be noted that there are limitations attached to these rights. For instance, if an educator or principal has a reasonable suspicion that a learner has drugs or weapons, the use of reasonable search methods may be employed (RSA DoE, 1998: s.4.3). In addition, a learner’s cellular phone may be confiscated when he or she disrupts the class. Sections 4.4 and 8.2 of the *Guidelines* prohibit corporal punishment and all forms of violence, which is outlawed by the *Constitution* (RSA, 1996), *NEPA* (RSA DoE, 1996a), and *SASA* (RSA DoE, 1996b). However, the *Guidelines* (RSA DoE, 1998: s.4.4.1) propose that “educators and learners have to learn the importance of mediation and co-operation, to seek and negotiate non-violent solutions to conflict and differences and to make use of due process of law”. This statement potentially relates to the restorative measures that I articulated in Chapter 2, and which I consider in more depth later (cf. 3.5.1). Additionally, discipline has to be maintained within the school and the classroom to allow effective teaching and learning in the absence of disruptive behaviour and offences. As such, the goal of the *Guidelines* is to ensure that schools draft and implement a code of conduct that teach and lead learners to self-discipline and responsibility (RSA DoE, 1998: s.7.1; Boezaart, 2009: 508).

Section 7.2 of the Guidelines emphasizes that to ensure that a school's code of conduct becomes successfully implemented, its disciplinary approaches must be diligent, fair, just, corrective, consistent, and educative. It is also suggested that where possible the parents should be informed and help with the correction of the learner's conduct. Section 7.5 articulates that serious misconduct should be referred to the principal; however, a disciplinary mechanism should be developed to ensure that the principal is not overwhelmed with disciplinary issues. The mechanism referred to is the disciplinary committee. Section 8.1 of the *Guidelines* (RSA DoE, 1998) considers punishment as “a corrective measure or a penalty inflicted on an offender who has to suffer the consequences of misconduct to maintain the orderly society of the school”. However, as previously argued, punitive punishment does not entirely resolve the problem, since it only punishes the offender and ignores the offended, without reconciling and restoring the relationship between both parties (cf. 2.2). This is one of the areas that offers the potential to explore the infusion of restorative justice within the context of a school's code of conduct.

Lastly, section 7.6 of the *Guidelines* (RSA DoE, 1998) stipulates that learners should not think that they cannot be suspended or expelled simply because it is their first offence, but such decision should be taken by the right authority. This is in line with section 9.(1) of SASA (1996b), which affirms that “the governing body may, on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of serious misconduct from attending school”. On the other hand, it is stated that parents have the right to take legal action if a teacher unlawfully inflicts corporal punishment or injures their children (RSA DoE, 1998: s.6.3). This passage provides a thorough description of what the code of conduct entails (content) and its hierarchical order; and how should it address discipline (role) in the light of the South African legal framework. It also believed that another mechanism (disciplinary committee) should be developed to ensure that the principal is not overwhelmed with disciplinary problems. Having considered the *Guidelines*, next I engage the *White Paper on Education and Training* (1995), which I refer to as *White Paper 1*.

3.4.5. *White Paper on Education and Training* (1995)

According to Tibbitts and Weldon (2017), an important document to consider in terms of South African education policy is the *White Paper on Education and Training* (1995). *White Paper 1* understands the role of post-apartheid education to be to contribute toward the promotion of a democratic, free, equal, just, and peaceful society with well-informed and critical citizens (RSA DoE, 1995). Chapter 4, section 3 articulates that parents or guardians have the main responsibility for the education of their children, and have the right to be consulted by the state authorities about the type of that education and to take part in its governance (RSA DoE, 1995). This is important to consider in terms of this study, since parents or guardians have to teach learners good morals and an attitude that will be consistent with what is expected from a school (Coleman, 2018: 3). Whether or not parents are actively involved in the education of their children, a learner's conduct will be a determining factor. Thus, learner behaviour oftentimes reflects their upbringing (Reyneke, 2015: 61).

According to Chapter 4, section 8, “There must be purposeful strategies for ensuring that the system protects the rights of teachers and students to equitable treatment” (RSA DoE, 1995). This is important to consider, as I explore the content of the school’s code of conduct in light of the South African education policy. As previously stated, in the *Constitution* (1996: s.9 (1)) everyone has the right to equality. Both teachers and learners should successfully enjoy their rights, without one being prioritized at the expense of the other. It is furthermore stated: “The rehabilitation of the schools and colleges must go hand in hand with the restoration of the ownership of these institutions to their communities through the establishment and empowerment of legitimate, representative governance bodies” (RSA DoE, 1995: Chapter 4, section 10). This is relevant in terms of this study since, as previously stated, most teachers claim that due to legislative constraints they do not know how to discipline learners (cf. 1.1). On the other hand, unacceptable learner behaviour and the lack of knowledge to enforce appropriate intervention/disciplinary measures by teachers and the school governing body (SGB) hamper the delivery of quality teaching and learning (cf. 1.1). This calls for urgent empowerment of the aforementioned stakeholders to execute their responsibilities successfully. Thus SASA (1996b: s.8 (1)) mandates the school governing body to adopt

a code of conduct for learners. This implies that an SGB that is not functioning as envisioned in the legislation may not fulfil this duty and, as a result, the school may experience disciplinary problems. In section 12 of chapter 4 of The *White Paper 1*, it is stated that:

The restoration of the culture of teaching, learning and management involves the creation of a culture of accountability. This means the development of a common purpose or mission among students, teachers, principals and governing bodies, with clear, mutually agreed and understood responsibilities and lines of cooperation and accountability (RSA DoE, 1995).

A culture of accountability can be maintained when the aforementioned stakeholders act according to the code of conduct, and each individual becomes responsible for their behaviour (RSA DoE, 2001: s.1). Regarding my study, I consider whether School AB's code of conduct for learners makes provision for accountability/responsibility as expected. To conclude my consideration of the education policy framework in terms of discipline, I turn my attention to the *Manifesto on Values, Education and Democracy* (2001).

3.4.6. *Manifesto on Values, Education and Democracy* (2001)

This document is located within the strategic plans/frameworks of the South African education policy hierarchy. The *Manifesto on Values, Education, and Democracy* (RSA DoE, 2001) (hereafter *Manifesto*) aims to assist teachers in addressing human rights and values in all learning areas (Davids, 2018: 2). The *Manifesto* establishes the following values that should be implemented in schools: democracy, social justice and equity, equality, non-racialism, non-sexism, Ubuntu (communalism), an open society, accountability, rule of law, respect, and reconciliation (RSA DoE, 2001: s.1). However, an underlying problem in terms of the implementation of these values is that teachers have to personify these values to infuse the classroom with a culture of human rights (Mekoa & Molope, 2018: 11448). This is supported by Kruger (2012: 24; see also Kruger, 2015), who states that "a teacher should model the essential qualities of a peacemaker in a classroom". Kruger (2012: 25) argues that this encompasses teachers being an example of self-awareness, objectivity, lack of prejudice, and respect for human dignity. Davids

(2018: 8) adds that “these values are to be taught in a way that will bring the principles of the *Constitution* into the life of a classroom, as well as applied practically in programmes and policymaking by educators, administrators, governing bodies and officials”.

In terms of my study, I only consider how the values of Ubuntu (human dignity) and accountability (responsibility) are framed within the *Manifesto*. Both values are used in restorative justice as restorative approaches. Ubuntu as a restorative approach supports restorative justice, through restoring, healing, reconciling, and building relationships (cf. 2.3.1). Accountability in restorative justice allows the offender to take responsibility for their actions (damage they caused) (cf. 2.3). In connection with my study, this entails that learners should take responsibility for their actions. The *Manifesto* (RSA DoE, 2001: s.1) states that “out of the values of Ubuntu and human dignity flow the practices of compassion, kindness, altruism and respect, which are at the very core of making schools places where the culture of teaching and the culture of learning thrive”. Furthermore, the value of accountability by implication expects the learners and teachers to remain accountable to the school's code of conduct. It is further stated that “we are responsible for our individual behaviour and there could be no rights without responsibilities — whether as parents, administrators, educators or learners” (RSA DoE, 2001:s.1). Human dignity and accountability are crucial values to be examined as espoused within the *Manifesto*, because these values are not only constitution values but also play a major role in shaping school discipline (cf. 2.2). Both these values are key principles in restorative justice, as I am reading and identifying the strengths and shortcomings of School AB’s code of conduct for learners in terms of the education policy expectations and the literature on restorative justice and Ubuntu.

Having gone through the South African education policy documents, I conclude that they complement each other according to the South African education hierarchy. For instance, section 29 of the *Constitution* states that “everyone has the right not to be treated or punished in a cruel, inhuman or degrading way” (RSA, 1996: s.29). The *National Education Policy Act (NEPA)* (1996a) builds on this as it gives the responsibility to the Minister to determine the national policy for control and discipline of learners at the education institutions with the purpose that no one shall inflict corporal punishment or

subject a learner to psychological or physical abuse (RSA DoE, 1996a: s.3(4n)). SASA adds that no person shall administer corporal punishment to a school learner (RSA DoE, 1996b: s.10). This is supported by sections 4.4 and 4.8 of the *Guidelines* (1998) that prohibit the use of corporal punishment and all forms of violence. However, the abolishment of corporal punishment and all forms of violence by the South African education policy framework does not tie teachers' hands to regulate corrective disciplinary measures, nor permit learners to behave as they please. Thus, section 10 of the *Constitution* ascertains that everyone has the right to human dignity. This limits learners' and teachers' conduct to ensure that they respect each other. The Manifesto (RSA DoE, 2001) adds that "we are responsible for our individual behaviour and there could be no rights without responsibilities". For learners to fulfil their responsibilities/account for their behaviour, *White Paper 1* states that there must be purposeful strategies for ensuring that the system protects the rights of learners and teachers to equitable treatment (RSA DoE, 1995: Chapter 4, s.8). Accordingly, SASA entitles the governing bodies of all public schools to adopt a code of conduct for learners. The *Guidelines* (RSA DoE, 1998: s.1.9) further state that the code of conduct must include moral values, rules, and principles that the school community must uphold. The *Guidelines* further state that a code of conduct must be positive-discipline orientated and not punishment-based (RSA DoE, 1998: s.1.4), and that its measures should be diligent, fair, just, corrective, consistent, and educative (RSA DoE, 1998: s.7.2).

Having established the South African education policy framework as it pertains to discipline, in the next section I conduct a policy reading of the participating school's code of conduct to consider if it is aligned with the policy expectations present in the SA education policy framework. My policy reading is informed by Samuel (2017) to determine the strengths and shortcomings of School AB's code of conduct in terms of education policy expectations, as well as the literature reviewed in Chapter 2. I begin by discussing how policy analysis is conceptualised before conducting a policy reading of School AB's code of conduct.

3.5. Policy analysis

Dunn (1981: 35, cited in Fischer & Miller, 2017: par.1) defines policy analysis as “an applied social science discipline which uses multiple methods of inquiry and arguments to produce and transform policy-relevant information that may be utilized in political settings to resolve policy problems”. Policy analysts usually begin their process of analysing a policy by articulating openly the kind of approach or theoretical frameworks that direct how they will read the education policy (Samuels, 2017: 9). Some may prefer a more child-centred pedagogical approach (learning psychological analysis), while others might adopt a strongly historical-political analysis of the policy (a sociological analysis). Others stress an interpretation of the policy constructs, and conceptions of the roles and identities of teachers (teaching identity analysis) (Samuels, 2017: 9). However, it is argued that once a text is created, it is open to be interpreted in various ways (Samuels, 2017: 9). Nudzor (2009: 89) endorses this view by affirming that policy statements are influenced by multiple interpretations, depending upon the stance and intentions of the people doing the interpretive work. Texts only have a potential for meaning, and it is the reader or analyst who has the responsibility to state what approach he or she is using when analysing a policy (Samuels, 2017: 9). Thus, it is possible to have multiple readings of the same policy, where individuals choose to engage with the intended and unintended consequences of the propositions outlined by the authors of the policy (Samuels, 2017: 9).

In this study, I determine whether School AB’s code of conduct for learners aligns with the policy expectations in the current education policy framework (cf. 3.1) as it pertains to discipline. Before turning my attention to Samuel’s approach to reading a policy, I provide a brief discussion of the difference between analysis for policy and analysis of policy (Todd, 1988: 23). I elaborate more on the latter as this is what I have done in reading the participating school’s code of conduct for learners. Analysis for policy may be classified into two distinguishable forms: (a) policy advocacy, which intends to make explicit policy recommendations; and (b) information for policy in which the researcher’s role is to offer policy-makers with information and data to help them in the amendment or formulation of authentic policies (Todd, 1988: 23). Analysis of policy could also take two different forms. Firstly, analysis of policy could involve the analysis of policy determination and effects,

which assesses the inputs and transformational processes through the construction of public policy and also the impact of such policies on various groups. Secondly, this approach to policy analysis could also concern an analysis of policy content, which assesses the principles, expectations, and theories or opinions supporting the policy process (Todd, 1988: 23). Based on these brief descriptions of the difference between analysis for policy and analysis of policy, in this study, I have conducted a content analysis of School AB's code of conduct for learners to determine how it aligns with the South African policy framework as it pertains to school discipline. In doing this, I have considered the principles of restorative justice and Ubuntu as discussed in Chapter 2. This has enabled me to determine how discipline is framed within the participating school's code of conduct for learners, as well as measure whether School AB's code of conduct for learners incorporates (infuses) the principles of restorative justice.

3.5.1. Content analysis

Content analysis is defined by Krippendorff (2013: 24) as “a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use”. Furthermore, it is argued that content analysis examines the social realities by processing data not as physical events but as communications that are generated and distributed to be seen, read, interpreted, enacted, and reflected upon according to the meanings they have for their recipients (Krippendorff, 2018: xii). Content analysis does not only take meanings seriously, as stated above, but it has the advantage of being unobtrusive (Krippendorff, 2018: xii). This implies that it does not affect the sources or recipients of what is being analysed. In the reading of diverse texts, reading is done with particular intents that are informative to particular problems (Krippendorff, 2018: 29). Each content analysis demands a context within which the available texts are explored. Krippendorff (2018: 29) highlights that “the analyst must construct a world in which the texts make sense and can answer the analyst's research questions”. For the sake of this study, I employed Samuel's (2017) approach to reading a policy and to conduct a content analysis. I did this specifically to determine whether School AB's code of conduct aligns with the policy expectations present in the current education policy

framework, and secondly, if principles of restorative justice and Ubuntu are infused in School AB's code of conduct for learners. This was done to explore how discipline was framed within School AB's code of conduct for learners.

3.5.1.1 A contextual and textual reading of the participating school's code of conduct

In this section, as indicated in (cf. 3.5.1) I analyse School AB's code of conduct for learners using Samuel's (2017) approach to reading a policy as a form of content analysis. In the case of my study, reading a policy entails analysing School AB's code of conduct for learners. My reading of the participating school's code of conduct has specifically entailed considering if the disciplinary measures provided therein align with the expectations of the South African education policy framework (cf. 3.4.), as well as the principles of restorative justice and Ubuntu (cf. Chapter 2). This approach has assisted me to explore how discipline is framed within School AB's code of conduct for learners.

3.5.1.1.1. Policy focus

The code of conduct for learners is a policy that informs learners of the school of the expected behaviour, values and principles (the rights of learners), the learners' relation to the teachers and their fellows, responsibilities of the parents, penalties, and corrective measures (School AB, 2011: ss.1-12). The goals of the code of conduct of School AB for learners are stated as follows (School AB, 2011: PREAMBLE):

This Code of Conduct shall:

- (a) contain a set of moral values, norms, and principles which the school community must uphold;
- (b) lead towards a culture of reconciliation, teaching, learning, and mutual respect, and the establishment of a culture of tolerance and peace in our school.

Section 1.4 of the *Guidelines* (RSA DoE, 1998) states that "the main focus of the Code of Conduct must be positive discipline; not be punitive and punishment oriented but facilitate constructive learning". This is supported by section 4.2 of the participating school's code of conduct for learners, which concurs that "the disciplinary process must be fair, just, corrective, consistence, and educative". Notwithstanding the section, the actual measures suggested in School AB's code of conduct for learners seem to be punitive

rather than restorative. Such punitive measures include detention, extra work, demerits, suspension, verbal warning, and behavioural contracts (School AB, 2011: ss.8-10). The aforementioned measures are considered as a retroactive disciplinary response that is backward-looking, by punishing offenders on what they did, without considering what they might do in the future or why they did it (Brooks, 2012: 16). Rocque and Snellings (2017: 4) similarly argue that punitive measures in the form of office referrals, suspensions, and expulsions, and as present in the code of conduct for learners, are believed to worsen learners' academic performance and increase disciplinary cases.

In section 1 of the code of conduct of School AB, it is stated that the constitutional values inform the learners' rights. However, there are no personalized school values or responsibilities articulated in the code of conduct for learners, which is problematic. The *Manifesto* (RSA DoE, 2001: s.1) establishes the following values that should be implemented in schools: democracy, social justice and equity, equality, non-racialism, non-sexism, Ubuntu (communalism), an open society, accountability, rule of law, respect, and reconciliation. For instance, the right democracy entitles the school to protect, promote and fulfil the rights of every learner as encapsulated in the Bill of Rights (cf. School AB, 2011: s.1.1). Secondly, the right to privacy, respect, and dignity denotes a mutual respect, including respect for learners' privacy, dignity, convictions, and cultural traditions (cf. School AB, 2011: s.1.3). Ubuntu and accountability are among the values expressed in the *Manifesto* that are not reflected in the participating school's code of conduct for learners. As pointed out earlier, both these values are important principles that inform restorative justice and restorative approaches (cf. 3.4.6). Arguably the focus of School AB's code of conduct for learners does not express values that inform restorative justice and Ubuntu, since the author(s) of this document only extracted the policy goals and lead for the learners' rights from the *Guidelines* as they are provided. Thus, learners' rights and values are described under the same umbrella term, which is problematic.

3.5.1.1.2. Policy textual propositions

The code of conduct for learners outlines behavioural standards that must be observed by learners within the school environment (School AB, 2011: s. 4.1). This is in alignment

with section 8(2) of SASA (1996b), which states that the code of conduct should be intended to create a disciplined and meaningful school environment dedicated to improving and maintaining quality teaching and learning. Section 1.4 of the *Guidelines* (RSA DoE, 1998) concurs with SASA (RSA DoE, 1996b: s.8(2)) as it stipulates that “the code of conduct must inform learners of how they should conduct themselves at school”. Furthermore, measures that have to be taken to address different levels of learner misconduct are also provided. The policy categorises learner misconduct according to their different levels (Levels 1 to 5). Each level of misconduct is furthermore associated with a relative disciplinary action, and the stakeholders who are to address the misconduct are also identified. Section 1.10 of the *Guidelines* (RSA DoE, 1998) indicates that the code of conduct should define and advance the roles and responsibilities of different stakeholders to create a positive learning environment in school.

Firstly, in section 8 of the code of conduct of School AB (2011), Level 1 types of misconduct are described as a minor violation of general classroom discipline. Examples of this type of behaviour include failing to attend class on time, leaving class without permission, and failing to complete homework (School AB, 2011: s.8). The suggested disciplinary actions to be performed by the class teacher include verbal warnings, demerits, detention, small menial tasks, and extra work (School AB, 2011: s.8). The aforementioned measures are all punitive. However, verbal warnings as disciplinary measure align with the South African education policy framework as reflected in the *Guidelines* (RSA DoE, 1998: s.10.1(a)).

Secondly, Level 2 types of misconduct are considered as minor violations of school codes or rules (School AB, 2011: s.9). Examples of this type of behaviour include continuous Level 1 misconduct where disciplinary action by the class teacher is considered ineffective. This type of misconduct entails possession or use of tobacco, repeated truancy, cheating during examinations, using abusive or profane language, verbally threatening the safety of another person, and discriminatory behaviour (School AB, 2011: s.9). Suggestions on disciplinary actions that can be performed by the School Management Team (SMT), e.g. head of department, are as follows: any Level 1 disciplinary actions, engagement with the parent/guardian, written warnings, behavioural

contracts, detention, and duties that contribute to the improvement of the school environment (e.g. gardening or administrative tasks) (School AB, 2011: s.9). Behavioural contracts (whereby a learner promises to improve) can be linked with a restorative conference where affected stakeholders (learner, teacher, principal, and others) agree to a contract together with the help of a trained facilitator (cf. 2.3). However, School AB does not highlight that all stakeholders should undertake an agreement as it only emphasizes the learner's promise to improve their behaviour. This approach can thus be argued to be not aligned with restorative justice practices, because restorative justice looks at both parties to ensure that the offended (victim) is healed, and that the offender is accountable for causing harm and is also healed from the harms that contributed to offending behaviour. This makes it easier for the offender to be accepted back into the community (cf. 2.3). Disciplinary discussions with the learner, as highlighted under Level 2 in the code of conduct, could potentially entail small unplanned meetings, emotional statements and questions, or restorative corners, which are all considered restorative practices (cf. 2.3). However, the code of conduct of School AB does not explicitly state how such disciplinary discussions should be conducted. Another disciplinary measure that could be related to restorative justice under Level 2 is engaging with a learner's parent or guardian, which is classified as formal meetings in terms of the school's code of conduct (cf. 2.3). Furthermore, duties that contribute to the improvement of the school environment (e.g. gardening, administrative tasks) are also reflected in section (10.1 (b)) of the *Guidelines* (RSA DoE, 1998), which indicates that it aligns with South African policy framework. The aforementioned disciplinary measure also aligns with the principle of accountability in restorative justice, where learners are encouraged to take responsibility for their actions (cf. 2.3).

Thirdly, Level 3 types of misconduct are considered as serious violations of school codes or rules (School AB, 2011: s.10). Examples of this type of behaviour are frequent repetition of Level 2 misconduct, where disciplinary action by the class teacher is considered ineffective, minor injury to another, possession or use of alcohol, severely disruptive behaviour, possession of a dangerous weapon, possession or use of a narcotic substance or being under the influence of such substance, theft, and vandalism (School AB, 2011: s.10). Disciplinary actions accorded to this level of misconduct can be

performed by a higher school authority or referred to an outside agency for counselling (School AB, 2011: s.10). Level 3 disciplinary actions include referral to psychologist/counsellor/clinic/community or social worker, suspension from some school-related activities (sports or extra-mural activities), and written final warning that out-of-school suspension may be implemented (School AB, 2011: s.10). A referral to psychologist/counsellor/clinic/community or social worker aligns with the South African education policy framework. *NEPA* posits that “the Minister may determine national policy for education support services, including health, welfare, career, and vocational development, counselling and guidance for education institutions, within the functional responsibility of a department of education” (RSA DoE, 1996a: s.3(4o)). This is also advocated by section 8(5b) of *SASA* (1996b), which stipulates that the code of conduct must provide for support measures or structures for counselling a learner involved in disciplinary proceedings. The above measure of including counselling or a social worker aligns with restorative justice and Ubuntu. Arguably, this is because a counselling process finds the root cause of the problem, which is foundational to restoring both the offender and the offended (victim). Hence, it is argued that the application of restorative and reconciliatory practices to identify the root cause would shame the act and not the person, and thus maintain the character of humanness (Gravielides & Loseby, 2014: 28). Moreover, sections 6 and 10 of School AB’s code of conduct for learners depict suspension in alignment with the South African education policy framework, namely section 12 of the *Guidelines* (RSA DoE, 1998) and *SASA* (RSA DoE, 1996b). Section 9(1) of *SASA* (RSA DoE, 1996b) states that “the governing body may, on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of serious misconduct from attending school, but may only enforce such suspension after the learner has been granted a reasonable opportunity to make representations to it in relation to such suspension”. However, Mendez (2003: 25, as cited in Goggins, 2015: 27) has found that the frequent implementation of suspension as a deterrent does not curb ill-discipline or contribute a positive academic effect. Mendez (2003: 25 as cited in Goggins, 2015: 7) also argues that schools do not offer enough social, academic, and emotional support for suspended learners, which may deter their future success. For those who are not

interested in school, suspension may be perceived as a reward to detach from the school environment (cf. 2.2.3).

Fourthly, Level 4 misconduct is considered a very serious violation of the school codes or rules (School AB, 2011: s.11). Some examples of this type of behaviour are frequent repetition of Level 3 misconduct, where disciplinary action is considered ineffective, threatening behaviour with a dangerous weapon, intentionally causing physical injury to another person, selling narcotic substances (first offence), limited sexual abuse and extortion of another person's property (School AB, 2011: s.11). Suggested approaches/disciplinary actions related to this level should be performed by a School Management Team (SMT) (a principal or school governing body) in conjunction with the Provincial Education Department, or may be referred to a relevant outside agency, or applicable department for limited suspension from all school activities (School AB, 2011: s.11). Level 5 misconduct is described as a criminal matter that violates the school codes or rules, but also civil law (School AB, 2011: s. 12). Some examples of this type of behaviour are repetition of Level 4 misconduct, assault, sexual harassment, sexual abuse, rape, robbery, major theft, intentionally using a dangerous weapon, and murder (School AB, 2011: s.12). Some suggestions for disciplinary action to be performed by a School Management Team (SMT), together with the SGB and the Department of Basic Education, include submitting an application to the Department of Basic Education for expulsion or transfer of the learner from the school after a tribunal hearing (School AB, 2011: s.12). In this section, I address behavioural standards that have to be observed by learners and the levels of misconduct as they appear in School AB's code of conduct for learners, as well as their complementary disciplinary actions/approaches. Following this discussion, I consider addressing School AB's code of conduct for learners as a regulatory policy.

3.5.1.1.3. Policy type

School AB's code of conduct for learners is a regulatory policy that exclusively outlines the rights of learners. According to Samuels (2017: 7), a regulatory policy states the rights and responsibilities of various stakeholders involved in an institution intended to achieve a specific action. In terms of this study, it outlines the rules and laws that regulate

teachers' and learners' conduct to create conducive learning environments (cf. 3.2). The rights that are included, and that learners are privy to, are democracy, non-discrimination and equality, privacy, respect and dignity, non-violence and the freedom and security of person, safe and conducive school environment, and education (School AB, 2011: s.1.1-s.1.6). These rights align with the policy expectations as well as the values of restorative justice and Ubuntu. Firstly, concerning the policy expectations, all of the rights are reflected in section 4 of the *Guidelines* (RSA DoE, 1998). Rights such as equality, respect and dignity, and non-violence likewise align with the values of restorative justice and Ubuntu. From a constitutional perspective, Ubuntu is founded on the value of human dignity (RSA DoE, 2001: 13). The values of Ubuntu and human dignity embody the practices of compassion, kindness, altruism, and respect, which are at the very core of making schools places where the culture of teaching and learning thrive, instead of conflict and pain centres (RSA DoE, 2001: 13). It is suggested that the principles and values of restorative justice and Ubuntu include respect, restoration of relationships, remorse, apology, forgiveness, reconciliation, mercy, companionship, reciprocity, dignity, harmony, and humanity in the interest of building and maintaining community justice and mutual caring (Morrison & Vaandering, 2012: 140; Parimah *et al.*, 2018: 423).

It should be noted that learners' responsibilities are not clearly stated in the code of conduct for learners of School AB. This is evident in Section 2 of the code of conduct for learners. This section is titled "Relationships", although the content addresses the responsibilities of the learners in terms of expected behaviour. For example, it is stated that "every learner should wear full school uniform, be punctual and behave in an acceptable manner" (School AB, 2011: s.2.1.5). These responsibilities align with the policy expectations as encapsulated in section 5 of the *Guidelines* (RSA DoE, 1998). Additionally, the consequences for not meeting these responsibilities are punitive. For instance, section 5.1(e) of the *Guidelines* (RSA DoE, 1998) states that "the consequence for breaking the rules should also be included. The punishment must fit the offence and graded to make provision for repeated offences". There are only two of the responsibilities under "Relationships" in the code of conduct for learners that can be attributed to restorative justice and Ubuntu. It is indicated in section 2.1.6 that "every learner should respect other school workers and visitors to the school" (School AB, 2011). In section

2.1.5 of School AB's code of conduct for learners (2011) it is also asserted that "every learner should wear full school uniform, be punctual and behave in an acceptable manner at all times". This is arguably in line with the principle of Ubuntu that recommends us to respect and treat others with compassion, and relate to them in a sincere manner (Elechi, Morris & Schauer, 2010: 75).

School AB's code of conduct for learners furthermore makes provision for the rights and responsibilities of parents. For example, it is stated in section 3.1 of the code of conduct (School AB, 2011) that "the ultimate responsibility of learners' behaviour rests with parents/guardians". Furthermore, section 3.2 stipulates that parents have the right to press charges against any teacher, learner, or person who illegally violates their children's constitutional rights. The rights of the teachers are not stated, but their responsibilities are articulated in sections 2.2.2, 4.3, and 4.4 of the code of conduct for learners. The aforementioned sections of the code of conduct for learners emphasize that the teachers' responsibility is to maintain and correct the behaviour of learners at all times at the school through the use of reasonable measures, and that serious misconduct may be referred to the principal. This responsibility is aligned with the SA education policy expectations. For instance, sections 4.4 and 8.2 of the *Guidelines* (RSA DoE, 1998) prohibit corporal punishment and all forms of violence, which are outlawed by the *Constitution* (RSA, 1996), *NEPA* (RSA DoE, 1996a), and *SASA* (RSA DoE, 1996b). However, the *Guidelines* (RSA DoE, 1998: s.4.4.1) propose that "educators and learners have to learn the importance of mediation and co-operation, to seek and negotiate non-violent solutions to conflict and differences and to make use of due process of law" (RSA, 1998: s.4.4.1). Although it is indicated in the *Guidelines* (RSA DoE, 1998) that non-violent solutions and mediated and co-operative approaches should inform disciplinary procedures, these restorative justice principles are not incorporated in School AB's code of conduct for learners. This is evident from suggested disciplinary actions in sections 10-12 (cf. 3.5.1.1.2). The inclusion of counselling or a social worker is the only measure that aligns with restorative justice and Ubuntu in sections 10-12 of the code, because a counselling process arguably strives to find the root cause of the problem, and seeks to restore both the offender and the offended (victim) (cf. 3.5.1.1.2).

In conclusion, this discussion has covered stakeholders' (learners, teachers, and parents) rights and responsibilities as reflected in School AB's code of conduct for learners, and whether they align with the policy expectations as well as principles of restorative justice and Ubuntu. It could be deduced that learners' rights and responsibilities align with the policy expectations as well as principles of restorative justice and Ubuntu. Parents' right and teachers' responsibilities are also addressed. However, teachers' rights are not articulated in School AB's code of conduct for learners. In the next section, I consider the policy goals of School AB's code of conduct for learners.

3.5.1.1.4. Policy goals

Policy goals entail the suggested intentions that the introduction of the legislation sets out to achieve (Samuels, 2017: 11). School AB's code of conduct for learners sets out the disciplinary measures (cf. 3.6.1.2) that can be employed by teachers and other stakeholders to curb learner misconduct to create a conducive teaching and learning environment. Section 4.1 of School AB's code of conduct (2011) emphasizes that "discipline must be maintained in the school and the classrooms". This goal is aligned with *SASA* (RSA DoE, 1996b: s.8 (2)), which advocates that "a code of conduct must be aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process". Similarly, the *Guidelines* (RSA DoE, 1998: s.1.4) point out that a code of conduct must inform the learners on how they ought to behave at school. Thus, section 2 of School AB's code of conduct for learners makes provision for the learners' responsibilities, learners' conduct towards teachers, and learners' conduct towards their peers. This section is aligned with the *Guidelines* (RSA DoE, 1998: s.1.6), which assert that "the purpose of the code of conduct is to promote positive discipline, self-discipline and exemplary conduct, as learners learn by observation and experience". In a similar vein, Boezaart (2009: 508) claims that the purpose of a school's code of conduct should be to "provide learners with opportunities to develop self-control, self-discipline and accept responsibility for their behaviour". It can be deduced from the above discussion that School AB's goals are aligned with the policy expectations as well as the principles of restorative justice and Ubuntu. Responsibility and self-discipline seem to be the key characteristics from this

section, hence it is argued that restorative justice is not a “no-blame” approach to ill-discipline but preferably a “full-accountability” approach (Reyneke, 2011: 141).

3.5.1.1.5. Policy borrowing

According to Samuels (2017: 10), policy borrowing refers to the inspiration that influences the policymakers, and the sources from which policymakers draw their choices and preferences for best practices. By implication, policy borrowing focuses on where the policy draws its inspiration. In section 3.4 above, I described the education policy framework in South Africa as it pertains to school discipline. In this regard, I considered the *Constitution of the Republic of South Africa* (RSA, 1996), *National Education Policy Act* (RSA DoE, 1996a), *South African Schools Act* (RSA DoE, 1996b), *Guidelines for the Consideration of Governing Bodies in Adopting a Code for Conduct for Learners* (RSA DoE, 1998), *White Paper on Education* (RSA DoE, 1995), and *Manifesto on Values, Education, and Democracy* (RSA DoE, 2001). Apart from the *Constitution*, the documents I have considered are designed to develop the teaching profession, meet the needs of a democratic South Africa, and to equip teachers to undertake their tasks and protect learners’ rights.

School AB’s code of conduct for learners draws its inspiration from the *Constitution of the Republic of South Africa* (RSA DoE, 1996), *South African Schools Act* (RSA DoE, 1996b), *Guidelines for the Consideration of Governing Bodies in Adopting a Code for Conduct for Learners* (RSA DoE, 1998), and *Free State Provincial Schools Education Act* (RSA DoE, 1996). For example, it is stated in School AB’s code of conduct (2011: PREAMBLE) that “the code of conduct of School AB is subject to the *Constitution of the Republic of South Africa* No.108 of 1996, the S.A Schools Act 84 of 1996, and *Free State Provincial Schools Education Act* No.1 of 1996”. Section 3.1 of the *Guidelines* emphasizes the above, which is also reflected in School AB’s code for learners. In the *Guidelines* it is stated that:

... the Code of Conduct must be subject to the Constitution of the Republic of South Africa, 1996, the South African Schools Act, 1996 and provincial legislation. It must reflect the constitutional democracy, human rights and transparent communication which underpin the South African society (RSA DoE, 1998: s.1.3).

School AB's code of conduct draws on a number of documents as discussed (cf. 3.4) as a means to provide teachers with disciplinary procedures and practices to enforce the measures to create a conducive learning environment, as well as to protect the rights of learners. The *White Paper on Education* (RSA DoE, 1995: Chapter 4, s.8) also states that "there must be purposeful strategies for ensuring that the system protects the rights of teachers and students to equitable treatment".

From the above, it is clear that School AB's code of learners is aligned with the policy expectations by drawing its inspiration from the South African education policy documents. However, restorative measures are not fully incorporated. As has been argued, School AB's code of conduct for learners is subject only to the South African education policy documents; it does not make references to restorative measures.

Throughout this section, I have addressed the policy documents from where School AB's code of conduct for learners draws its inspiration. In the next section, I focus on how School AB's code of conduct for learners responds to the right of human dignity.

3.5.1.1.6. Policy discourse context

Samuels (2017: 8) defines policy discourse analysis as "a complex form of analysis which asks questions about the relationship between elements contained in the text, and how the text is responding to the specific context (surrounding environment or prevailing conditions) which this policy aims to address, challenge, alter and rethink". The pivotal point here is exploring the relationship between the text and the context. For example, a question that could be asked is how the text (policy) responds to its context. The discourse context that informs School AB's code of conduct for learners is the discourse of human rights as found in the *Constitution*. Arguably, section 1 of School AB'S code of conduct for learners presents learners' rights, which emanate from the *Constitution* (RSA, 1996) and the *Guidelines* (RSA DoE, 1998). For example, the right of dignity, which is the basis of abolishing corporal punishment, also informs the manner in which discipline is approached within the code of conduct for learners (School AB, 2011: ss.1.3 and 1.4). South Africa abolished school corporal punishment under the *Constitution* (RSA, 1996) which was adopted after the first democratic elections held in 1994 (cf. 2.2.1). This was done to bring disciplinary practices in school in alignment with the foregrounding of human

rights in the *Constitution* and other policies that emanated from it (cf. 2.2.1). Thus, the *Constitution* declares “everyone has the right to the security of the person — not to be treated or punished in a cruel, inhuman or degrading way” (RSA, 1996: s.12 (e)). This is affirmed by the parliamentary acts, namely the *National Education Policy Act (NEPA)* (1996a) and the *South African Schools Act (SASA)* (1996b). Section 3(4n) of *NEPA* states that the Minister may determine national policy for “control and discipline of learners at education institutions: Provided that no person shall administer corporal punishment, or subject a student to psychological or physical abuse at any education institution” (RSA DoE, 1996a). *SASA* likewise states that “no person may administer corporal punishment to a school learner” (RSA DoE, 1996b: 10 (1)).

Sections 4.4 and 8.2 of the *Guidelines* (RSA DoE, 1998) prohibit corporal punishment and all forms of violence that are outlawed by the *Constitution* (RSA, 1996), *NEPA* (RSA DoE, 1996a), and *SASA* (RSA DoE, 1996b). In line with this, section 4.1 of School AB’s code of conduct (2011) states that “every learner has the right not to be treated or punished in a cruel, inhuman or degrading manner. Corporal punishment shall not be used”. This section from School AB’s code of conduct for learners thus draws on human rights discourse and is furthermore aligned with the principles of Ubuntu and restorative justice, as it emphasizes three key qualities: non-violence, freedom, and security of all learners (School AB, 2011: s.1.4). The above qualities are crucial, as it is believed that restorative justice aims to restore broken relations within the community through the enactment of peaceful measures to the harm inflicted during crimes and infringement of human rights (Shapland, Robinson & Sorsby, 2012: 5).

3.5.1.1.7. Policy consultation

With all legislation, certain stakeholders are involved in the policymaking process prior to its enactment. Section 8(3) of *NEPA* (RSA DoE, 1996a) states that “the Minister may, after consultation with the Council of Education Ministers, determine guidelines for the consideration of governing bodies in adopting a code of conduct for learners”. The above section is advocated by section 8(1) of *SASA* (RSA DoE, 1996b), which ascertains that “subject to any provincial law, a governing body of a public school must adopt a code of conduct for the learners after consultation with the learners, parents and educators of the

school". The *Guidelines* also maintain that "each school must develop its own Code of Conduct as a document and, before adopting it, the governing body must involve the parents, learners, educators, and non-educators at the school" (RSA DoE, 1998: s.1.5). Deducing from the above policy statements, it is clear that before adopting the code, learners, teachers, parents and non-educators at the school should be consulted. However, School AB's code of conduct for learners does not reflect such a policy consultation process as it does not contain a section stating that the stakeholders were consulted before the adoption of the code. This implies that School AB's code of conduct for learners does not align with the policy expectations in this regard.

3.5.1.1.8. Policy beneficiaries

As previously stated, School AB's code of conduct for learners outlines behavioural standards that have to be observed by learners (cf. 3.5.1.1.2), and the disciplinary measures that can be employed by teachers and other stakeholders to curb learner misconduct. The behavioural standards are aimed at creating a conducive teaching and learning environment (cf.3.5.1.1.4). Therefore, it can be argued that the direct beneficiaries are teachers, who are provided with various disciplinary measures to curb learner misconduct. Furthermore, there are also referral methods to assist teachers with cases that are beyond their control (cf. 3.5.1.1.2). It is also evident from the policy reading that learners are protected as per the manner in which their rights are addressed in the code of conduct for learners (cf. 3.5.1.1.3). Lastly, it can be argued that parents and guardians of learners are also beneficiaries of School AB's code of conduct for learners, since it is stipulated that "parents have the right to take legal action against any educator, learner or any person who unlawfully violates the constitutional rights of their children" (School AB, 2011: s.3.2).

3.5.1.1.9. Policy implementation

The success of the implementation of the code depends on the stakeholders' compliance with their responsibilities as per by the South African education policy framework. Firstly, section 8(1) of *SASA* (RSA DoE, 1996b) entitles all public schools to adopt a code of conduct. The above section is supported by section 3.3 of the *Guidelines* (1998), which asserts that section 8(1) of *SASA* delegates a school governing body to keep discipline

at a school. It is clear from these documents that the first stakeholder to ensure the implementation of School AB's code of conduct for learners is the school governing body. Considering School AB's code of conduct's cover page, the date of adoption and signature by the school governing body's chairperson are indicated. This shows that School AB's code of conduct for learners aligns with the abovementioned stipulations made by SASA (RSA DoE, 1996b) and the *Guidelines* (RSA DoE, 1996).

Secondly, educators are another group of stakeholders to ensure the successful implementation of the code. This is in accordance with section 3.8 of the *Guidelines* (RSA DoE, 1998), which asserts that "an educator at the school shall have the same rights as a parent to control and discipline the learner according to the Code of Conduct during the time the learner is in attendance at the school, any classroom, school function, or school excursion or school related activities". As previously stated (cf. 3.5.1.1.3), sections 2.2.2, 4.3 and 4.4 of School AB's code of conduct for learners emphasize that teachers' responsibility is to maintain and correct the behaviour of learners at all times at the school through the use of reasonable measures, and that serious misconduct may be referred to the principal. It is also believed that the aim of the *Guidelines* is to recognise the authority of educators to supervise learner behaviour to keep a safe and orderly learning environment (De Wet & Russo, 2009: 1). Thirdly, the principal plays a key role in ensuring that the code is implemented, as serious cases may be referred to him. Thus, section of the *Guidelines* (RSA DoE, 1998) states that "educators as disciplinarians must resolve disciplinary problems which are not serious enough to be referred to the principal". Fourthly, learners are also expected to participate in the implementation of the code by adhering to the expectations. Thus, School AB's code of conduct (2011: PREAMBLE) concurs with the *Guidelines* (RSA DoE, 1998: s.3.6) that "nothing shall exempt a learner from complying with the Code of Conduct of the school". Therefore, in terms of policy implementation, School AB's code of conduct for learners aligns with the policy expectations. In the next chapter, I focus on the implementation of the school's code of conduct to explore the actual state of implementation.

3.5.1.1.10. Policy currency

Samuels (2017: 15) argues that “policy is never a neutral terrain. It is likely to be interpreted and reinterpreted differently by different users”. To effectively implement School AB’s code of conduct for learners, it is very important to allow all the affected stakeholders to give their input on the document and know what will be required of them to implement the code, before its adoption by the school governing body. This is encapsulated in section 1.5 of the *Guidelines* (RSA DoE, 1998), which state that “... the governing body must involve the parents, learners, educators, and non-educators at that school. After the adoption of the code of conduct, each stakeholder must receive a copy thereof”. In order to develop ownership of School AB’s code, learners and teachers should be involved in the development of the school values, learners’ rights, and disciplinary measures enforced to instil discipline and create a conducive learning environment. However, in reading School AB’s code of conduct for learners, none of the above is reflected. This arguably shows that School AB’s code of conduct does not align with the policy expectations. I further explore this specific issue in the next chapter when I discuss the interviews with the teachers and learners on their understanding of discipline and how this understanding is enacted.

3.6. Summary

In the previous section, I explored how discipline is framed within School AB’s code of conduct for learners by determining whether it aligns with the South African education framework, as well as the principles of restorative justice and Ubuntu. In the next chapter I further comment on how principles of restorative justice and Ubuntu manifest in the implementation of School AB’s code of conduct for learners. In concluding this chapter, I highlight key points in terms of whether School AB’s code of conduct for learners aligns with the South African education policy framework as well as principles of restorative justice and Ubuntu.

In general, it can be stated that the policy focus of School AB’s code of conduct for learners is punitive in nature (cf. 3.5.1.1.1), although reconciliation, respect, peace, and tolerance are mentioned as the approaches that the code of conduct endeavours to adopt (cf. 3.5.1.1.1). Neither the *Guidelines* (1998) nor School AB’s (2011) code of conduct for

learners provide clear insight into how the principles of reconciliation, respect, peace, and tolerance should be practised in a restorative manner. On the one hand, specific examples are provided in School AB's code of conduct of what is considered acceptable forms of punishment. Such examples of punitive measures include detention, extra work, demerits, suspension, verbal warnings, and behavioural contracts (School AB, 2011: ss.8-10). On the other hand, there are measures that align with restorative justice and Ubuntu, including referral to the psychologist/counsellor/clinic/community or social worker (School AB, 2011: s.10).

Learner rights that align with the principles of restorative justice and Ubuntu, such as equality, respect and dignity, and non-violence are included in School AB's code of conduct for learners (2011: s.1). McCluskey and Lephalala (2010: 22) proclaim that Ubuntu appreciates the importance of opinions of every individual in a school setting that can contribute to promoting harmony. Such harmony is furthermore understood to be both a right and responsibility of every citizen in promoting individual and social well-being. Learners' responsibilities are enforced and align with the policy expectations as they are encapsulated in section 5 of the *Guidelines* (RSA DoE, 1998). In contrast to this, it can be argued that sections 2.1.5 and 2.1.6 of School AB's code of conduct align with the principle of Ubuntu (cf. 3.5.1.1.3) although only two of the learners' responsibilities are directly in line with the principle of Ubuntu and restorative justice (cf. 3.6.1.3). These responsibilities include section 2.1.6 of School AB's code of conduct for learners, where learners are encouraged to respect the employees at the school and visitors to the school, and section 2.1.5 where it is indicated that learners are expected to behave in an acceptable manner at all times.

The code of conduct for learners furthermore makes provision for the rights and responsibilities of parents. The code states that the ultimate responsibility of learners' behaviour rests with their parents/guardians (School AB, 2011: s.3.1). Section 3.2 of School AB's code of conduct for learners entitles the parents to press charges against any teacher, learner or person who illegally violates their child's rights. The rights of teachers are not articulated but their responsibilities are indicated in sections 2.2.2, 4.3

and 4.4 of School AB's code of conduct for learners. These rights and responsibilities align with the South African education policy framework expectations (cf. 3.5.1.1.3).

Although it is indicated in the *Guidelines* (RSA DoE, 1998) that non-violent solutions and mediated and co-operative approaches should inform disciplinary procedures, these restorative principles are not incorporated in the code of conduct for learners. This is evident from suggested disciplinary actions in sections 10-12 of School AB's code of conduct for learners. However, the policy goals of the learners' code of conduct are aligned with the policy expectations as well as the principles of restorative justice and Ubuntu (cf. 3.5.1.1.4). This is evident, for example, in section 2 of School AB's code of conduct for learners, which makes provision for learners' responsibilities, and learners' conduct towards teachers and their peers.

In general, it can be concluded that School AB's code of conduct for learners draws its inspiration from several documents, including the *Constitution of the Republic of South Africa* of 1996, the *South African Schools Act 84* of 1996, and *Free State Provincial Schools Education Act 1* of 1996 (School AB, 2011: PREAMBLE). This is indicative that School AB's code for learners of conduct was informed by and is in most instances aligned with the policy expectations. However, it was found by means of the policy reading that restorative measures do not always inform School AB's code of conduct for learners. In the next chapter, I establish how teachers and learners of School AB's code of conduct for learners understand the school's code of conduct concerning discipline and how this understanding is enacted.

Chapter 4: Data Analysis and Discussion

4.1. Introduction

In the previous chapter, I have explored how discipline is framed within School AB's code of conduct for learners against the policy expectations as based on selected policy documents. This chapter aims to establish how teachers and learners of the participating school understand the code of conduct for learners concerning discipline and how this understanding is enacted (cf. 1.2, bullet 4). In what follows, the research methodology (cf. 4.2) is only briefly discussed as it is already described in detail in Chapter 1 (cf. 1.6). I furthermore provide a brief description of the research design and methods that I have employed in the study, as well as the manner in which the data analysis has been conducted. A contextualisation of School AB and the research participants (cf. 4.4) are provided next, as well as the participant selection (cf. 4.5 & 1.6.3.). Before commencing with a discussion of the data analysis that was conducted, I report on the identification of themes and sub-themes (cf. 4.6) that were employed. It should be noted that my analysis of the generated data was informed by the literature review, the analysis of the South African education policy framework as it pertains to discipline, and the analysis of the participating school's code of conduct.

4.2. Research methodology

The research methodology that I explored to answer this chapter's question is qualitative in nature. This methodology creates data through exploring people's written and spoken words, and observable behaviour (Taylor *et al.*, 2014: 11). The research design for this study is an intrinsic case study, because it has enabled me to gather in-depth knowledge about School AB (cf. 1.6.1). In line with the research methodology and design, the research methods employed include a literature review (cf. 1.6.2.1) in which I have examined the perceived effects of punitive measures on learning, and determined the extent to which restorative justice has been applied in the South African school context, and its impact in terms of discipline (cf. 1.2, bullet 2). A second research method adopted is policy analysis (cf. 1.6.2.2). In Chapter 3, I determined the South African education

policy framework in terms of discipline as a means to explore the participating school's code of conduct for learners. In this chapter, a discussion and analysis is provided of the data generated through semi-structured interviews with participating teachers and learners at School AB (cf. 1.6.2.4). The use of interviews allowed me to establish how teachers and learners from School AB understand the school's code of conduct for learners and how this understanding is enacted. I also discuss the findings of the observation of participants (cf. 1.6.2.3) conducted at a training session on restorative justice with teachers, learners, and Learner Representative Council (RCL) members from School AB. In conducting the participant observation, the participants' body language, facial expression, and tone of voice were observed and recorded to assist with an in-depth data analysis. I combined the data generated from the semi-structured interviews and the participant observation in reporting on the data analysis under themes that were generated. It should be noted that I made use of different coloured fonts in quoting both the learner and teacher participants. The contributions of learner participants were highlighted through the use of a red colour font and the teachers' contributions were indicated through the use of a blue colour font.

4.3. Data analysis

Data analysis is believed to be the most complicated and confusing phase of qualitative research (Nieuwenhuis, 2007: 481). According to Male (2016: 178), data analysis enables the researcher to show good judgment of the data concerning the participants' position of the situation, noting patterns, themes, categories, and regularities. This argument is supported by Silverman (2016: 10) who maintains that "qualitative data analysis is when we try to explore and explain what is underlying or broader (in our data) or to distil the essence, meaning, norms, orders, patterns, rules, and structures (the level of concepts and themes)". Harding (2018: 178) posits that the process of data analysis starts when the researcher transcribes data or reads someone else's transcription of the researcher's data. This process is said to end when the researcher feels that he or she has extracted every theme, concept, similarity, and difference from the data that is useful to write about (Harding, 2018: 178). This understanding is also advocated by Nieuwenhuis (2007: 481) who asserts that analysis includes reducing and organizing the data, synthesizing, searching for significant patterns, and identifying valuable information. Yet, Castleberry

and Nolen (2018: 808) argue that oftentimes it becomes a challenge to reduce text and identify patterns. In this chapter, I employ a thematic approach (cf. 1.6.4) to data analysis. Castlebury and Nolen (2018: 808) concur with Maigure and Delahunt (2017: 3353) that thematic analysis is “a method or process of identifying, analysing and reporting patterns (themes) within data”. Concerning this study, I have developed themes from the data collected. I report on my analysis by combining my observations and interviews to discuss them under the different themes that were identified. The discussion of the data under the different themes is furthermore informed by the literature review and policy analysis that I conducted.

4.4. Contextualisation of School AB and the research participants

School AB is based in Rocklands, a township of Bloemfontein, and falls under the Mangaung Metropolitan Municipality. The school has 1 020 learners and 33 teachers. School AB falls within quintile level two. The quintile system is defined by Khumalo (2014: iii) as:

a redistributive strategy of resources that calls upon provincial education departments to categorise (rank) all public schools according to their level of economic and social disadvantage, with poverty levels, geographical area where the school is situated, literacy level of the local community around the school, and income levels as the major criteria.

Ogbonnaya and Awuah (2019: 1), who argue that the South African government has ranked public schools into five quintiles to allocate financial resources equitably, support this understanding of the quintile system. The categorisation of schools into different quintiles is measured according to the school’s socioeconomic status, which is dependent upon the average income, unemployment rates, and general literacy in the school’s geographical area (Ogbonnaya & Awuah, 2019: 1). Schools in quintile levels one to three are categorized to be located in the most economically disadvantaged areas, and as such receive more funding per learner from the government. Such schools are also considered to be non-fee-paying schools. In economic terms, Rocklands is predominantly composed of lower-income households with a minority of middle-income households. This is supported by the study conducted by Israel-Akinbo (2012: 6) on the economic impact of

air pollution in the townships of the Mangaung Metro Municipality, and particularly Phahameng and Rocklands. Deducing from the abovementioned study, where the employment status reflects the monthly income level of the people of Mangaung, it is argued that “there is still a large number of income earners in the no-income and low-income category (less than R3 000)” (Israel-Akinbo, 2012: 6). Therefore, most of the learners enrolled at School AB come from impoverished backgrounds.

Furthermore, Rocklands is characterised by a high crime rate associated with poverty. Mdhuli (2006: 11) asserts in a study conducted in Bloemfontein on community work-based workers and HIV/AIDS that “there are high levels of crime; exacerbated by poverty and unemployment. The prevalent crimes are theft and rape”. One would expect that this may have an impact on learners' behaviour (Reyneke, 2015: 58). One of the challenges that the learners are faced with is a lack of parental support. The surrounding community of School AB is also known as a hotspot of gangsterism, which negatively impacts on creating a conducive teaching and learning environment and culture of discipline. For example, the weekly newspaper, *Bloemfontein Courant*, has reported that gang-related violence in other schools in the Mangaung Metropolitan Municipality continues to be a major cause of concern that negatively impacts schooling in various ways (Michael, 25 August 2019). The classrooms are overcrowded with a ratio of 1:60 learners. This contributes to learner ill-discipline, as well as inadequate furniture (school desks and chairs), and a dearth of learning materials (textbooks). The School Governing Body (SGB) is composed of representatives from all stakeholders (learners, teachers, and parents). Many parents serving in this committee are illiterate, which is a shortcoming that arguably makes it difficult for policies to be implemented. This is something I have observed as a member of the SGB. Mestry (2018: 388) contends that several studies limited to school governance in South Africa indicate illiteracy among parents serving on SGBs, commonly in rural and township schools. Mestry (2018: 388) further indicates that such illiteracy results in the ineffectiveness of schools as it hinders parents from accessing relevant legislation related to school governance. Therefore, all of the aforementioned factors are intertwined, societal issues (unemployment rate, HIV/AIDS and crime) and school-based challenges (lack of resources, overcrowded classrooms, incompetence among some SGB members), which hampers learner discipline. Learners inherit habits from the

society/community which surrounds the school as well as the way the school operates determines learners' conduct. For instance, with the large classroom sizes, lack of textbooks, furniture and failure to implement the learners' code of conduct, the learner ill-discipline is bound to be of concern.

4.5. Participant selection

In the previous section, I discussed the context of School AB to enlighten the reader with the school background. I briefly review participant selection, which I discussed in detail in Chapter 1 (cf. 1.6.3). The participants in this study included five teachers and ten learners (cf. 1.6.3). Teachers who were invited to participate in the study were in general opposed to the use of corporal punishment and eager to implement the school's code of conduct for learners (cf. 1.6.3). The ten learners who participated were constituted by one learner from the class of each of the teacher participants, two learners from my (the researcher's) class, and three learners from other classes in which the teachers were not participating in the study (cf. 1.6.3). The participant selection was done in this particular manner for different views to be explored and to determine whether participants share the same experiences (cf. 1.6.3). Furthermore, a member of the school management team who is responsible for discipline was asked to participate, as the study might be beneficial for the school (cf. 1.6.3). If the implementation of restorative justice is successful, this member of the school management team may be in an influential position to bring about such change (cf. 1.6.3). Furthermore, participants were interviewed individually to allow them to express their views and experiences explicitly. In total, I conducted 15 semi-structured interviews (cf. 4.2), during which the following aspects were focused on: participants' understanding of the concept 'discipline', common disciplinary measures, perceived effective disciplinary methods, the impact of learner misconduct on teaching and learning, learners' reactions towards the disciplinary measures employed, participants' understanding of discipline in terms of the school's code of conduct for learners, the role of a disciplinary committee, and teachers' reflections on the training conducted on restorative justice (cf. 4.2). It is important to note that training was offered at School AB to teachers, the Learner Representative Council (RCL), and the school governing body (SGB) in September 2019 to equip the stakeholders at the school and teach them how they can implement restorative justice as a disciplinary measure. The

target group was mainly the research participants, as the aim was to equip them with knowledge of restorative justice in the school context, so that when I commence with the interviews, I engage them on a subject which they have understanding for. Thus, the workshop was conducted before the interviews commenced. The workshop was initiated by one of the facilitators, after which I engaged the school principal who approved our request. Additionally, the Department of Education approved our request. The workshop was presented by two facilitators who work at the University of the Free State in the Department of Social Work and Faculty of Law. One of the facilitators helped to develop the study material. The training session lasted for seven hours and covered seven modules on restorative justice. These modules included:

Module 1: Changing the paradigm: Discipline then and now;

Module 2: What does it mean to teach restoratively?;

Module 3: The brain and fear;

Module 4: Starting at the beginning: Values and our school;

Module 5: Preventing discipline problems and changing the culture of the school — some helpful techniques; and,

Module 6: Restorative interventions to resolving discipline problems (Reyneke and Reyneke, 2016: 1).

4.6. Data reporting themes

Over the past ten years, the South African Department of Basic Education has placed increasing emphasis on discipline and publications such as the ‘Alternatives to Corporal Punishment’ (hereafter ATCP) (SACE, 2000). Moyo *et al.* (2014: 2) state that recommended ATCP includes detention, the demerit system, community service, and menial physical work. As discussed in Chapter 2, it is believed that punitive disciplinary measures negatively affect relationships, which in turn erode human capital (Morrison, 2015: 446). However, this study explores possibilities for enacting ATCP based on current

experiences and expectations of learners and teachers at the school. In contrast to a punitive approach, Pitsoe and Letseka (2014: 1531) contend that the exploration of the paradigm and practice of restorative justice in the South African education system can produce a conducive environment for learning in schools. In this study, I determined how teachers and learners at School AB understand discipline in light of the participating school's code of conduct for learners, and how this understanding is enacted. By implication, I interpreted the findings through the policy reading/analysis (cf. 3.6) as well as the literature review. To make sense of the data, I read the transcriptions of the semi-structured interviews on various occasions to identify any phrases related to the discussion in the literature review (c.f. Chapter 2) and findings of policy analysis (c.f. Chapter 3). Based on this, I identified phrases that frequently occurred to create a list of sub-themes. These include aspects related to, *inter alia*, corporal punishment (cf. 2.2.1), exclusions (ordering learners to leave the classroom) (cf. 2.2.2), reprimand (cf. 2.2), detention (cf. 2.2.2), suspension (cf. 2.2.3), and referral to the principal (cf. 3.6.1.2). Based on the sub-themes I then generated themes. Additionally, to create themes I followed the four phases of theme development, namely initialisation, construction, rectification, and finalisation (Vaismoradi, Jones, Turunen & Snelgrove, 2016: 103). Each phase consists of stages that are described in Table 2.

Table 2: Phases and stages of theme development in qualitative content and thematic analysis (after Vaismoradi, Jones, Turunen & Snelgrove, 2016: 103)

Phases	Stages
Initialization	Readings, transcriptions and highlighting meaning units Coding and looking for abstractions in participants' accounts Writing reflective notes Classifying Comparing

Construction	Labelling Translating and transliterating Defining and describing Immersion and distancing
Relating themes to established knowledge	Rectification Stabilizing
Finalization	Developing a story line

To refine my analysis, I re-organised the findings into five themes, namely, common disciplinary measures, perceived effective disciplinary measures, teachers' and learners' understanding of the school code of conduct, departmental trainings/workshops on disciplinary measures, and reflections on the restorative justice workshop (Table 3). In this section, I present the findings of my analysis concerning these five themes. In Table 3, I provide a refined version of the key points that were grouped to constitute and be discussed under each theme.

Table 3: Emergent themes based on the sub-themes

Theme	Sub-theme
Common disciplinary measures	Corporal punishment
	Exclusions
	Reprimand
	Vulgar language/swearing
	Personal talk
Perceived effective disciplinary measures	Parental involvement
	Talking to the learner
	Parental involvement
	Detention
	Suspension
Teachers' and learners' understanding of the school's code of conduct	Referral to the principal
Departmental workshops/trainings on discipline	
Reflections on the restorative justice training	

4.7. Findings and discussion of the generated data

In the subsequent sections, I report on the findings of this study based on the five identified themes. I strongly believe that a structured report of findings is important to establish how teachers and learners of School AB understand the school code of conduct for learners concerning discipline, and how this understanding is enacted. For the sake of clarity in my report, participants' contributions are highlighted through the use of font colour. I use the blue colour font for the direct quotations of the teacher participants, and red for quotations of learner participants.

4.7.1. Common disciplinary measures to curb learner ill-discipline

This section discusses the first theme as well as the sub-themes. During the semi-structured interviews with the participating teachers, they shared the measures that they often employ in their respective classes to curb learner ill-discipline. Learners, on the other hand, indicated the disciplinary measures inflicted upon them to maintain discipline during the semi-structured interviews. Drawing from both learners' and teachers' responses, it is clear that the common disciplinary measures at School AB include addressing learner transgressions verbally by reprimanding, and the use of corporal punishment, swearing at learners, and parental involvement. Deducing from the above responses, teachers from School AB employ punitive measures, including corporal punishment (cf. 2.2).

Furthermore, varying responses from individual teachers include: asking disruptive learners to move from the back to the front, establishing classroom rules with the learners, detention, and cleaning. During the semi-structured interviews, the participant learners pointed out that the disciplinary measures that were rarely experienced included referral to the Head of Department or principal, and receiving a warning from the principal. Various responses from the participants show an inconsistency in the implementation of uniform disciplinary measures, which implies that teachers are not informed of the school's code of conduct. According to School AB's code of conduct (2011: s.4.2) "the disciplinary process must be fair, just, corrective, consistence and educative". However, when looking at the teachers' responses, everyone has his/her common disciplinary measures.

Additionally, some of these measures are not corrective, fair, just, and consistent, for instance, measures such as swearing at the learners, hitting with a duster, and asking learners to change their seating positions. Furthermore, the above responses from both teachers' and learners' perspectives are supported by Reyneke (2015: 58), who asserts that the most prominent disciplinary approaches in South African schools are punitive, which include additional school work, withdrawal of privileges, menial tasks, detention, humiliation, behavioural management contracts, and corporal punishment. Serame, Oosthuizen, Wolhuter, and Zulu (2013: 3) concur with Reyneke that prevalent retroactive methods include reprimand, corporal punishment, detention, extra work, isolation in the classroom, isolation outside the classroom, notifying parents, a point demerit system, suspension, expulsion, and criminalisation. The predominant use of punitive disciplinary measures can be argued to be problematic, given that the application of a punitive regulatory framework has been argued to promote irrational fear (cf. 2.2). This implies that teachers' use of punitive measures are problematic. The code of conduct for learners, which is punitive in general (cf. 3.7), might be problematic in terms of the discussion presented in Chapter 2 on the consequences of punitive approaches to discipline. As a result, learner ill-discipline might remain a challenge, as is currently the case in the school. Furthermore, measures employed by teachers from School AB, such as corporal punishment, swearing at learners and ordering learners to leave the classroom, violate the South African legal framework. For instance, corporal punishment in South African schools has been abolished under the new *Constitution* (RSA, 1996), which was adopted after the first democratic elections held in 1994 (cf. 2.2.1). In terms of *SASA* (RSA DoE, 1996b: 10 (1)) "no person may administer corporal punishment at a school to a learner". This is supported by section 1.4 of School AB's code of conduct (2011), which states that "corporal punishment shall not be used". On the other hand, common disciplinary measures such as reprimand, personal talk and parental involvement shared by both teachers and learners, align with the South African education policy framework as well as School AB's code conduct (cf. 3.5.1.1.2). In the next section, I will explore the common disciplinary measures in detail.

4.7.1.1. Corporal punishment

When learners were asked about disciplinary measures that they regularly experience in class, eight out of ten learners included corporal punishment in their responses. Their responses emphasised two keywords: 'hitting' and 'beating' (i.e. with a duster and stick). For example, learner participant 2 affirmed that “one of the teachers is always beating and fighting the learners”. The use of corporal punishment was evident in the response presented by learner participant 1 when she was asked about the disciplinary measures that were often applied in her class. In her reply, she asserted that teachers employed “corporal punishment (teachers hit the learners)... shouting at the learners and chasing them out of the classroom”. In a similar vein, learner participant 4 said: “We are given more work to do, punitive measures, corporal punishment, warnings and vulgar language”. This evidence of the use of corporal punishment by some teachers at the school was supported in the utterances of two of the teacher participants, as well as eight learner participants. For example, teacher participant 4 stated that in some instances he made use of “corporal punishment, I hit them with a duster”. Learners' experiences are an indication that their views corroborate the teacher's answers. The word 'always' indicates that corporal punishment is frequently employed in the school by the specific teacher to whom learner participant 2 is referring. This view is also corroborated by teacher participant 4's response when he indicated that he was hitting the learners with a duster. These responses are related to Portela and Pells's (2015: 7) common approaches to corporal punishment, which involve hitting (smacking, slapping, spanking) learners with a hand or through whipping with a stick, a belt, a shoe, and a wooden spoon.

Despite these assertions, corporal punishment has been abolished in South Africa and its use contravenes several legal documents. This has been argued in Chapter 3 (cf. 3.6.1.6) where I addressed the policy discourse context. I indicated that sections 4.4 and 8.2 of the *Guidelines* (RSA DoE, 1998) prohibit corporal punishment and all forms of violence which are outlawed by the *Constitution* (RSA, 1996), NEPA (RSA DoE, 1996a), and SASA (RSA DoE, 1996b). Hence, section 3.2 of School AB's code of conduct (2011) entitles parents to the right to press charges against any teacher, learner, or person who illegally violates their children's constitutional rights. Teachers who inflict corporal punishment also infringe on section 1.4 of School AB's code of conduct (2011), which

states that “corporal punishment shall not be used”. This entire section in the code of conduct presents the limitations and consequences of corporal punishment. However, teachers from School AB go against such conditions, which show they do not understand or are not aware of the expected disciplinary procedures according to the school’s code of conduct.

4.7.1.2. Exclusions

Out of ten learners that I interviewed, five included ‘exclusions’ as one of the disciplinary measures that they often experienced. Learner participant 8 described one of the disciplinary measures that are often employed in class as “**chasing the learners out of the class**”. This quote is also highlighted by learner participants 1, 7 and 9’s responses, phrased as “**chasing learners out of the class**” as one of the disciplinary measures that they often experienced. Interestingly, none of the teacher participants included exclusions as part of their common disciplinary measures, and as a result, this creates a contradiction. By implication, this might mean teachers who were not interviewed were responsible for the regular use of exclusions to curb learner misconduct, based on the participant learners’ assertions. Ordering learners to leave the classroom may deprive them of their learning opportunities (cf. 2.2.3). As a result, exclusions arguably infringe upon learners’ right to education (RSA, 1996: s.29a).

In addition, exclusions violate section 1.6 of School AB’s code of conduct (2011), which states that “the learner has the right to attend all classes, to learn and be taught in all approved subjects, to be informed regularly about school progress, to make use of facilities, and to have his or her potential fully developed”. A study conducted by Gagnon *et al.* (2016: 4) indicates a contention on the effectiveness of exclusions. Some proponents believe that the exclusionary disciplinary measure creates a better learning environment for learners still present in the classroom, while other studies contest that such exclusionary disciplinary measure has not been found to improve learners’ performance. Academic exclusion may affect learners learning outcomes through missed activities, alienation, and demotivation to set academic goals (cf. 2.2.4). Learner participant 8 perceives that exclusions may “**cause learners to be left behind with their studies, even if they might try to catch up but it will be difficult, which will result in failure.**”

Some of the topics require the teacher's knowledge". As is the case with corporal punishment, teachers who implement exclusions to curb learner misconduct are not informed of School AB's code of conduct (cf. 4.7.1.1). It seems that even learners are also not informed of School AB's code of conduct, as learner participant 7 endorses exclusion, stating that "the teacher can ignore the learner who is disruptive, but if the learner continues to entertain the entire class, the teacher can lock him/her out of the class".

4.7.1.3. Swearing

Some teachers from School AB have resorted to swearing at the learners as a form of disciplinary reprimand. Teacher participant 1 describes one of her disciplinary measures as "swearing at them [learners] in a joking manner". This response complements learner participant 4's response who indicated "vulgar language" when asked about the disciplinary measures that she experienced in class. In a study conducted by Motseke (2020: 29) to determine how teachers in primary schools of the Matjhabeng Municipality in the Free State province curb learner ill-discipline, participants reported that they had no effective measures other than to swear at learners. One of the participants from Motseke's (2020: 29) study alleged that he/she would swear at the learners through the use of derogatory/belittling words. Another participant argued that he/she would swear at the learners out of frustration, although it was not working. The use of swearing stands in contrast to approaches grounded in restorative justice that can contribute to teachers' and learners' emotional literacy and cultivation of respect for each other (cf. 2.3). According to the *Manifesto* (RSA DoE, 2001: s.9), "respect is an essential precondition for communication". Therefore, this calls upon teachers to discipline learners with respect, which stands in contrast with swearing at learners or using vulgar language.

In the training conducted at School AB on restorative justice (cf. 4.6.6), one of the facilitators suggested that teachers should develop connections with their learners before offering corrections. In support of this approach, Reyneke (2019: 348) argues that "people are social beings and children need human contact to fully develop their social skills". However, impersonal technology has moved people from personal connections, which hampers their growth of emotional intelligence (Reyneke, 2019: 348). As a result, people

do not learn how to recognise other people's feelings, to effectively communicate and develop effective interpersonal relationships with others (Reyneke, 2019: 348). Reyneke (*ibid.*) adds that "to deal with the culture of disconnection, restorative practices are creating learning environments where people can connect with each other on a deeper level". Other restorative interventions such as circles and relationship-building are perceived to curb conflict and poor interpersonal relationships (*ibid.*). This implies that teachers should treat their learners with compassion and empathy. This has been argued in Chapter 1 (cf. 1.5.2) where I indicated that unity or interdependence is marked by the expression of compassion, forgiveness, justice, dignity, mutuality, and humanity in the interests of building, maintaining, and strengthening the community.

Within the context of this study, such compassion and mutuality could be promoted through the practice of Ubuntu. Ubuntu has to be taught as a school value, before it can be infused in the school disciplinary measures. In Chapter 2 I indicated that Gade (2012: 489) argues that Ubuntu is "a kind of divine element". This implies that there is godly factor that resides in every being; therefore, continually emphasizing the value of Ubuntu will stir one's conscious to treat others in good manner and to be mindful of their speech. Thus, it is argued that Ubuntu is a prescription for treating others in the same way as we would like them to treat us (cf. Elechi *et al.*, 2010: 75). This implies that teachers will have to use constructive statements when addressing learner misconduct, which will influence learners to guard their speech. As a result, positive connections may be built between the parties. The development of connections between teachers and learners furthermore potentially facilitates the implementation of section 9 of School AB's code of conduct (2011), which proposes disciplinary talks with the learners as a means to address ill-discipline.

4.7.1.4. Reprimand

Teacher participant 1 and learner participant 7 mentioned that reprimanding was one of the measures commonly used to curb learner misconduct. Teacher participant 1 stated: "I reprimand learners to instil discipline in my class". This is advocated by learner participant 7 who claimed that "teachers are reprimanding learners to maintain discipline". According to Okeke (2020: 373), teachers at times mistakenly give verbal warnings by

shouting (verbal abuse), which can trigger anger and fear in learners. This seems to be the case with teachers at School AB. Learner participants 1 and 6 posited that teachers “shouting at the learners” was one of the regular disciplinary measures that they experienced. Learner participant 6 commented as follows on the effect of shouting (verbal abuse): “one feels down with the way you were shouted, you also lose focus. It instils fear. It limits you from engaging meaningfully in class”. It is further stated that using abusive language toward learners, in most cases, worsens their behaviours (Okeke, 2020: 373). In section 9 of School AB’s code of conduct (2011), disciplinary talk is suggested as an approach that a teacher can follow to address learner ill-discipline. This disciplinary approach is suggested for Level 2 types of misconduct, which include frequent Level 1 misconduct, possession or use of drugs, repeated cheating during examinations, using abusive or profane language, verbally threatening the safety of another person, and discriminatory behaviour (School AB, 2011: s.9). School AB’s code of conduct (2011: s.9), however, only indicates disciplinary talk with a learner without elaborating on how to implement it, and as such teachers may not know how to proceed with disciplinary talk.

Furthermore, even if they were to be informed of the code of conduct for learners, they could implement it according to their discretion, which might include shouting at the learners or using vulgar language. Maphosa and Mammem (2011), and Okeke (2020: 374) argue that harsh verbal discipline worsens learners’ behaviour. Okeke (2020: 374) describes effective verbal warning as “applied with love, respect and reasoning” (Okeke, 2020: 11). This understanding concurs with the principles of restorative justice and Ubuntu, which include respect, forgiveness, and restoration of relationships (cf. 2.3.1). Therefore, I would suggest that restorative conversations can be infused with a reprimand by the teachers at School AB. It is believed that

“restorative conferences/conversations are meetings in response to serious incidents or a cumulative pattern of less serious incidents where all of those involved in an incident come together with a trained facilitator who was not involved in the incident and who uses a structured protocol” (Augustine, Engberg, Grimm, Wang, Christianson & Joseph, 2018: 11).

However, in the case of School AB, a teacher may assume the role of a trained facilitator for infusing restorative conferences with reprimands. Teachers from School AB can also infuse affective statements through reprimands. Affective statements are defined by Augustine *et al.* (2018: 11) as “personal expressions of feeling in response to specific positive or negative behaviours of others”. The above suggestion implies that teachers can use affective statements with calmness and a respectful voice (Reyneke & Reyneke, 2016: 29). It is argued that such an approach to reprimanding would reflect a restorative approach to discipline.

4.7.2. Effective disciplinary measures

In the previous sub-section, I discussed the disciplinary measures employed by the teachers, as well as how these were experienced by the learners. In this sub-section, I consider what the teachers shared as being effective measures and whether their views were shared by the learners. The perceived effective disciplinary measures include talking to the learner, parental involvement, detention, suspension, and referral to the principal.

4.7.2.1. Talking to the learner

In line with the common disciplinary measures at School AB, talking to the learner is perceived to be an effective disciplinary measure by some of the teacher and learner participants. Teacher participant 1 comments on the effectiveness of talking to the learner: “it depends on learners, the effective one [disciplinary approach] is having a private meeting with them [learners] on a personal level where I get to understand the learner on the personal level”. The aspects of ‘understanding’ and ‘personal meeting’ in this instance can arguably be related to ‘understanding’ and ‘dialogue’ in the context of restorative justice. I have argued that a restorative response to discipline is maintained through understanding, dialogue, and reparation (cf. 2.3 and Table 1). This approach may be more effective as “it reduces threat and defensiveness, conveys interest and helpful intent, and creates an atmosphere that is conducive to behavioural change” (Reyneke & Reyneke, 2016: 33). This implies that the teacher must understand accurately and sensitively the feelings of the learner, and then communicate an understanding of those

feelings in harmonious language to the learner's experience of the moment (Reyneke & Reyneke, 2016: 33).

However, this comment by teacher participant 1 is contradicted by the experiences of teacher participant 3, who argues that “talking to them [learners] is not effective because learners take advantage of it, knowing that you only talk to them, thereafter nothing will happen to them”. The contrasting arguments of the teacher participants are an indication of a lack of uniform disciplinary measures, which can imply that teachers are not informed of the school's code of conduct (cf. 4.7.1) and the expectations it holds of them as teachers toward enforcing discipline. Disciplinary talk with the learner is reflected in sections 8 and 9 of School AB's code of conduct (2011). In section 8 it is reflected as ‘verbal warnings’, while section 9 reflects it as ‘disciplinary talk with the learner’. According to section 8 of School AB's code of conduct (2011), verbal warnings may be implemented when learners are not punctual for class, leaving class without permission, minor plagiarism, failing to complete homework, and dishonesty. In terms of section 9 of School AB's code of conduct (2011), disciplinary talk with a learner can be implemented for the following types of misconduct: frequent repetition of Level 1 misconduct, possession or use of tobacco, repeated truancy, cheating during examinations, using abusive or profane language, verbally threatening the safety of another person, and discriminatory behaviour. However, neither section of School AB's code of conduct for learners' state how disciplinary talk with the learner can be used. Additionally, the comment by teacher participant 3 that addressing learners verbally is ineffective because ‘nothing will happen to them’ shows that teachers are not informed of other disciplinary measures in the code of conduct that can be explored, because as learners continually misbehave, there are other disciplinary approaches suggested to counteract such misconduct.

In the *Manifesto* (RSA DoE, 2001: s.1) it is stated that “we are responsible for our individual behaviour and there could be no rights without responsibilities — whether as parents, administrators, educators, or learners”. This section from the *Manifesto* highlights that learners have to be taught to take responsibility for their actions. The teacher's comment, “knowing that you only talk to them, thereafter nothing will happen to them”, reveals the school's predominant use of punitive measures in contrast to

restorative disciplinary measures. In essence, this may indicate that teachers are not adequately trained on how to effectively instil corrective, educative, and restorative measures. Through dialogue and negotiation, the voices of both learners and teachers are given equal importance, which may lead to collaboration and accountability in disciplinary issues (cf. 2.3.2).

Restorative justice offers an alternative to punitive discipline where a teacher is an authoritative figure and justice is sought through making people prove who is right or who is wrong (cf. 2.3). In terms of the use of dialogue to address learner misbehaviour, learner participant 6 laments that “they [teachers] can talk to learners in a calm way, because hitting them causes them not to listen”. Learner participant 6 adds: “they [teachers] should talk to them and find out why they are misbehaving, what is it they want to gain from ill-discipline”. The above responses can be linked with an emphatic communication or dialogue, which is a restorative justice practice. The implementation of emphatic communication allows the teacher ‘to put himself in the learner’s shoes. As a result, such a teacher may understand the learner’s feelings and circumstances without taking his/her position (Reyneke & Reyneke, 2016: 33). According to the *Guidelines* (RSA DoE, 1998: s.4.4.1) “... educators and learners have to learn the importance of mediation and co-operation, to seek and negotiate non-violate solutions to conflict and differences, and to make use of due process of law”. This approach (disciplinary talk to a learner) potentially recognises the dignity of both the teacher and the learner. I have indicated that Ubuntu is founded on human dignity (cf. 2.3.1), which implies that the practice thereof could potentially contribute to implementing disciplinary talks affirmatively and constructively, thereby recognising the dignity of the learner (cf. RSA, 1996, s.10). This is the case since it could facilitate disciplinary talk between a teacher and a learner informed by practices of compassion, kindness, altruism, and respect, which in turn over time could contribute to schools becoming a place where the culture of teaching and learning thrive (cf. 3.5.1.1.3).

4.7.2.2. Parental involvement

Another disciplinary measure perceived to be effective to address learner misconduct is parental involvement. Reyneke (2015: 58) accentuates that children from broken families

(for example orphans or where a lack of parental care exists) are more likely to perceive education as useless, which may lead them to commit acts that lead to expulsion. A contributing factor to ill-discipline is perceived by the teachers to be the lack of a caring home environment. For example, the deputy principal indicated that “some parents are absent [in their children’s life]”. This may be one of the reasons why learner misconduct is a challenge at School AB. I have observed on several occasions as a teacher at that school that some parents are under the influence of alcohol when they are invited to the school.

Furthermore, many of the learners at School AB come from child-headed families, where there is a lack of parental care. Lack of parental care may be caused by unemployment and illiteracy. Thus, it is indicated earlier (cf. 1.9.2) that learners come from undernourished locations and the school is also situated in such conditions. This manifests, for instance, in the fact that illiteracy limits some of the parents to help and monitor their children’s behaviour and education. This marks an effect of illiteracy that hinders parents to be meaningfully involved in their children’s education. Additionally, when other parents are invited for a disciplinary meeting concerning their children’s misconduct, some would respond that they cannot make it because their employer will not grant permission. Even when learners’ progress reports are issued, only a few parents are in a position to collect it. Nevertheless, the implementation of family involvement as a restorative practice may encourage parents to take responsibility for their children’s learning, and for learners to adhere to the agreements (Reyneke, 2011). Section 3.1 of School AB’s code of conduct (2011) states that “the ultimate responsibility for learners’ behaviour rests with their parents/guardians”. Thus, the deputy principal believes: “parental involvement is effective, parents are closer to their children and know them better”. Additionally, School AB (2011: s.9) affirms that the school authority, or Head of Department (HoD), can talk to parents or guardians. According to learner participant 1, “they [teachers] need to avoid corporal punishment and communicate with the parents.” In addition, learner participant 2 comments as follows on how teachers can deal with learner misconduct: “hitting the learners causes them not to listen, rather teachers should involve parents”. Learner participant 4 suggests: “teachers should use reformative measures... teaching learners to reform from ill-discipline and they can also involve

parents because there is a lack of parental involvement”. These comments align with section 9 of School AB’s code of conduct (2011), which includes engaging learners’ parents or guardians as a disciplinary measure. Therefore, engaging learners’ parents can be related to restorative justice as formal meetings in terms of the school’s code of conduct for learners (cf. 3.5.1.1.2).

Restorative justice is an interactive and community-based approach that fosters inclusion in addressing transgression (cf. 2.3). Generally, when a learner misbehaves it brings about shame, because one knows that what he/she has done goes against the expectations of the community (family or school). Yet, Ubuntu and restorative justice do not shame the person, but rather the act, by identifying the root cause of the conflict (cf. 2.3.1). This is why there is a need for a parent or guardian of an ill-disciplined learner to be invited to the school, and to address the root cause of the learner’s behaviour. Reyneke (2019: 349) argues that in a restorative approach an offender is afforded an opportunity to take responsibility for his/her actions and repair the offence, which results in this shame being acknowledged and addressed. Thus, the inclusion of parents or guardians is very important, because learners are primarily under their supervision at home.

4.7.2.3. Detention

It is believed that detention may not prove to be an effective disciplinary measure as learners may associate the school environment with discomfort (Chwikature, Oyedele & Ganyani, 2016: 41). In contrast to this view, teacher participant 3 argues that “detention works better because learners are afraid of remaining behind after school”. However, I have argued that detention does not improve learners’ academic performance or teach learners to behave in a more acceptable way (cf. McCann, 2017: 2). Inferring from the teacher participant’s response, learners behave out of ‘fear’, which effectively means that they do not willingly behave as expected. This means that over-application of punitive measures may be problematic, as it is believed that such measures promote irrational fear (cf. 2.2). This was also supported by the facilitator of the restorative justice workshop conducted at School AB, who argued that detention on its own was not effective because “a person in fear cannot learn. However, learners can be given something that will teach

them a creative communication and any other skill". Thus, in following the contrast between punitive and restorative approach that Reyneke (2019: 344) proposed, whereas detention is identified to be a punitive measure to address bullying, a restorative approach to address the same issue could include the offender reading to young learners and supporting teachers in their programmes (for example, helping with soccer training). As another example, detention as a punitive disciplinary measure is still suggested to address cyber bullying. Yet, a restorative approach may entail the transgressor doing research on the consequences of bullying or cyber bullying, and drafting ideas that could contribute to a school newsletter on how cyber bullying damages relationships (Reyneke, 2019: 344).

4.7.2.4. Suspension

None of participating teachers proposed that suspension may be an effective disciplinary method. Out of ten learner participants, four suggested that suspension might be an effective disciplinary method. According to learner participant 7, "the teacher could ask the principal to give an intruder suspension for about two days so that it can teach him a lesson and he would be scared to commit misconduct". In a similar vein, learner participant 8 asserts that "[ill-disciplined learners] can be suspended for two weeks so that they are left out in school to realize and learn from their mistakes". Inferring from the learner participants' responses, it is clear that learners are not informed on the correct procedures to execute suspension as espoused in School AB's code of conduct for learners. Hence, learner participant 7 suggested 'the principal can suspend', whereas it is the governing body that is entitled to execute suspensions. This is corroborated in section 9(1) of SASA (1996b), which states that "the governing body may, on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of a serious misconduct from attending school". Secondly, learner participant 7 suggested a suspension period (two days) which falls within the period allowed, but learner participant 8's response of two weeks is problematic as it is contrary to the South African education policy framework. According to SASA (1996b: s.9 (1c)), a learner who is found guilty of misconduct during the proceedings may be suspended for a period of no longer than seven days.

The use of suspension has been considered by others as well. For example, in a study conducted with five high schools principals, three principals suspended learners regularly, while the remaining two principals were hesitant since they knew that suspension was something that disruptive learners often wanted. They frequently returned to school after the suspension displaying worse behaviour than before, because they knew that the principal would not do anything (Davids & Waghid, 2016: 35). In restorative justice, punishment such as suspension is not meted out, but a restorative circle could be applied to repair the harm caused (cf. 2.3) and to prevent unforeseen harm from occurring. This approach invites everyone affected by the incident, including the offender and offended, to a meeting facilitated by a school psychologist or the co-ordinator of the disciplinary committee. There the offended will be able to comment on how he/she is offended, and the offender will also account how he/she will repair the harm (cf. 2.3).

4.7.2.5. Referral to the principal

Exploring both teachers' and learners' perceptions on effective disciplinary measures to curb learner ill-discipline, learners' comments revealed that referral to the principal should be considered as one of these measures. As none of the teacher participants suggested this approach to be effective, it implies that this measure is rarely implemented. On the other hand, three of the ten learner participants proposed 'referral to the principal' as an effective disciplinary measure. This may insinuate that these learners have observed or experienced the measure to be effective, as it is applied to learners who regularly misbehave or when serious misconduct is committed. According to learner participant 1, **"the school principal must intervene"**. This measure aligns with the South African education policy framework. Section 5 of the Guidelines (1998) articulates that serious misconduct should be referred to the principal; however, a disciplinary mechanism should be developed to ensure that the principal is not overwhelmed with disciplinary issues. This is affirmed by section 4.4 of School AB's code of conduct (2011), which states that "serious misconduct must be referred to the principal". A study conducted by Motseke (2020: 33) argues that referring learners to the principal undermined teachers' authority, and the principal was not always readily available due to other commitments. From the perspective of a restorative disciplinary approach, referral to the principal could be reconceptualised as a restorative conference; where all those involved in an incident (the

teacher and learners) gather with a facilitator (principal) to address the incident (Augustine *et al.*, 2018: 11).

4.7.3. Teachers' and learners' understanding of discipline in terms of School AB's code of conduct

This section addresses teachers' and learners' comments on their understanding of School AB's code of conduct for learners concerning discipline, and how their understanding is enacted. Establishing teachers' and learners' understanding further helped me to answer the fourth subsidiary question. Out of fifteen participants that I interviewed, three teachers and eight learners complained that they did not understand the concept of discipline concerning the school's code of conduct for learners, since they did not know what was included in the school's code of conduct. Their responses were highlighted with the phrase 'I don't know'. Teacher participant 1 exclaimed that she "does not know" what discipline entails according to the school code of conduct. Teacher participant 2 added: "I don't know, because I never had access to the code of conduct". Learner participant 2 also stated: "I don't know our school code of conduct and what it entails; we are never informed of its expectations". Teacher participant 3 asserted: "I do not know, because I've never seen the school code of conduct, since I work here, even if it's there, the school does not follow it". This is also highlighted by learner participant 1: "the school code of conduct forbids teachers from using corporal punishment; but teachers don't follow the code of conduct, sometimes the principal does not rebuke teachers from using corporal punishment. Even the principal does not follow it". Such comments indicate a gap between policy expectations and the teachers' and learners' understanding of discipline and disciplinary procedures to be followed.

The *Guidelines* (RSA DoE, 1998: s.3.4) state that the code of conduct must be displayed at the school and as far as possible be given to each learner in the official language of teaching of the learner. As learners are obliged to obey the school code of conduct, they must be informed of its subject matter, communication channels, and due processes in conducting a fair hearing (RSA DoE, 1998: s.3.4). This is a vital subsection included in the *Guidelines*, because there is no way in which learners can behave accordingly if they are not informed of the school's code of conduct for learners (cf. 3.4.4). Therefore, the

above responses indicate that teachers and learners from School AB are not informed about the expectations of the school's code of conduct for learners. As a result, they do not understand discipline in terms of the school's code of conduct for learners. This lack of knowledge about the code of conduct might start to explain the differing views they offer on the measures considered to be effective in addressing learner misconduct (cf. 4.6.2.). In a study conducted by Segalo and Ramabuda (2018: 3), it was found that teachers were not sure of disciplining learners, particularly the human rights principles reflected in the *Constitution of the Republic of South Africa, 1996*, the *South African Schools Act, Act 84 of 1996b*, and the *South African Council of Educators Act, Act 31 of 2000*. They also argued that the teaching profession was hindered by legislation or teachers' lack of knowledge about human rights, including matters related to discipline and punishment (Segalo & Ramabuda, 2018: 3). Participants arguing that they have never accessed the code of conduct for learners is a clear indication that necessary steps to implement the code of conduct for learners are not sufficiently taken at the school. The above comments from the confused teachers and learners expose the incompetency of the school governing body to fulfil its duty, for as stated in section 1.5 of *Guidelines* (RSA DoE, 1998), "...the governing body must involve the parents, learners, educators, and non-educators at that school. After the adoption of the Code of Conduct, each stakeholder must receive a copy thereof".

Teacher participant 4 indicated that he knew the school had a code of conduct for learners, but it was not implemented and he did not know its content. It was only the deputy principal who argued: "a code of conduct is put in place to ensure order and discipline, and the smooth running of the school". This response can be linked with section 4 of the school's code of conduct (2011), where the concept of discipline is explained in detail. Learner participant 4 stated: "we should be given a warning, suspension and expulsion, differing from our misbehaviour". Such a response complies with sections 6 and 9 of School AB's code of conduct for learners. Thus learner participant 7 alluded: "I do not know the code of conduct. But learners should respect teachers, be punctual and always wear appropriate school uniform, if they (learners) break the school furniture, they have to replace it". Looking at this comment, the learner's reply begins with 'I do not know' which reveals a sense of doubt. As much as the other part of her response is correct, it

may imply a response that was guessed. The above comment by learner participant 7 relates to section 2.1 of School AB's code of conduct (2011). For instance, 'learner respect for teachers' is encapsulated in section 2.1.6, 'punctuality' in section 2.1.5, 'school uniform' in section 2.1.5, and 'breakages' in section 2.1.3.

What became clear, and as indicated here, is that both teachers and learners were not well-informed of the school's code of conduct for learners. Out of 15 participants (both teachers and learners), 11 were not informed of the school's code of conduct. This indicates that teachers may continue to make use of disciplinary measures that are against the school code of conduct for learners, as well as the education policy framework for discipline. Such disciplinary measures could, as has been shown, too often involve punitive measures that do not necessarily address the source of the ill-discipline or seek to rectify the harm caused. On the other hand, learners behave in a manner that is perceived by teachers as being ill-disciplined as they are not informed about what is expected of them. Given the aim of this study, my conclusion in the previous chapter (cf. 3.7) that School AB's code of conduct for learners is punitive, the discussion in this chapter shows that teachers and learners are not informed of the school code of conduct, and that the application of their understanding does not align with the expectations of the school's code of conduct for learners. I would, therefore, suggest that the principles of restorative justice and Ubuntu be incorporated in the school's code of conduct for learners to address the shortcomings I have identified. This is to ensure that when teachers and learners are informed of the content of the code of conduct for learners, such principles manifest in the implementation of School AB's code of conduct for learners.

4.7.5. Departmental workshops/trainings on discipline

As argued in Chapter 2, over the past ten years the South African Department of Education has increasingly emphasised a change in attitude towards discipline and punishment. This required more attention to the use of alternative disciplinary measures as communicated in publications such as the 'Alternatives to corporal punishment (SACE, 2000). This emphasis, however, does not seem to have materialised within the context of the school as four out of five teacher participants claimed that they had not received training on discipline from the Department of Education or the Free State Department of

Education. Teacher participant 3 argued: “we never had trainings on discipline, although sometimes when they offer it, they ask for a delegate from a school which is not holistic and effective, because the delegate will not disseminate the information”. Many educators in South African schools are faced daily with the difficulty of coping with learner misconduct (cf. 1.1). Teacher participant 2 also commented: “we don’t receive any training [from the Department of Education]”. It is perhaps such a lack of support from the Department of Education that underlies the observation by Mestry and Khumalo (2012: 98) that numerous teachers in rural secondary schools accept that they have a significant challenge of disciplining learners and are demoralized to deal with learners’ disruptive behaviour.

It is also argued that it is the SGB’s mandate to delegate the school management team, and teachers to enact the code of conduct daily. This is in accordance with section 8(1) of *SASA* (RSA *DoE*, 1996b), which states that “subject to any applicable provincial law, a governing body of a public school must adopt a code of conduct for the learners after consultation with the learners, parents and educators of the school”. However, the SGBs from underprivileged schools tend to neglect this role of enacting the school code of conduct due to inadequate competence (Mestry & Khumalo, 2012: 98). Thus, Tsotetsi, Van Wyk and Lemmer (2008: 387) contend that “training of school governing bodies remains a priority for the successful functioning of the SGBs”. Arguably, this also pertains to the training related to the implementation of alternative and restorative disciplinary approaches. In contrast to the view held by the majority of the teacher participants in this study, the deputy principal of School AB claimed that training was offered quarterly through the school’s safety committee (“we do receive trainings quarterly through safety committee, reason being drug abuse and gangsterism”). However, there seems to be a discrepancy in the deputy principal’s response, since the school’s safety committee is different from the disciplinary committee. As he stated, the safety committee deals with violence and gangsterism, while the disciplinary committee and the SGB focus on learners’ behaviour in general. Hence there is a code of conduct as well as a safety policy. The safety policy focuses on gangsterism, dangerous weapons, child/sexual abuse and violence, trips and tours, abduction, physical abuse and corporal punishment, rape, murder, bullying, emotional abuse, racism, truancy and emergencies (Safety Policy,

School AB). On the other hand, I have argued in Chapter 3 (cf. 3.5.1.1.1) that the code of conduct for learners is a policy that informs learners at the school of their expected behaviour, values and principles (the rights of learners), the learners' relation to the teachers and their fellows, responsibilities of the parents, and penalties and corrective measures (School AB, 2011: ss.1-12). Hence it is stated that "the Code of Conduct shall contain a set of moral values, norms and principles which the school community should uphold" (School AB, 2011: PREAMBLE). Arguably then discipline, in terms of the code of conduct for learners, is not understood by key stakeholders at School AB. School AB's code of conduct for learners does not state how the code of conduct for learners should be implemented and enforced by stakeholders, the timeframe for reviewing the code of conduct for learners, and how to equip the disciplinary committee or the SGB members to ensure successful implementation of the document.

4.7.6. Reflections on the restorative justice training

In this section, I explore the teacher participants' experiences of the training in restorative justice conducted at School AB. My findings on the teachers' training through the semi-structured interviews include restorative justice as an alternative measure, understanding learners, the use of dialogue sessions as a value of restorative justice, changing of disciplinary measures, learners' perspectives, personal talk (one-on-one), circles as a principle of restorative justice and teaching learners' responsibilities. The workshop was offered at School AB to teachers, the Learner Representative Council (RCL), and the school governing body (SGB) in September 2019 to equip the stakeholders at the school and teach them how they could implement restorative justice as a disciplinary measure. The workshop was presented by Facilitator A, who works at the University of the Free State in the Department of Social Work as a senior lecturer. Facilitator A was assisted by a professor from the Faculty of Law at the University of the Free State. As indicated (cf. 4.5) the workshop focused on changing paradigms in discipline, the role of fear, restorative justice teaching practices, the importance of values, and restorative interventions to address ill-discipline.

During the semi-structured interviews with the teacher participants on the lessons they learned based on the restorative approach, the deputy principal pointed out that

“restorative justice made it possible for me to have an alternative for corporal punishment. It made it possible for me to understand the learner, have a one-on-one session with the learner and understand why one misbehaves through dialogues”. Ubuntu as a functional and examined cultural approach to conflict resolution can present knowledge and alternatives of understanding discipline, reconciling transgressions and conflict, as well as building an ethos of ‘a person is a person because of others’ in a school context (McCluskey & Lephala, 2010: 2). Ubuntu encapsulates the concept of mutual understanding and the appreciation of human differences, which implies knowing and respecting others if you are to know and respect yourself (cf. 2.3.1). In what follows, teacher participant 2’s response arguably alludes to this understanding of Ubuntu. Teacher participant 2 indicated that “the training enabled me to change the way in which I discipline learners and understand them. For instance, when learners broke the door in my class, I asked them to bring the tool and fix it”. This response alludes to the argument of McCluskey and Lephala (2010), and to the deputy principal’s comment as well as restorative justice and Ubuntu. This is so since in the case of the learners who broke the classroom door the teacher did not just impose a punitive measure. Rather, he understood the learners’ position and gave the responsibility to the learners to account for and repair the damage caused. This is in line with Reyneke and Pretorius (2017: 125) who argue that a restorative approach seeks to cater for the needs and interests of everyone who is directly affected by the incidence and deal with it properly. Reyneke and Pretorius (*ibid.*) posit that restorative justice “empowers teachers and learners to act differently in future”. Arguably, by means of foregrounding accountability in having the responsibility to repair the door, these learners would not want to repeat the same mistake. Furthermore, the comment by teacher participant 2 can be related to section 2.1.3 of School AB’s (2011) code of conduct for learners, which states that “every learner must protect and carefully use all facilities and equipment. The parent or legal guardian of any learner who damages or defaces any school property should replace it or pay for the property so damaged”. However, the part of this section that states “replace it or pay for the property so damaged” may be amended with “fix the harm” to infuse restorative justice philosophy. In a restorative approach an offender takes responsibility for his/her actions; therefore, if someone ‘replaces’ something, it does not teach them responsibility,

but when they 'repair' the harm, it takes effort on their side. This becomes a lesson that they should not repeat the same mistake in future.

During the semi-structured interviews, teacher participant 4 remarked that “the code of conduct should be reviewed. Restorative justice measures should be incorporated in the code of conduct [and] all stakeholders (the teachers, learners, and the SGB) must have a copy, understand and implement it”. Pitsoe and Letseka (2014: 1531) contend that there is still a need to re-interpret school discipline policies (as living documents) and incorporate approaches within a restorative justice framework. School AB's code of conduct will have to be reviewed or re-interpreted because it does not state how the affected stakeholders will be informed and have access to the document. This is evident in section 3.6.1.7 above, where I argue that School AB's code of conduct (2011) does not indicate how teachers, learners, and non-educators are consulted before the adoption of the school's code of conduct. Its measures are punitive (cf. 3.1), which is problematic given the consequences of punitive disciplinary measures (cf. 2.2).

During the workshop, the facilitator asked the participants to indicate what values they understood to inform the school. Interestingly, none of the participants (teachers, school management team, and school governing body, and learner representative council members) provided similar values to those stated in the code of conduct for learners. This is a further indication that the participants are not informed about the school's code of conduct for learners, which in turn holds consequences for how discipline is understood and implemented in the school. However, values encapsulated in the *Manifesto* (RSA DoE, 2001: s.1) are: democracy, social justice and equity, equality, non-racialism, non-sexism, Ubuntu, an open society, accountability, rule of law, respect and reconciliation. I have argued that School AB's code of conduct for learners does not propose specific values to guide the stakeholders at the school, but rather considers the constitutional rights as the school values to be held (cf. 3.5.1.1.1). Deducing from the rights that School AB's code considers as values, the ones that are related to those reflected in the *Manifesto* are democracy, equality, and respect. Furthermore, during the semi-structured interview teacher participant 3 claimed that he learned that 'sympathy' was a value that he had to embrace when dealing with disciplinary issues. The key term from the teacher's

response is 'sympathy' which means understanding the other person and sharing the same feeling. This argument can be related to the argument I have made that practising Ubuntu allows me to understand the learners and bring about a sense of interdependence in my class (cf. 1.5.2.1).

On the other hand, from the perspective of restoration, 'sympathy' may mean that the teacher has with accuracy and sensitivity communicated with learners in a sincere or harmonious language (cf. 1.5.2.1). By doing that, teachers could put themselves in the learners' shoes. Participant 3 added: "I also have learned that discipline is a joint effort, teachers should not dictate, but form circles where he [teacher] will understand them; what they are going through [challenges]; so when the teacher engages them". Some of the ideas shared by the participant relate to restorative justice and Ubuntu. For instance, the reference to 'joint effort' can be linked to the principle of 'collaboration'. Secondly, the phrases, 'not to dictate' and 'understanding learners' which are against the 'authoritarian style' may be associated with 'equality' and 'circles' as restorative measures. Thus, it is argued that restorative approaches support the use of collaborative attempts to counteract the imbalances created by an individual's behaviour, and aim to bring about agreement and harmony (McCluskey & Lephala, 2010: 24).

During the workshop, teacher participant 3, who seemed frustrated at the time, highlighted what I believe to be a genuine challenge: "teachers do not know the legislation and policies; while the number of learners overcrowding our classes and demands of administration work by the Department of Education makes it difficult to know our learners". This idea was supported by teacher participant 1 who contended during the semi-structured interview that "we can't implement everything [on restorative justice] due to high learner-teacher ratio." Another teacher (teacher participant 2) who commented during the workshop, indicated that "we are not trained and equipped on discipline". Although one can interpret the views of these three teachers as illustrating structural challenges (high teacher-learner ratio) and lack of departmental professional development support and opportunities (limited knowledge of relevant policies and regulations), one can also interpret these responses more positively as showing their eagerness and desire to develop professionally, attend to cultivating positive teacher-

learner relationships, and to learn about alternative disciplinary measures that align with the South African education policy framework.

Therefore, aligning the school's code of conduct for learners with policy framework as well as infusing it with the practices and principles of restorative justice and Ubuntu is of paramount importance. As I illustrated the South African education policy hierarchy in chapter 3 (s.3.4), figure 1 the policies that inform the school's code of conduct to ensure uniform measures are applied across the South African schools. Additionally, aligning the school's code of conduct for learners with the policy framework will help to address those who might give inputs that contradict the policy expectations. For example, during the school's code of conduct for learners' review there might be those who believe that corporal punishment may be effective. As argued in (s.2.1) that the South African Schools Act No. 84 of 1996 (SASA) is also clear on corporal punishment. Section 10 of SASA (1996) states that (subsection 1) "No person may administer corporal punishment at a school to a learner; (subsection 2) any person who contravenes subsection 1 is guilty of an offence and liable on conviction to a sentence which could be imposed for assault". Thus, applying illegalized disciplinary measures may put teachers' careers in serious jeopardy. For teachers who claim that there is higher demand of administration work by the Department of Education hence they do not know policies and their learners, it should be noted that knowing policies is equivalent to knowing their job description.

The infusion of the principles of restorative justice principles as well as Ubuntu in the school's code of conduct for learners is essential because in my chapter 2 (s.2.2.2-2.2.4) I addressed the punitive measures as well as their shortcomings while literature in (s.2.3) presents restorative justice with the in conjunction with the theory of Ubuntu proposed as the current and effective disciplinary approach. Restorative justice and Ubuntu advocate for responsibility and accountability, respect, everyone should be treated with equal importance, hence instilling discipline from this approach point of view is not a burden.

4.8. Summary

In the previous section, I established whether teachers and learners of School AB understand the school's code of conduct for learners, and how their understanding is enacted. This was attained through the semi-structured interviews. In the next chapter, I

will address the main research questions and make suggestions towards the possibilities for infusing principles of restorative justice in School AB's code of conduct for learners. In concluding this chapter, I emphasize the key aspects of whether teachers' disciplinary measures align with School AB's code of conduct for learners, as well as possible areas where Ubuntu and restorative justice can be infused within the school's existing disciplinary measures. I also highlight the disciplinary measures gathered from data collection.

Generally, teachers and learners from School AB do not understand or are not informed of the expectations of School AB's code of conduct for learners (cf. 4.7.3). This is indicated by the responses of both teacher and learner participants. Common disciplinary measures to curb learner ill-discipline include swearing at the learners, hitting them with a duster (corporal punishment), and exclusions (cf. 4.7.1). Such disciplinary measures violate the South African education policy framework as well as School AB's code of conduct for learners. Different responses from individual teachers on common disciplinary measures applied to curb learner misconduct are an indication of inconsistency in the implementation of uniform disciplinary measures, which implies that teachers are not informed of the school's code of conduct for learners (cf. 4.7.1). On the other hand, some common disciplinary measures such as reprimanding, personal talk, and parental involvement shared by both teachers and learners align with the South African education policy framework as well as School AB's code of conduct for learners. However, this does not change the fact that both teachers and learners are ill informed of the school's code of conduct. This is evident from the fact that 11 out of 15 participants have indicated that they do not know what the expectations are regarding discipline in terms of the school's code of conduct (cf. 4.7.3). Therefore, there is little change that learners can behave as expected if they are not informed of School AB's code of conduct.

Furthermore, teachers cannot apply appropriate disciplinary measures to curb learner misconduct if they are not informed of School AB's code of conduct for learners (cf. 4.7.3). Additionally, teachers have claimed that they do not receive adequate training on discipline from the Free State Department of Education (cf. 4.6.5). However, with the training conducted at School AB on restorative justice, teachers' comments clearly show

that they are interested to learn more about restorative disciplinary approaches, and that the workshop already offered them new insights. They stated that through the training they learned about restorative justice as an alternative measure, understanding learners, the dialogue session as a value of restorative justice, circles as a principle of restorative justice, and teaching learners responsibilities (cf. 4.6.6). In the concluding chapter, I provide an overview and summary of this study's findings, as well as comments on suggestions on how restorative justice could inform School AB's code of conduct for learners.

Chapter 5: Overview of the study, conclusions, recommendations and implications for further research

5.1. Introduction

In this, the concluding chapter, I address the main research questions. I also make comments and suggestions towards the possibilities for infusing the principles of restorative justice in School AB's code of conduct for learners. Furthermore, I present the limitations of this study and venture into the contribution this study makes toward education policy studies, and in terms of restorative discipline in education. Lastly, I explore the avenues for further research and reflect on my professional and scholarly growth during the period of the study.

5.2. Overview and summary of findings

In Chapter 2 I addressed two research objectives. Firstly, I examined the perceived effects of punitive measures on learning. Secondly, I explored the extent to which restorative justice has been incorporated in South African schools and the impact thereof in terms of discipline. I addressed the first research objective by presenting the common punitive approaches (cf. 2.2) to discipline in South African schools, as well as their effects on learning. Such measures include corporal punishment (cf. 2.2.1) (an illegal measure), detention (cf. 2.2.2), suspension (cf. 2.2.3) and expulsion (cf. 2.2.4). It is argued that detention may not be an effective disciplinary measure as learners associate the school environment with discomfort (Chikwature, Oyedele, & Ganyani, 2016: 41). Detention is believed to cause the offenders to develop a negative attitude towards their studies (cf. 2.2.2), and to create a negative relationship between the teacher and the learner (cf. 2.2.2). I further addressed suspension and its effect on learning. It was discovered that suspension failed to produce positive behavioural change as it was connected to learners' academic failure and school dropout (Lasnover *et al.*, 2015: 1). It is also argued that suspension leaves the offenders vulnerable when parents are at work, as there is no-one to supervise them. The findings indicate that suspension is related to low school commitment and grades. Mendez (2003: 25, as cited in Goggins, 2015: 7) argues that

schools do not offer enough social, academic, and emotional support for suspended learners, which may deter their future success. Thus, learners may perceive this measure as an opportunity to engage with peers who are not at school and commit antisocial acts, which increases the learner's problem (cf. 2.2.3). There is disagreement in the literature on whether expulsion is an effective exclusionary measure. While some claim that suspension creates better learning environments, others contend that exclusionary disciplinary measures have not been found to be effective (Gagnon *et al.*, 2016: 4). Skiba (2014: 29) argues that "no data exist to show out-of-school suspensions and expulsions reduce disruption or improve the academic climate". Valdebenito *et al.* (2018: 28-29) maintain that suspension can be linked with serious negative outcomes in academics and may lead learners to dropout. Based on the literature review conducted, it can be concluded that punitive disciplinary measures are not as effective to curb ill-discipline as its proponents claim (cf. 2.2.4). These measures contribute to school dropout, academic failure, and deviant behaviour. Apart from increasing learner misconduct, these measures are said to create an unwelcoming and unpleasant learning environment.

Based on the literature review it is clear that restorative justice has to a great extent not been explored within the South African school context. It has been found that teachers feel that the national government, through the Department of Basic Education (DBE), is not supportive or willing to propose constructive alternatives to a punitive disciplinary approach (McCluskey & Lephala, 2010: 22). I propose that within the South African context a restorative disciplinary approach could serve as such an alternative. Restorative justice has been conceptualized as a collective process to address/repair the harm caused to social relationships (cf. 2.3). Its aim is to restore broken relations within the community through application of peaceful measures to the effected harm (cf. Shapland, Robinson & Sorsby, 2012: 5). It is also stated that restorative justice has a proactive orientation as it seeks to build stronger social bonds and deal with the root cause of the problem (cf. Morrison & Vaandering, 2012: 140; Reyneke, 2015: 15). Therefore, in relation to the school context, it is argued that restorative justice does not only teach learners to behave in a socially appropriate manner in the school environment, but also in the community at large (Reyneke, 2015: 15). Thus, restorative justice conceptualises discipline as an educational process (cf. 2.3). Reyneke (2015) argues that restorative

discipline is learnable, doable, and feasible. Teise (2015: 67) recommends that schools should revisit their safety policies, vision, mission statements, and disciplinary processes to reconsider how they repair, restore, and build relationships.

Furthermore, section 2.3.1 addressed the convergence of Ubuntu and restorative justice in the South African context. In the South African context, Ubuntu may serve as a basis for restorative justice (cf. 2.3.1). Ubuntu as an expression of indigenous justice shares common values and principles with restorative justice, which are respect, restoration of relationships, remorse, apology, forgiveness, reconciliation, companionship, reciprocity, dignity, harmony, and humanity in building justice and mutual caring (Morrison & Vaandering, 2012: 140; Parimah *et al.*, 2018: 423). The convergence of Ubuntu and restorative justice describes how African philosophies can add to restoration and conflict resolution (Parimah *et al.*, 2018: 423). It is also argued that Ubuntu as a conflict resolution approach can offer knowledge and an alternative of understanding discipline, reconciling transgressions and conflict, as well as creating an atmosphere/spirit of unity in the school context (McCluskey & Lephalala, 2010: 22). After having conducted the literature review and addressing the first two research objectives of this study, I proceeded to conduct a policy reading.

In Chapter 3, I presented a policy reading to answer my third subsidiary research question by analysing School AB's code of conduct for learners against the current education policy framework as it pertains to discipline (cf. 3.1). Regarding the current education policy framework, I firstly selected policies to develop a framework against which I could explore whether School AB's code of conduct for learners aligns with the South African education policy framework in terms of discipline (cf. 3.4). I achieved this by analysing these documents in hierarchical order. I began with the *Constitution of the Republic of South Africa* (1996), because it is the supreme law (cf. 3.4), followed by the parliamentary acts (*National Educational Policy Act* (1996a) and the *South African Schools Act* (1996b)) (cf. 3.4). Following the engagement with the parliamentary acts, I considered the subordinate legislation relevant to this study, namely the *Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners* (1998). Lastly, I engaged the *White Paper on Education and Training* (1995) before turning my focus to the

Manifesto on Values, Education and Democracy (2001) (cf. 3.4). I discussed each of the policy documents in terms of discipline, how these policy documents relate, and how my literature review could inform each policy document (cf. 3.4). This helped me to establish the South African education policy framework pertaining to discipline.

I further conducted a policy reading through the use of Samuel's (2017). My reading of School AB's code of conduct for learners specifically entailed considering if the disciplinary measures provided therein align with the expectations of the South African education policy framework (cf. 3.4) as well as the principles of restorative justice and Ubuntu (cf. 2). This approach enabled me to conclude that School AB's code of conduct for learners draws its inspiration from several documents that include the *Constitution of the Republic of South Africa* No.108 of 1996, the *South African Schools Act* 84 of 1996 and the *Free State Provincial Schools Education Act* No.1 of 1996 (School AB, 2011: PREAMBLE) (cf. 3.7). This is indicative that the School AB's code of conduct for learners was informed by the policy expectations present in the current education policy framework. However, through the policy reading it was found that School AB's code of conduct is punitive in nature (cf. 3.6.1.1). Principles of restorative justice and Ubuntu are not infused in the school's code of conduct for learners. Specific examples of what is considered acceptable forms of punishment in School AB's code of conduct for learners in terms of the policy expectations include detention, extra work, demerits, suspension, verbal warnings and behavioural contracts (School AB, 2011: s.10). Having addressed the third objective of this study, namely to explore how discipline is framed within the School AB's code of conduct for learners, I turned my attention to the perceptions of the teacher and learners at school AB in terms of discipline.

In chapter 4, I established how teachers and learners of the participating school understand the school's code of conduct concerning discipline and how this understanding is enacted (cf. 4.1). Before commencing with a discussion of data analysis that was conducted, I reported on the identification of themes and sub-themes (cf. 4.6) that was employed. To make sense of the data, I read the transcriptions of the semi-structured interviews on various occasions to identify any phrases related to discussion in the literature review (cf. chapter 2) and findings of policy analysis (cf. chapter 3). Based

on this, I identified phrases that frequently occurred to create a list of sub-themes. These include aspects related to *inter alia* corporal punishment (cf. 2.2.1), exclusions (ordering learners to leave the classroom) (cf. 2.2.2), reprimandation (cf. 2.2.2), detention (cf. 2.2.2), suspension (cf. 2.2.3) and referral to the principal (cf. 3.6.1.2). Based on these sub-themes I generated themes. To refine my analysis, I re-organized the findings into five themes, namely, common disciplinary measures, perceived effective disciplinary measures, teachers' and learners' understanding of the school code of conduct for learners, departmental trainings on disciplinary measures and reflections on the restorative justice workshop (Table 3).

Furthermore, the main aspect that I sought to address was the teachers' and learners' understanding of School AB's code of conduct for learners and how this understanding is enacted. It is reported that out of fifteen participants who were interviewed, three teachers and eight learners complained that they do not understand the concept of discipline as encapsulated in the school's code of conduct for learners since they do not know what is included in the school's code of conduct for learners (cf. 4.7.3). What became clear throughout the analysis of the findings is that both teachers and learners are not well-informed of the school's code of conduct for learners (cf. 4.7.3). This also indicates that teachers may continue to make use of disciplinary measures that are against the school's code of conduct for learners as well as the education policy framework for discipline (i.e. corporal punishment, swearing, and exclusions). Such disciplinary measures often involve punitive measures that do not necessarily address the source of ill-discipline or seek to correct the harm caused. On the other hand, learners behave in a manner that is perceived by teachers as being ill-disciplined as they are not informed about what is expected of them. However, to ensure that the aforementioned challenges are addressed, I therefore propose that the participating school consider implementing my findings on teachers' experiences based on the training conducted at School AB on restorative discipline. Those findings include restorative justice as an alternative measure, understanding learners, the use of dialogue session as a value of restorative justice, understanding learners' perspective, personal talk (one-on-one), circles as a principle of restorative justice and teaching learners' responsibilities (cf. 4.7.6).

5.3. Comments and suggestions based on findings

In this section I provide comments and suggestions based on my findings in chapter 3 and chapter 4. To inform these suggestions, I draw on specific aspects of restorative justice and Ubuntu that I discussed in chapter 2.

I first make suggestion in relation to School AB's code of conduct. In section 3.5.1.1.1 it is indicated that the aim of School AB's code of conduct is to "lead towards a culture of reconciliation, teaching, learning, and mutual respect and the establishment of a culture of tolerance and peace at our school (School AB, 2011: PREAMBLE)". However, it is not stated how this will be achieved. Therefore, I suggest that this aim be linked with restorative justice, since it advocates for values such as reconciliation, mutual respect and peace. These values are comprehensively described in section.2.3.1. In addition, values from School AB's code of conduct for learners were not determined through a consultative process. They are constitutional values taken directly from the *Constitution* (RSA, 1996a) and the *Guidelines* (RSA DoE, 1998), and not specific to the school and the community it serves. This became evident during the restorative justice workshop, when the facilitator asked the participants to state the school's values and none of them provided similar values as those reflected in the school's code of conduct for learners (cf. 4.6.6). Values in School AB's code of conduct for learners are confused with the learners' rights (cf. 4.6.6). As I argued in section 3.6.1.1, learners' rights and values are described under the same umbrella term which is problematic. I would, therefore, suggest that it is important that the code of conduct of School AB stresses the applicable obligations that accompany the rights provided to the learners for rights can be limited (cf. RSA, 1196a: s.36), if they infringe on the rights of others. For instance, the right to education does not allow learners to behave as they please, without boundaries and violate the rights of others. This is supported by the *Manifesto* (cf. RSA DoE, 2001: s.1) that states: "we are responsible for our individual behaviour and there could be no rights without responsibilities". Thus, restorative justice emphasizes responsibility to the offender (Lund and Winslade, 2018: 7; and Gravielides and Loseby, 2014: 28).

In terms of the learners' rights the relevant section could be improved by adding the right to freedom of speech and association (cf. School AB, 2011: s.1). Adding this right will

allow learners' to express themselves, which could enable a restorative dialogue to flow smoothly, where voices are treated with the equal importance. Perhaps School AB's code of conduct should also be informed by specific values as decided upon by the stakeholders at the school. These values could perhaps be informed by the *Manifesto* (RSA DoE, 2001), the *Constitution* (RSA, 1996) and values important to the community.

Section 1.2 of School AB's code of conduct (2011), where it is stated that "no person may unfairly discriminate against a learner", may be improved by providing practical examples that are informed by the values of the *Constitution* (cf. RSA, 1996a, ss.9, 14, 15, 16, 30 & 31) and may include such things as appearance, socio-economic status, sexual orientation, status and cultural orientation and religious association. In section 2.1.3 of School AB's code of conduct it is asserted that "a learner who damages any school property should replace it or pay for the damaged" (School AB, 2011). However, this can be argued to not be in alignment with a restorative approach to discipline. Restorative justice advocates for "fixing the harm". Hence, one of restorative justice's principles include the reparation of harm, not retribution or consequences (cf. 2.3; Lund and Winslade, 2018: 7; in Gravielides and Loseby, 2014: 28). Thus, teacher participant 2 claimed that when learners broke his door, he instructed them to repair it (cf. 4.6.6). The above instance is an indication of how restorative measures can be incorporated within School AB's code of conduct.

Section 2.2 of School AB's code of conduct concerns learners' conduct and educators' responsibility in terms of discipline, although this section does not discuss educators' expectations in detail. Therefore, I would integrate that section with section 4 of School AB's code of conduct (2011) on discipline which is not adequately discussed. Together with this I suggest that the SGB of the school through consultation with the affected stakeholders develop a comprehensive discipline policy that guides the educators and other role players on the disciplinary philosophy of the school and what disciplinary measures are permissible. Section 4 and 5 of School AB's code of conduct (2011) make use of phrases such as 'reasonable measures', 'serious misconduct' and 'corrective measures' which are not clearly defined in the policy. However, in section 5 under the heading 'Penalties and corrective measures' all the measures that are listed are punitive

in nature. To accommodate the interests of the victim as well as the perpetrator, and to foster a conducive teaching and learning environment, I suggest that restorative disciplinary measures such as affective statements (cf. 4.7.1.4), restorative circles (cf. 4.7.2.4), conferences (cf. 4.7.1.4) and dialogues (cf. 4.7.2.1) be included in this section.

In chapter 3, it was found that School AB' code of conduct (2011) is punitive in nature, which becomes evident in the findings discussed in chapter 4. Deducing from both teachers' and learners' interviews and observations, it was found that the common disciplinary approaches to discipline used by teachers include verbal discipline, through reprimands the use of corporal punishment, swearing, and parental involvement (cf.4.7.1). In this regard, the use of corporal punishment illustrates that (some) teachers at School AB are not informed of the school's code of conduct. As such, I suggest that other than the SGB, the school establish a disciplinary committee which could ensure that the school's code of conduct is implemented and reviewed on a regular basis (e.g. once every year), and that the stakeholders (the school governing body, parents, teachers and learners) receive training/workshops on restorative discipline.

In terms of specific restorative practices that could inform the school's discipline policy, restorative conferences may be infused with reprimandation (cf. 4.7.1.4), personal talk (cf. 4.7.2.1), and parental involvement (cf. 4.7.2.2). Restorative principles and Ubuntu may be infused with the above stated disciplinary actions. These principles include respect, forgiveness and restoration of relationships (cf. 2.3.1 and cf. 4.7.1.4). Additionally, with the suggested effective disciplinary measures in chapter 4, a disciplinary process with the learner is provided for in section 9 of School AB's code of conduct (2011). A restorative dialogue and negotiation may be infused in this process to acknowledge the equal importance of the voices of both teachers and learners in addressing disciplinary concerns. Such an approach to disciplinary processes may lead to collaboration and accountability in implementing disciplinary measures (cf. 2.3.2 and cf. 4.7.2.1). This, however, implies that teachers have to show sensitivity toward the feelings of learners and communicate an understanding of those feelings in harmonious language to what the learner is experiencing at that moment (Reyneke and Reyneke, 2016: 33). Communication of emphatic understanding should be extended to the parental

involvement, which is provided for in section 9 of School AB's code of conduct (2011). As I argued in section 5.2 that the School AB's stakeholders will receive a workshop once every year on restorative justice, which include parents, therefore in that workshop parents will be encouraged to instil restorative measures at home to ensure consistency in discipline. Furthermore, findings also depict detention, suspension and referral to the principal as the effective disciplinary measures practised within the participating school (cf. 4.7.2). These disciplinary approaches are also reflected in School AB's code of conduct, in sections 6, 8, 9 and 10. However, in application the school may conduct a yearly workshop on restorative discipline to empower all the relevant stakeholders, as I argued in the previous sections. After the stakeholders are made aware of restorative justice, another meeting may be held to review the school's code of conduct. In this meeting all the relevant stakeholders will be provided with copies of the school's code of conduct. Then there will be a facilitator who will run through the contents of the school's code of conduct, thereafter, the code of conduct may be reviewed by allowing the relevant stakeholders to present their suggestions on principles of how Ubuntu and restorative justice can be incorporated within the participating school's code of conduct. Lastly, the SGB, SMT, and the school's disciplinary committee may sit to draft the final version of a reviewed school's code of conduct.

Contexts such as large classes, high crime, resistance to change and poor parental involvement might make it difficult to apply restorative justice principles. It should be noted it is a challenge to apply restorative principles in large classes as restorative justice is critiqued for being a time consuming approach. Large classes remain the SMT (School Management Team) and the Admission committee's responsibility. Overcrowding is an invitation for learner ill-discipline. It is the above-mentioned stakeholders' duty to admit learners which will make up a ratio of 1:30 as indicated in the school evaluation tool. Teachers may also note the offenders, and then engage them in a restorative talk. However, if there disciplinary challenge persists; the offenders' parents or guardians may be invited for a restorative conference. Applying restorative justice in an area where is high crime will require collaboration between the following departments: Department of Education, Department of Social Justice, Department of Correctional Service, Department of South African Police Service and Department of Social Work. These

departments can conduct quarterly information sessions to equip learners with the relevant information. Such sessions may not only be limited to the school context, but be extended to the community at large. Furthermore, as for people who are resistant to change, let those who advocate for restorative justice implement it without compromising and as the restorative discipline brings about change, then the opponents will gain interest. Lastly, poor parental involvement is a serious challenge when addressing learner ill-discipline, but the offended teachers should never lose heart with inviting or tracing the offenders' parents or guardian. Persistent teachers in their approach will eventually find someone is who connected to the (offender) learner.

5.4. Contributions of the study

This section focuses on the contribution this study makes to the field of education policy studies and a restorative discipline approach. The main research question of this study was "To what extent can the infusion of restorative justice in School AB's code of conduct contribute towards creating a conducive learning environment (cf. 1.2(1))?" Therefore, as I answer this question, I simultaneously address this section. I have argued that the teachers and learners perceive effective disciplinary measures to include talking to a learner (cf. 4.7.2.1), parental involvement (cf. 4.7.2.2), detention (cf. 4.7.2.3), suspension (cf. 4.7.2.4) and referral to the principal (cf. 4.7.2.5). These measures align with the South African education policy framework (cf. 3.6.1.2). Furthermore, the disciplinary practice of 'talking to the learner' is reflected in section 9 of School AB's code of conduct. As discussed in section 4.7.2.1, this approach can arguably be associated with 'understanding' and 'a restorative dialogue' in the context of restorative justice. It is argued that this approach "reduces threat and defensiveness, conveys interests and helpful intent, and creates an atmosphere that is conducive for behavioural change" (Reyneke and Reyneke, 2016: 33). This implies that for the teacher to understand the learners' perspective, she has to put herself in their shoes.

Secondly, findings of this study reveal that parental involvement is a key disciplinary measure. This is accommodated for in section 9 of School AB's code of conduct (2011). In the context of restorative justice, the infusion of 'family involvement' as a restorative practice could enable parents to practice their responsibility, which is to discipline their

child to adhere to the restorative agreements (oath) that they made (Reyneke, 2011). By restorative agreements, I mean the responsibility that the learner (offender) has been tasked to repair the harm/damage (misconduct) they may have caused. Furthermore, before enacting such disciplining by parents, there will be quarterly workshops on restorative justice with the parents. In these workshops it will be emphasized when parents deviate from applying the measures agreed upon, it will not only disadvantage the school but also them, since corporal punishment has been legally banned. Engaging learners' parents, as is provided for in School AB's code of conduct (2011) in the form of formal meetings, may also be informed by restorative justice as formal meetings where parents of ill-disciplined learners are invited to the school to discuss the misconduct with the offender, teacher and the principal.

Thirdly, detention (cf. 4.7.2.3) is suggested by the participants as an effective disciplinary measure. Detention is also suggested by section 9 and 10 of School AB's code of conduct (2011) as disciplinary action to deal with level 1 and 2 types of misconduct, which I comprehensively addressed in section 3.6.1.2. However, School AB's code of conduct (2011) does not clearly state when detention should be applied and how. I would suggest that the school should apply the following measures before considering detention, *inter alia* talking to the learner, referral to the principal and parental involvement. Thereafter, when all the above measures have been employed detention may be considered as a last resort. During detention, it is proposed that the school should develop programs that are informed by the principles of restorative discipline and that focus on the improvement of learners' behaviour. As argued in section 4.7.6, by means of foregrounding accountability in having the responsibility to repair the harm effected, learners may choose not to repeat the same mistake. Fourthly, suspension is suggested by the participants to be an effective disciplinary measure and it is also included in section 10 of School AB's code of conduct (2011). A more constructive approach that could be followed is for the reference of suspension in section 10 to be changed to be 'in-school suspension'. This measure should furthermore incorporate a restorative conference since based on a punitive approach punishment (suspension) is meted out, but a restorative conference could be employed to repair the harm caused (cf. 2.3) and to avoid unforeseen harm from occurring (cf. 4.7.2.4).

Lastly, 'referral to the principal' is one of the measures recommended by this study's participants as an effective disciplinary measure to curb learners' misconduct. This measure is also suggested as a disciplinary action in section 9 of School AB's code of conduct (2011). In terms of restorative justice a 'referral to the principal' could be replaced by a restorative conference, where all those involved (the teacher and learners) in an incident come together with a facilitator (principal) to deal with the incident (Augustine *et al.*, 2018: 11) in an affirmative and constructive manner.

5.5. Limitations of the study

This section addresses the limitations of the study. This study was conducted at one specific school and as such the findings cannot be generalised. I have, however, sought to conduct the study in such a manner that it is replicable and that comparative studies of a similar nature could be done in the future. A second limitation with regard to this study was that the workshop on restorative justice could not be offered over two days as is usually the case, as the school, in conjunction with the Free State Department of Education, only accommodated the workshop for a day. Thus, some content and activities were not presented to the workshop participants that could have contributed to their understanding of restorative disciplinary measures. Furthermore, due to limited time, participants were only interviewed once after the restorative justice workshop on what they perceived to have acquired from the workshop. In a similar vein, I did not have sufficient time to observe participants implementing restorative disciplinary practices that they acquired from the restorative justice workshop. Such observation would have provided valuable insight into how restorative disciplinary approaches were understood by the participants and implemented in their daily practice. A final limitation of the study was that I could not work with the members of the SGB, teachers, parents or learners to review the current code of conduct of school AB to together explore ways in which the principles of restorative justice could inform it.

5.6. Avenues of further research

For future research the scope of a similar research project could be broadened to conduct a comparative study to explore effective disciplinary approaches in schools from various quintile levels and localities (e.g. township, farm, urban). Secondly, a study that analyses the amendments to the *South African Schools Act* (RSA DoE, 1996b) as well as the *Guidelines* (RSA DoE, 1998) could be conducted. There are some contradictions between these two documents and constitutional developments as the terminology is not clearly defined and there exists insufficient guidance on key matters (cf. Reyneke, 2019: 159). Thirdly, a future avenue of study could be action orientated and involve learners, teachers and the wider community in exploring restorative justice in a series of participatory workshops. This research would specifically focus on addressing the school-community interface as it pertains to developing affirmative and constructive approaches to discipline.

5.7. Personal reflection on learning

In this section, I discuss my professional and scholarly growth during the time of the study. I start with my professional growth.

As I worked on this study, I was able to view discipline from a different perspective than what I was socialised in. I learned that the school code of conduct has to be reviewed frequently and that is fundamental to consult all the affected role players in this process. I also learned that I can engage the Department of Education to arrange for workshops to be offered. This was also confirmed by the facilitator who presented the restorative justice workshop who indicated that I can engage him through the Department of Education to monitor the progress of the implementation of restorative justice and to arrange for follow-up workshops to address any shortcomings. I furthermore learned about the importance of school values and their effect on learner behaviour. This enabled me gain sympathy toward my learners, and make effort to understand them, instead of making quick judgements based on their behaviour. I further gained insight into the protocols that have to be followed to implement disciplinary measures and policies. As an example, I learnt about the central role the SGB has to play in the adoption of a school's code of conduct. Yet, over the past three years I served as an SGB committee member

at the school I work at and, in this time, the code of conduct for learners was not discussed once. This might be a contributing factor why learner ill-discipline remains a problem within this particular school.

Furthermore, on my scholarly journey throughout this study I learned a great deal which enabled me to grow in my capacity as a teacher and researcher. Firstly, I learned about the importance of a well conceptualised and aligned research proposal. Related to this is the importance of planning one's writing and focussing on the structure of one's argument and its coherence. Secondly, this study enabled me to develop proficient academic writing skills. Thirdly, I came to appreciate the value of peer support and learning as I experienced during the cohort sessions organised by the research interest group of which I was part during my studies. The critiques and comments I received during the postgraduate conferences also contributed to enhancing the quality of my study and to build my confidence.

5.8. Summary

In the previous section, I provided an overview and the summary of this study's findings as well as the comments on suggestions on how restorative justice could inform School AB's code of conduct. I accomplished this by addressing the objectives of my chapter 2, 3 and 4. Firstly, based on the literature review of my chapter 2, it was concluded that punitive disciplinary measures are not effective in addressing learner misconduct as claimed by its proponents (cf. 5.2). However, its implementation results in school dropout, academic failure and deviant behaviour (cf. 5.2). These measures also create an unwelcoming and unpleasant learning environment (cf. 5.2). On the other hand, reflecting on my literature review it is clear that restorative justice has not been explored in the South African school context. Additionally, it was found that teachers feel that the national government through the DBE is not supportive or willing to propose constructive alternatives to a punitive disciplinary approach (cf. McCluskey and Lephala, 2010: 22). I therefore, proposed that within the South African school context a restorative disciplinary approach could serve as an alternative (cf. 5.2). Thus, Teise (cf. 2015: 67) recommends that schools should revisit their safety policies, vision, mission statements, and disciplinary processes to reconsider how they can repair, restore and build relationships.

Furthermore, after providing a brief summary of the literature review based on my first two research objectives, I proceeded to the summary findings of my chapter 3. In chapter 3 I addressed the third subsidiary research question based on how discipline is reflected in School AB's code of conduct through Samuel's (2017) reading approach. Firstly, this approach enabled me to establish that School AB's (2011) code of conduct has drawn its inspiration from several documents such as the *Constitution of the Republic of South Africa* 1996, the *South African Schools Act* 84 of 1996, and the *Free State Provincial School Education Act* 1 of 1996 (School AB, 2011: PREAMBLE) (cf. 5.2). It is evident that School AB's (2011) code of conduct was informed by the policy expectations present in the current education policy framework (cf. 5.2). Secondly, it became indicative that the principles of restorative justice and Ubuntu were not infused within School AB's code of conduct (2011) (cf. 5.2). Specific examples of what is regarded as acceptable forms of punitive measures in the school's code of conduct are detention, extra work, demerits, suspension, verbal warnings, and behavioural contracts (School AB, 2011: s.10).

Having addressed the third subsidiary research question, I turned my attention to Chapter 4 to establish how teachers and learners of the participating school understand discipline in terms of the school's code of conduct, and how their understanding is enacted. What became clear from the data analysis of the findings was that both teachers and learners from School AB were not well informed of the participating school's code of conduct (cf. 5.2). As a result, this implies that teachers from the participating school may continue to implement disciplinary measures that are against the school code of conduct as well as the education policy expectations for discipline (i.e. corporal punishment, swearing and exclusions). Learners may also continue to behave in a manner that is perceived ill-disciplined by the teachers. However, there are some findings from the training conducted at School AB on restorative justice as an alternative measure that include: understanding learners, the use of a dialogue session as a value of restorative justice, understanding learners' perspectives, personal talk (one-on-one), circles as a principle of restorative justice, and teaching learners responsibilities (cf. 5.2).

In conclusion, as it has been established from participants' responses that the effective disciplinary measures are detention, suspension and referral to principal, these measures

are also reflected in the participating school's code of conduct (2011) in sections 6, 8, 9 and 10 (cf. 5.3). Therefore, I proposed that the findings on the restorative justice workshop conducted at School AB should be infused within these disciplinary measures to ensure a conducive learning environment (cf. 5.3). I argued that this may be attained through yearly workshops conducted at the school (cf. 5.3). In such workshops all the affected stakeholders will be invited to the school to be offered copies of the school's code of conduct, and the facilitator will go through the content of the school's code of conduct with them (cf. 5.3). Thereafter, a workshop on restorative justice may be offered, which will allow the stakeholders to voice their suggestions on what principles of restorative justice can be infused within the school's code of conduct. This may enable the SGB, SMT, and the school disciplinary committee to draft a yearly revised school's code of conduct.

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