

**EXPLORING EDUCATORS' ROLES AND FUNCTIONS IN CASES OF DELICT TO  
ENSURE SUBSTANTIVE AND PROCEDURAL FAIRNESS**

**by**

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## Declaration

I, Stephanie van Straaten., declare that the Master's Degree research dissertation or interrelated, publishable manuscripts/published articles, or coursework Master's Degree mini-dissertation that I herewith submit for the Master's Degree qualification in Education at the University of the Free State is my independent work, and that I have not previously submitted it for a qualification at another institution of higher education.



4<sup>th</sup> day of April 2024

SIGNED

DATE

## **DEDICATION**

To my grandfather Stephan van Straaten, father Stephan van Straaten, mother Maryka van Straaten, brothers Stephan, Marco and Marnus van Straaten and my husband Mario de Waal. Your love and encouragement made this journey possible. You are my inspiration.

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## **Abstract**

Parents/guardians entrust their children with educators and individuals in the school community. Although policies and procedures are in place, accidents and incidents continue to occur. School managers, educators and individuals at school or school related activities need to ensure that such policies and procedures are in place in order to prevent accidents and incidents that could jeopardise the safety of learners at school.

Lack of implementation of policies and procedures causes accidents and incidents. In cases where learners are injured physically or emotionally, there are legal consequences that need to be considered. Individuals who are active in the legal system have an obligation to guarantee substantive justice and proper procedural compliance.

A qualitative research approach was used to achieve the aim of the study. The study was guided by the Right to Due Process and Administrative Justice. The research study makes use of document analysis to analyse case laws through a selection of purposeful sampling.

The findings revealed that accidents and incidents continue to occur although schools have policies and procedures in place. Policies and procedures ensure that due process and administrative justice are implemented when accidents and incidents occur. The well-being of learners is a partnership between the Department of Education, school administrators and educators to ensure a safe environment for learners at school and school related activities. Effective measures must be implemented and adapted to ensure the safety and security of learners in schools. The roles and functions of educators are guided by policies, but how educators implement them differs with every incident or event.

## **Key Concepts**

Accidents, Incidents, Policies, Procedures, Learners, School Managers, Educators

## **Abbreviations and Acronyms**

CPR: Cardiopulmonary resuscitation

DBE: Department of Basic Education

DoE: Department of Education

EEA: Employment of Educators Act

HSE: Health and Safety Executive

NSSF: National School Safety Framework

OHSA: Occupational Health and Safety Act

SACE: South African Council for Educators

SACEP: South African Council for Educational Psychology

SAHRC: South African Human Rights Commission

SASA: South African Schools Act

## Chapter 1

### Introduction and Background

#### 1.1. Introduction to the study

South Africa has a high level of violence and crime, which affects the safety and security of learners and educators in schools (Shimelis & Mebratu, 2017). The challenges extend beyond conventional safety concerns, encompassing elements such as gang-related violence, bullying, theft, sexual assault, and drug abuse (Theoharis, 2020). Amidst this complex landscape, accidents and incidents further compound the safety risks faced by learners and educators. This intertwining of criminal activities and safety incidents underscores the multifaceted nature of the challenges confronting South African schools, necessitating a comprehensive exploration of the roles and functions of educators in addressing delictious actions to uphold both substantive and procedural fairness.

According to the Department of Basic Education (DBE) in South Africa, safety in schools is a fundamental human right and is essential for the promotion of quality education (Department of Basic Education, 2015). The DBE developed various policies and programmes to address safety concerns in schools. These include the National School Safety Framework (NSSF), which provides guidelines for schools to promote a safe and secure learning environment, and the Safe Schools Programme, which aims to create safer schools through various interventions.

However, despite these efforts, safety concerns in South African schools persist (Le Mottee and Kelly, 2017). In a study conducted by the South African Human Rights Commission, it was found that violence and crime were the most significant barriers to quality education in South African schools (South African Human Rights Commission, 2016). According to the Regulations of Safety Measures (Sect 9(6), in the South African Schools Act (SASA) (Act no 84 of 2004), prioritising the safety of learners in school-related activities is paramount, positioning educators at the forefront of school safety efforts. The approach, attitude, and skills of educators play a pivotal role in shaping a learner's school experience in numerous ways. The roles and functions of educators in cases of delict need to be established to ensure substantive and procedural fairness.

Ensuring student safety during school-related activities is a critical responsibility for educators. It is essential to carefully assess the specific contexts in which safety measures are put in place, particularly during school excursions. Despite the emphasis placed on prioritizing learner safety in policies such as the South African Schools Act, real-world incidents have revealed gaps in their implementation. This study examines past events and relevant court cases to illuminate instances where safety protocols have failed and the resulting consequences thereof. Understanding the collective responsibility of educators, parents, and learners is crucial in addressing the persistent safety concerns in South African schools.

## **1.2. Background of the study**

The research was conducted by making use of previous events that occurred during school excursions and court cases and integrating the law within these events. It is important to apply the safety measures that the policies guide schools to implement during school excursions. When policies are not implemented, safety measures are not followed, and accidents occur (ILO, 2023).

Although educators are the professionals who are ultimately responsible for the well-being of learners during school excursions, the safety of learners is in jeopardy during such excursions (Hyson and Tomlinson, 2014). It is necessary to indicate why such incidents take place. The safety of learners remains a collective task. Parents and learners themselves need to do their part in ensuring that learners are not placed in unnecessary danger, especially during school excursions (Mackay, 2020).

Parents entrust educators with their children in the hope that educators will take over the same roles and responsibilities that they have when it comes to the wellbeing of their children. The Constitution of South Africa (1996) requires all educators to be vigilant toward the safety of learners as if they are their children. The South African Council for Educational Psychology (SACEP, 2022) report highlights an increase in school violence incidents involving weapons, emphasising the need for comprehensive safety protocols, emergency preparedness training, mental health support programmes, and community-based interventions. Erdmanis and Mihailovs (2022) state that *in loco parentis* educators assume parental roles. When an educator assumes parental responsibilities, this is known as being *in loco parentis*, and the educator is given some parental rights and permissions. For instance, the educator

has the authority and responsibility to keep the learner away from inappropriate and unlawful activities. The rise in South African school violence underscores the need for a comprehensive approach to safety, including robust protocols, emergency preparedness training, mental health support programmes, and community-based interventions.

The General Notice on Safety Measures at Public Schools (Notice 876 of 2006) defines school activity as any educational, cultural, sporting, or social activity of the school within or outside the premises. Schools should be safe environments where learners can study and develop without being confronted with unnecessary dangers (Gray, 2013). However, even when teachers are in charge, mishaps, and events can still happen in classrooms. Accidents and incidents are inevitable and can happen anywhere, including schools. These unfortunate events can result in serious injuries, property damage, or even loss of life. Schools are places where children are supposed to feel safe and protected, but sometimes accidents and incidents happen under the supervision of educators, which can raise concerns about the quality of education and safety measures in place (Briggs, 2018).

One of the accident types that occurs most frequently in South African schools is slip-and-fall incidents (Eberlein, 2013). These can occur in many different places at schools, including stairways, playgrounds, and classrooms, and they can be brought on by moist floors, loose carpets, or uneven surfaces. Due to inadequate funding and a lack of basic utilities like suitable flooring, many South African schools are more likely to experience slip-and-fall accidents (Eshun, 2023). Broken bones and wounds can result from falls. According to the South African Labour Guide (2019), slip-and-fall incidents are the second most frequent cause of workplace injuries. These incidents can result in serious injuries such as broken bones, brain injuries, and even death.

Transportation-related accidents are another type of mishap that can happen in schools. If not properly monitored, school transportation, whether by bus or car, can be deadly (Luke, 2021). Learners have occasionally been involved in car accidents in South Africa while being driven to and from school. These situations have the potential to cause fatalities and severe injury. According to a study by the South African Medical Journal, school transport-related injuries are a serious public health problem, with the majority of incidents happening during rush hour (Mudau et al., 2020).

School violence is also a concern in South Africa (Eberlein, 2013). Learners may experience bullying, physical abuse, or even sexual abuse. In South Africa, school violence is a severe problem, with learners and teachers often subjected to physical and verbal abuse, according to a study by the South African Human Rights Commission (South African Human Rights Commission, 2019). Since this may have a negative impact on learners' mental health and academic performance, it is the duty of educators to provide a secure and caring atmosphere for their learners (Noddings, 2015).

Sports-related accidents are another sort of mishap that happens in schools. According to a study by Jakoet et al. (2019), sports-related incidents are a substantial cause of injuries in South African schools. According to the report, fractures, soft tissue injuries, and concussions are the most typical sports-related injuries in schools. In order to prevent and treat sports-related injuries, the authors advised schools to create injury prevention programmes and make sure that teachers and coaches acquire the necessary training.

Educators must take proactive steps to protect the safety of learners in order to prevent accidents and incidents from happening at schools (Koury, 2019). These steps include developing anti-bullying and violence prevention programmes, conducting frequent safety audits of the school's physical plant, and providing proper supervision when traveling (Timm, 2021). Additionally, educators can teach learners about fundamental safety precautions including using safety equipment when participating in sports and refraining from risky behaviours like climbing trees or using harmful playground equipment.

The General Notice on Safety Measures at Public Schools (Notice 876 of 2006) defines supervision as reasonable management and control of learners at school and during tours and sporting activities. Standardisation and compliance are heavily emphasised in safety management. All initiatives to bring educators and learners in line with school safety rules and ideals include safety management systems, behavioural safety, and safety culture (Provan, Woods, Dekker & Rae, 2020).

It is critical for school managers and educators to rigorously ensure that the necessary safety measures are in place rather than assuming that this is the case otherwise accidents will happen (Mlambo, 2020). Furthermore, Provan et al., (2020) suggest that

any divergence from safety procedures frequently results in accidents, and thus, the best course of action is to put even greater pressure on compliance. As a result, safety management focuses on locating deviations from the school safety measures to limit the chances of any incidents that could take place.

In order to guarantee the safety and security of learners, instructors, and staff in South African schools, risk assessments are an essential component. Finding potential risks or hazards, assessing the likelihood and seriousness of harm, and putting precautions in place to lessen or eliminate those risks are all part of the risk assessment process. This strategy is necessary to guarantee that schools give learners and educators a safe and secure environment.

Guidelines for performing risk assessments in schools have been put in place by the Department of Basic Education (DBE) in South Africa. The recommendations were created after consultation with key players, including educators, parents, and health and safety professionals, and they are based on global best practices (Department of Basic Education, 2012). The recommendations include that risk analysis should be carried out regularly to identify potential risks and gauge the likelihood that learners and employees will suffer harm. The assessments must include information on a variety of risks, such as those that are psychological, chemical, biological, and physical (Department of Basic Education, 2012).

A legislative foundation for guaranteeing the health and safety of South African employees, including educators and support personnel in schools, is provided by the Occupational Health and Safety Act (OHSA) of 1993 (Department of Labour, 1993).

In South African schools, there are numerous processes involved in the implementation of risk assessments. First, the management team of the school should designate a health and safety officer who will be in charge of carrying out the risk assessment and putting the required safeguards in place to ensure the security of students and staff (Department of Basic Education, 2012). To recognise potential risks and gauge the likelihood of injury, the health and safety officer should possess the essential knowledge and skills.

Second, the risk assessment procedure ought to include a thorough examination of the school's facilities, including the classrooms, laboratories, playgrounds, and other places where students and employees might be in danger (Barrett, Treves, Shmis,

and Ambasz, 2019). Potential dangers including poor electrical wiring, insufficient ventilation, or unsuitable equipment should be identified through the assessment (Department of Basic Education, 2012).

Thirdly, each detected hazard's potential for injury should be assessed, along with its likelihood and severity. This entails taking into account elements including the frequency, length, and sensitivity of learner, educator, and staff exposure (Department of Basic Education, 2012).

Finally, the assessment should suggest steps to lessen or eliminate risks that were identified. These actions can entail fixing or changing broken equipment, enhancing ventilation, or offering protective gear like gloves or safety goggles (Department of Basic Education, 2012).

Every school must take reasonable precautions to guarantee the safety of students and instructors in accordance with the South African Schools Act (No. 84 of 1996). This entails putting risk assessments into action and creating risk management strategies to deal with any hazards found. Additionally, risk assessments must be up to-date and successful at reducing hazards, thus schools are expected to conduct frequent safety audits and reviews.

To protect the security and safety of learners, educators, and other staff in South African schools, risk assessments must be implemented (Sonhera, Kritzinger and Loock, 2021). Schools can create risk management plans, put them into action, monitor and review their success to identify potential hazards, evaluate the likelihood and degree of harm, and assess potential risks that may cause accidents or incidents. Risk assessments should be conducted regularly to ensure that new hazards are identified and managed appropriately (Ostrom and Wilhelmsen, 2019).

In 2020 the Sunday Times (2020) reported that a 13-year-old learner attached to a public high school for boys in Johannesburg drowned during a water activity on a school excursion. In another incident, a 13-year-old boy drowned in a crowded swimming pool at a public school in Magaliesburg (News24, 2020). Both these incidents may have been prevented if proper risk assessments and control measures had been implemented (Fedsas, 2020).

In order to establish safe school environments for learners, staff, and visitors, thorough risk assessment and the implementation of effective control measures are imperative.

Risk assessment, as defined by the Health and Safety Executive (HSE) in 2018, involves the identification of potential hazards and the evaluation of associated risks with the ultimate goal of determining ways to mitigate or eliminate the likelihood of harm.

Conducting proper risk assessment and implementing control measures in schools necessitate strict adherence to established rules and best practices. The HSE's recommended five-step process for risk assessments includes the identification of potential dangers, assessment of the likelihood and severity of harm considering the potential population at risk, implementation of measures to control or reduce risks, documentation of findings, and regular review and updates to maintain accuracy and relevance.

To effectively execute this process, it is crucial to involve employees and other stakeholders in the risk assessment approach. Ensuring that everyone has received adequate training on the required protocols and safety precautions is fundamental. By following these guidelines, schools play a pivotal role in contributing to the creation of a safe and healthy environment for all individuals within the educational setting.

If the safety measures were in place and those learners were not left unsupervised this might not have happened. This further emphasises the need for safety measures to be put in place by all schools, to safeguard against incidents like the above-mentioned from taking place. In both cases learners were left unsupervised, hence the occurrence of these tragic events. By implication, all reasonable measures to ensure the safety of learners placed in their care, as stipulated in the General Notice on Safety Measures at Public Schools (Notice 876 of 2006) were not taken.

Safety measures should be in place to ensure the well-being of learners at school. These measures must be implemented and explained at school (Hargreaves and Shirley, 2021). The educator, parents/guardians, and learners should know what is expected during school activities such as excursions. Safety measures should also be known as non-negotiables (Mendler, 2020).

Notwithstanding legislative requirements (Constitution, SASA), policies, and general regulations (e.g., Notice 876 of 2006) that schools should provide a safe environment for learners, learners continue to get injured or die in the care of the school. Valid concerns are thus raised on how and why this happens while learners are under the

supervision of educators who, having been trained and qualified to take care of learners placed in their care, seemingly do not have the competence to do so. It is critical to do roll calls at any school-related activities, a list is needed with the names of learners that are involved in the specific activity (Mlambo, 2020).

Schools need to focus on the policy aspects of learner safety and the promotion of safe schools. This study focuses firstly on the implementation of policy processes and procedures related to the Law of Delict and its application to cases where learners are injured, and, secondly, on aspects of Labour Law sections regarding the application of safety procedures as part of the contract between the teacher and his/her employer. In both cases, Section 33 (1) of the Constitution must be upheld to ensure action that is procedurally just and fair, an area in which schools seem to falter.

Accidents and incidents can happen at schools in South Africa under the supervision of educators, and it is essential to take proactive measures to prevent them. Slip-and-fall incidents, transportation-related incidents, and school violence are some of the most common accidents that occur at schools in South Africa. Educators can take steps such as conducting safety audits, providing adequate supervision, and implementing anti-bullying and violence prevention programmes to ensure the safety of learners.

The widespread and concerning events and accidents that occur in South African schools despite laws, regulations, and safety precautions call for a thorough investigation. While it is true that student, teacher, and staff safety is of utmost importance, the frequent reports of slip-and-falls, transportation-related accidents, and violent occurrences in schools raise serious concerns. These occurrences cast doubt on the fundamental elements of a secure and supportive learning environment in addition to posing physical risks. Even if there are many laws and rules in place to protect the safety of students, the fact that these incidents keep happening highlights a serious weakness in their application. The study explores the duties and tasks of educators and their obligations to promote procedural and substantive fairness in delict proceedings, adding to the study's complexity. Addressing the urgent problems at hand requires a thorough understanding of the underlying reasons, a close examination of the difficulties in implementing policies, and an assessment of the efficacy of safety measures in South African schools.

Too often learners fall victim of neglect, this is seldom a result of educators not following the proper rules in place or even a lack of safety measures from the school's side.

In conclusion, safety in South African schools is a significant concern that needs to be addressed urgently. The government and relevant stakeholders need to work together to develop and implement effective measures to ensure the safety and security of learners in schools.

### **1.3. Problem statement**

In all cases where a learner is injured or encounters bodily harm, the case raises two very distinct processes that are often not clearly distinguished. There is a legal process where the law of delict would be applied to test if negligence could be established. Should this be affirmed, then a criminal case will be opened, and normal criminal procedures followed. But there is a second process that involves the application of Labour Law principles. The criminal process is separate and is based on the legal principle that negligence must be established beyond a reasonable doubt (Teichman, 2017). The Labour process is different, and a finding of misconduct must be established on the principle of a balance of probability (Alon-Shenker and Davidov, 2013).

Whether we are talking of criminal law or labour law, the Constitution stipulates that all legal processes must pass the test of procedural fairness and substantive fairness. This implies that the parties involved in the legal processes must ensure that correct procedural processes have been followed and that substantive justice has been ensured.

Very often stakeholders involved with cases where learners are injured or killed do not ensure that they follow due process (Strike, Haller and Soltis, 2014). The question arises whether school principals and district officials are familiar with what is required to ensure due process in cases of possible delict. Alternatively, an analysis could be made to distil where the role players erred when dealing with cases where the integrity of learners was compromised, because of delict on the part of an educator(s).

#### **1.4. Rationale of the study**

Accidents during school excursions raise big concerns. Although the necessary policies are in place these accidents still occur during school excursions. Accidents during school excursions are on the rise and the responsibility of care has been called into doubt (Mackay, 2020). This is a commitment and it appears that not all educators are aware of the type of responsibility that must be exercised to assure the safety of learners while under the supervision of educators during school excursions (De Waal, Theron & Robinson, 2001). Educators need to be aware that they are responsible for learners during school excursions. It is of great concern to the researcher that these incidents can still occur in the presence of educators. The researcher believes that these incidents could be prevented by following the right procedures and policies. This study, therefore, is set to highlight the roles and functions of educators.

#### **1.5. Research question**

What are the roles and functions of educators in cases of delict to ensure substantive and procedural fairness?

#### **1.6. Subsidiary questions**

1.6.1. What processes and procedures outlined in educational and school policies addresses injuries occurring to learners under the care of educators, and how do these relate ensuring substantive and procedural fairness?

#### **1.7. Aim**

The study aims to explore the roles and functions of educators in cases of delict to ensure substantive and procedural fairness.

#### **1.8. Research Objectives**

1. To identify and analyse the processes and procedures outlined in educational and school policies that address injuries occurring to learners under the care of educators, and to evaluate how these processes contribute to ensuring substantive and procedural fairness.
2. Determine key role players in the investigating period and to determine how schools ensure that conflicts of interest are prevented.

3. Explore why schools and education departments separate law of delict procedures from labour law principles and procedures.
4. Compare and summarize the evidence available of schools failing in their responsibility to ensure administrative justice in cases of negligence at schools.

### **1.9. Theoretical framework**

The study is underpinned by the right to due process and fair administrative justice. The right to due process is a constitutional right that prevents governments from exploiting citizens. Due process, to which both civil and criminal cases are subject, encompasses procedural requirements as well as a spectrum of liberty interests that may not be infringed on by other statutes and regulations (Tate, 2015). Because people's liberties must be protected, legal issues must be resolved in accordance with established norms and principles, and all people must be treated fairly, courts are required to respect due process.

Administrative justice refers to the quest and achievement of accountability in the exercise of public power and the fulfilment of public functions under the rule of law, both through legal and other forms of scrutiny. Administrative justice, according to Retief et al. (2020), is that part of the legal system that deals with issues arising between citizens and the government. Section (33[1]) of the Constitution states that everyone has the right to administrative action that is lawful, reasonable, and procedurally fair", implying that it is the responsibility of the justice system to ensure that due process, as well as administrative justice, takes preference when citizens are involved.

The selection of the theoretical framework for this study is rooted in a deliberate and thoughtful consideration of the principles that underpin the legal and administrative aspects of justice. The study is anchored in the right to due process and administrative justice, both of which hold paramount importance in safeguarding individuals' rights and ensuring accountability in the exercise of public power. The constitutional right to due process serves as a foundational pillar, preventing potential exploitation by governments and emphasising the protection of citizens' liberties. By adopting this framework, the study aligns with established norms and principles, acknowledging the significance of fair treatment and adherence to legal procedures in resolving both civil and criminal cases.

Furthermore, the incorporation of administrative justice into the theoretical framework reflects a commitment to scrutinizing the exercise of public power and the fulfilment of public functions under the rule of law. As described by Retief et al. (2020), administrative justice constitutes the legal domain dealing with issues arising between citizens and the government. The constitutional mandate, as articulated in Section 33(1), reinforces the right to administrative action that is lawful, reasonable, and procedurally fair. This implies a commitment to ensuring that citizens are treated justly and fairly in their interactions with the government, emphasising the importance of procedural fairness in administrative actions.

In essence, the theoretical framework of the right to due process and administrative justice serves as a robust foundation for this study, offering a comprehensive lens through which to examine and evaluate the roles and functions of educators in cases of delict. It aligns with the broader goal of promoting fairness, accountability, and the protection of individual rights within the educational context, contributing to a nuanced understanding of the legal and administrative dimensions inherent in this research endeavour.

## **1.10. Definition of key concepts**

### **1.10.1. School**

A school can be defined very differently based on its cultural and geographical setting. From a worldwide perspective, schools are characterized as "formal institutions that exist to facilitate the transmission of knowledge, skills, and values from one generation to another" (UNESCO, 2015). Public, private, charter, and specialty schools like technical or vocational schools are only some of the different school configurations that exist. According to Hanushek et al. (2002), the main purpose of schools is to educate people so that they can advance their social and economic statuses and experience personal growth.

In the context of this research, a school refers to a formal educational institution providing structured learning environments from kindergarten through high school, serving as a platform for academic knowledge, cognitive growth, and the development of social and emotional competencies.

### **1.10.2. Safe School**

According to Thapa et al. (2013), a safe school includes the introduction of rules and guidelines for handling cases of violence, harassment, and bullying. These policies could contain explicit expectations for conduct, sanctions, and channels for reporting problems or events. Smith et al. (2022) place a strong emphasis on the value of safe school settings in fostering good student outcomes. They contend that safe schools encourage a sense of inclusion, belonging, and respect among kids, which benefits academic achievement, lower absenteeism, and increased general well-being.

For the purpose of this research, a safe school is defined as an educational setting that goes beyond physical security, incorporating emotional and psychological support systems, effective policies, and a positive school climate to foster positive student outcomes and inspire learners to realise their full potential.

### **1.10.3. Educator**

An educator is a person who works in the education industry and is in charge of helping learners learn and develop their knowledge, abilities, and attitudes (Darling-Hammond, 2017). Educators engage with learners and encourage their academic and personal growth, they use a variety of teaching tools and techniques. The role of an educator includes a wide range of duties aimed at promoting the growth and learning of learners in a safe and healthy environment. Educators play the role of knowledge facilitators, assisting students in developing new skills and conceptual understanding (Smith, 2018).

In this research, an educator is an individual in the education industry responsible for facilitating the knowledge, skills, and attitude development of learners, playing a crucial role in promoting a safe and healthy learning environment.

### **1.10.4. Learner Safety**

Learner safety encompasses the policies and procedures implemented in school and learning environments to safeguard students' physical, emotional, and mental health (Sutphen, 2016). This includes fostering a secure and encouraging learning atmosphere and addressing issues such as bullying and harassment (Shin & Koh, 2017). It also involves providing support for mental health and well-being and ensuring physical safety both within classrooms and on school premises and during off-site activities (Gumpel & Kounin, 2019; Bonell et al., 2020). The development of a

welcoming, supportive, and respectful learning atmosphere where learners feel appreciated, valued, accepted, and respected would produce a safe environment (Adkins, 2017).

Learner safety in this research encompasses the policies and procedures implemented in educational settings to safeguard students' physical, emotional, and mental health, creating a secure and encouraging learning environment that contributes to effective learning outcomes.

#### **1.10.5. Safety Management**

The term "safety management" describes the all-encompassing strategy used by educational institutions to guarantee the physical, psychological, and emotional health of students, faculty, and visitors while they are on school property (HSE International, 2019). To avoid accidents, injuries, and incidents from happening, it requires identifying, evaluating, and controlling potential risks and hazards as well as putting policies, procedures, and strategies into place (Department of Education and Training, 2019).

Safety management, as defined for this research, involves a comprehensive strategy ensuring the physical, psychological, and emotional health of students, faculty, and visitors in educational settings, including activities such as safety audits, infrastructure maintenance, and emergency response planning.

#### **1.10.6. Risk Assessment**

In order to protect the safety and well-being of students, staff, and visitors, risk assessment in schools is the methodical process of finding, assessing, and reducing any risks or dangers within educational environments. To manage risks that can cause accidents and incidents successfully, it is critical to recognize the risks, evaluate the likelihood and seriousness of potential impact, and put in place the necessary controls (Health and Safety Executive, 2018).

In the context of this research, risk assessment in schools is a systematic process involving collaboration among various stakeholders to identify, evaluate, and mitigate potential risks or dangers, contributing to learner safety, community well-being, and compliance with health and safety regulations.

### **1.10.7. Excursions**

Excursions include a variety of activities, such as outdoor adventures, cultural tours, or educational field trips that require people or groups to leave their typical environment for a particular reason. The word "excursion" is frequently used in the tourist sector to refer to planned excursions or trips provided by travel companies, accommodations, or cruise lines. Excursions can also be self-organized or tailored to the preferences and requirements of particular groups.

In the context of this study, excursions include a variety of activities involving individuals or groups leaving their typical environment for specific purposes, emphasising the importance of planning and managing these activities to contribute to diverse and ethical travel experiences while ensuring the long-term viability of tourism destinations.

### **1.10. Review of literature**

The study's literature review thoroughly examines academic publications and research pertinent to the complex issues surrounding learner safety in South African classrooms, with an emphasis on the roles and responsibilities of teachers in risk mitigation and upholding substantive and procedural justice. The evaluation commences with a survey of the wider South African educational environment, taking into account the prevailing issues with crime, violence, and school safety. The study by Shimelis and Mebratu (2017), Tate (2015) lays the groundwork for a more in-depth examination of safety-related concerns by offering a basic understanding of the high rates of crime and violence in South African schools. Because people's personal liberties must be protected, legal issues must be resolved in accordance with established norms and principles, and all people must be treated fairly, courts are required to respect due process.

The literature review expands on the groundwork established by the larger South African educational system by delving deeper into the idea of *in loco parentis* and explaining how teachers take on parental tasks and obligations for students. Theoretical foundations are provided by Erdmanis and Mihailovs' (2022) investigation of *in loco parentis*, highlighting the authority and duties that educators bear. This conversation is crucially connected to the growing issues that the South African Council for Educational Psychology (SACEP, 2022) has been highlighting, particularly

the rise in instances of weapon-related school violence. A thorough grasp of the intricate relationships that exist between safety concerns, the responsibilities of educators, and the requirement for extensive safety measures results from the synthesis of various literary threads.

### **1.11. Methods of research**

This study employs a qualitative research design to explore the complex ways in which the law of delict is applied within school environments (Merriam & Tisdell, 2016). The primary method for data collection was document analysis, specifically content analysis, as it allowed for systematic examination of selected documents to identify relevant patterns and themes (Bowen, 2009; Hsieh & Shannon, 2005). The research utilised documents that include official school policies, legal precedents, educational guidelines, and scholarly articles directly addressing the topic. A systematic search across credible online resources was employed using focused keywords and database-specific search functions (Polit & Beck, 2012). Clear inclusion criteria guided document selection, ensuring alignment with the study's objectives (Marshall & Rossman, 2016). Data analysis involved familiarisation with content, inductive and deductive coding, theme development, and careful interpretation (Braun & Clarke, 2006; Elo & Kyngäs, 2008). To ensure rigor and trustworthiness, strategies like reflexivity and triangulation were prioritised (Creswell & Poth, 2018; Tracy, 2010). Ethical considerations, including proper citation, respect for intellectual property, transparency, and acknowledgment of limitations, were paramount throughout the research process (Israel & Hay, 2006).

### **1.12. Significance of the study**

Accidents occur during school excursions; it is necessary to prevent such incidents and to promote the safety of learners. The study may benefit learners by ensuring their safety during school excursions. Educators who attend school excursions will benefit and gain insights into how to identify possible dangers, awareness of possible dangers, and the ability to make use of policies to manage and prevent possible accidents. Schools will benefit from the awareness that accidents may occur, the prevention of accidents by following the correct procedures and implementing the necessary policies. With policies in place and learners being under the supervision of qualified educators, these accidents can be prevented. The Department of Education

(DoE) will benefit by knowing what gaps within the policies and procedures are leading to accidents during school excursions, how to prevent such accidents, and to promote the safety of all learners attending school excursions. It is necessary to determine why these accidents occur and how they can be prevented.

Furthermore, the study's findings can be of value to the academic community, policymakers, and researchers interested in educational safety. Insights into the specific challenges and solutions related to school excursions can serve as a foundation for future research and the development of comprehensive safety guidelines. This knowledge can contribute to the creation of best practices that extend beyond the scope of this study, providing a valuable resource for educational institutions globally.

In addition, the study aligns with broader societal concerns about child welfare and safety. As schools are entrusted with the well-being of students during excursions, the research outcomes can inform not only educational practices but also contribute to public awareness and discourse on the importance of safety measures in educational settings. Ultimately, the study plays a role in promoting a culture of safety and responsibility within the educational community and society at large.

### **1.13. Limitations of the Study**

This study investigates the functions and roles of educators in cases of delict and may not include all safety concerns at school or school related activities. Therefore, it may not be possible to generalise the findings to all incidents, but may occur as a guideline on how to proceed or approach them. For the research paper, the researcher anticipates the following restrictions: Time can be a possible limitation; more research can be conducted over a sustained period of time. The researcher can apply for leave to be able to have more time available. Access to relevant documentation could be limited or restricted.

### **1.14. Ethical issues**

The University of the Free State's Faculty of Education's Ethics Committee granted the researcher's request for permission to carry out the study. Creswell (2012) emphasises the importance of gaining permission before conducting any research. The ethical clearance number for this research is UFS-HSD2022/0401/22/3. The

researcher ensured that any information gathered will not cause harm to any person, or entity.

### **1.15. Overview of chapters**

An outline of each chapter is provided below:

#### Chapter 1: Introduction and Background

The introduction and background contains a discussion of learner safety in schools and offer details about the roles and functions of educators to ensure substantive and procedural fairness in schools. In this chapter, research questions, aims and objectives of the study are discussed. Furthermore, the rationale and significance of the study are addressed.

#### Chapter 2: Review of Literature

The literature review consists of a presentation and discussion of different aspects related to learner safety and responsibilities of educators as discussed in existing literature. This chapter also discusses current approaches to ensuring the safety of learners at school and school related activities. Arguments reviewed indicate that it is essential for school managers, educators and the Department of Education to collaborate to ensure substantive and procedural fairness.

#### Chapter 3: Research Design and Methodology

This chapter describes the research design, methodology and techniques used by the researcher to address the research question.

#### Chapter 4: Analysis and Interpretation of Data

Chapter 4 provides the researcher with the opportunity to present, discuss and interpret the data collected through document analysis. This chapter also covers the data collection, analysis and interpretation. The information from the data is evaluated to discover relevant data that could contribute to the study's conclusions.

#### Chapter 5: Conclusion and Recommendations

Finally, this chapter provides a thorough overview of the cooperative tactics that can be used by the Department of Education, school managers, and educators to prevent accidents and incidents at school and school-related activities. The Department of Education needs to support school managers and school managers need to support

educators to improve the safety of learners. This is supported by the study's findings. The researcher offers significant recommendations for working together to improve learner safety at schools. This being the final chapter, hence it contains a detailed summary of the policies and procedures put in place to ensure substantive and procedural fairness relating to learner safety at school as well as on excursions under the supervision of educators.

### **1.16. Summary of the chapter**

This chapter provides a comprehensive introduction to the research study, delving into its background, problem statement, rationale, and overarching aim and objectives. The research question and subsidiary questions are outlined to guide the investigation. The theoretical framework is introduced, underpinned by key concepts such as "school," "safe school," "educator," "learner safety," "safety management," "risk assessment," and "excursions." The literature review is briefly touched upon, setting the stage for the subsequent chapters. The research paradigm and approach, along with the research design, population, and sample details, are outlined to give a clear understanding of the study's methodology. The chapter concludes with an overview of data collection, analysis, and the trustworthiness of the research. The significance of the study, its limitations, ethical considerations, and a brief preview of subsequent chapters are also discussed. Overall, this chapter serves as a foundation for the comprehensive exploration of the research study.

## **Chapter 2**

### **Review of literature**

#### **2.1. Introduction**

This chapter provides a review of the relevant literature on Exploring Educators' Roles and Functions in Cases of Delict to Ensure Substantive and Procedural Fairness. It examines academic works on the educators' roles and functions in cases of delict to ensure substantive and procedural fairness. An overview of school safety policies and procedures is given by the review of the literature. A discussion of various safety measures that could prevent accidents and incidents and thereby promote a safe school environment will follow. The main goal of the literature review is to present pertinent data that will help readers understand how learner safety could be maintained in schools. This study will be supported by right due process and administrative justice.

The landscape of learner safety within South African educational institutions is multifaceted, encompassing various dimensions such as physical well-being, psychological health, and the overall security of the educational environment. This literature review critically examines existing scholarship on learner safety, shedding light on key themes, challenges, and, notably, the discernible gaps warranting further exploration. While extant research has delved into aspects like transportation incidents, health emergencies, and the implementation of safety policies, this review contends that certain crucial dimensions remain underexplored. Notably, the psychological impact on both learners and educators, the enduring consequences of insufficient resources and infrastructure, and the intricate interplay of cultural, societal, and economic factors in shaping safety policies are aspects that demand more scholarly attention. By identifying these gaps, this literature review lays the groundwork for advocating a more comprehensive and nuanced approach to understanding and enhancing learner safety within the South African educational context.

## **2.2. Right due process**

Due process is a fundamental concept in legal structures that ensures individuals are treated fairly and justly in judicial proceedings. This concept contains a number of procedural and substantive rights intended to protect citizens from arbitrary government actions. Due process is a cornerstone of the rule of law, fostering fairness, justice, and the protection of individual liberties (Black, 2019). In the context of criminal justice, due process assures a fair trial, including the right to notice, a hearing, and legal representation (Smith, 2018).

The right to be informed of the charges and evidence against an individual is a vital aspect of due process. This concept is critical for allowing individuals to prepare a defence and appropriately respond to the claims (Jones & Brown, 2020). Due process requires the right to a fair and impartial judgment to ensure that judicial processes are performed without bias or prejudice (Williams, 2017). A fair judgement is essential for sustaining justice values and maintaining public trust in the judicial system (Johnson, 2021).

Due process applies not just in criminal procedures, but also in administrative and civil contexts. Individuals are entitled to a fair hearing in administrative law, for example, when confronted with government measures that may harm their rights or interests (Miller, 2019). Furthermore, due process in civil litigation ensures that parties have the opportunity to present their position, confront witnesses, and challenge evidence, all of which contribute to the general fairness of the legal system (Davis et al., 2022).

Due process is a multifaceted and indispensable component of legal systems, encompassing a range of procedural and substantive rights. Its application is not limited to criminal justice but extends to administrative and civil proceedings, emphasizing the universality of its importance. Upholding due process safeguards individuals from arbitrary governmental actions and reinforces the foundational principles of justice and fairness in legal proceedings.

Despite the wealth of literature on due process, there exists a need for a more nuanced exploration of its application and significance in specific contexts, particularly within the South African legal framework. Existing studies have laid the groundwork, but a comprehensive analysis that specifically addresses the nuances and challenges within the South African legal system is lacking. This study aims to bridge this gap by

engaging in a scholarly dialogue with the existing literature, demonstrating how each source contributes to the ongoing conversation in the field. By highlighting gaps in the literature, this research intends to fill these voids and offer a nuanced understanding of due process within the South African legal context, thereby contributing to the broader discourse on justice and fairness in legal proceedings.

### **2.3. Administrative justice**

Administrative justice is an important part of legal systems, comprising the concepts and procedures that govern administrative authorities' decisions. It is concerned with the fairness, openness, and accountability of administrative acts, with the goal of ensuring that those affected by such decisions have access to a fair and impartial review and appeal procedure. Administrative justice entails the use of legal and procedural safeguards to protect citizens from unjust and arbitrary administrative judgments (Stewart, 2018). Administrative justice is significant because it serves as a buffer against potential abuses of power by administrative authorities, maintaining the rule of law's proper functioning.

The right to a hearing is an important component of administrative justice because it allows persons to state their case and debate the facts before an impartial decision-maker. This notion adheres to the principles of natural justice, emphasizing fairness and due process in administrative processes (Kellough, 2017). The concept of legitimacy is critical in administrative justice, as decisions made by administrative bodies must be regarded as legitimate by the public in order to retain trust in the administrative process (Parker, 2019). As Jowell (2016) points out, legitimacy is intimately related to the transparency and accountability of administrative acts.

The right to a hearing is a critical component of administrative justice, it allows individuals to state their case and debate the facts before an impartial decision-maker. This idea is consistent with natural justice concepts, emphasizing fairness and due process in administrative proceedings (Kellough, 2017). The concept of legitimacy is critical in administrative justice since judgments made by administrative bodies must be regarded as legitimate by the public in order for the administrative process to be trusted (Parker, 2019). The transparency and accountability of administrative acts are inextricably linked to legitimacy (Jowell, 2016).

There has been a rising focus on the need for continual improvement in administrative justice systems to handle developing difficulties and increase their effectiveness (Doig, 2019). This involves incorporating technology to expedite processes, improve access to justice, and assure speedy settlement of disputes (Bingham, 2018). The constant development and refinement of administrative justice procedures is critical for reacting to societal changes and sustaining public trust in the fairness and efficiency of administrative decision-making processes.

Despite the strides made in understanding and advancing administrative justice, there remains a need for further research to delve deeper into specific aspects. Through continued research, scholars can contribute to the ongoing discourse, providing nuanced perspectives that guide the enhancement of administrative justice systems for the benefit of all stakeholders involved.

## **2.4. Definition of key terms**

### **2.4.1 Delict (Tort) in South African Law**

Delict, or tort, constitutes a vital aspect of South African law, particularly concerning civil wrongs resulting in harm or damage to individuals or their property (Van der Merwe & Joubert, 2018). While foundational works like Neethling et al. (2016) extensively cover various delictual claims, including negligence and intentional harm, a notable gap exists in the exploration of the application of delict in the specific context of learner safety. The implications of educator actions or school policies on learner safety might warrant a more focused examination within the delict framework, addressing potential shortcomings in the existing literature.

Boberg's (2022) treatise primarily concentrates on culpability in delict, offering insights into the concept's centrality in establishing delictual liability. However, there is a need for further exploration of culpability as it pertains to educational institutions and their responsibility for learner safety. Investigating how the concept aligns with the actions of educators and the development of school policies could enhance our understanding of legal repercussions in cases impacting learner safety.

Moreover, Guntin & De Waal's (2019) exploration of delictual liability in emerging areas like cyberbullying raises questions about the adequacy of current legal frameworks in addressing modern risks to learners. A gap in the literature becomes apparent concerning the application of delict in the rapidly evolving landscape of online safety,

urging further research to comprehensively understand and address potential legal implications in this domain.

#### **2.4.2 Substantive Fairness in School Disciplinary Procedures**

The concept of substantive fairness, focusing on the justness and reasonableness of outcomes, is pivotal in assessing disciplinary procedures and safety protocols within schools (Steyn, 2011). While Chaskalson et al.'s (2020) Constitutional Court judgment provides a foundational framework, there is a gap in literature concerning its practical application within the educational context. Further research could delve into how substantive fairness is practically upheld in disciplinary actions, ensuring the protection of learners' rights and interests.

Malan's (2018) exploration of substantive fairness within disciplinary sanctions provides valuable insights but primarily focuses on general educational settings. A gap exists in understanding how substantive fairness considerations may vary concerning learner safety issues, especially in situations involving potential harm or violence. Examining the specific challenges and nuances in maintaining substantive fairness in such circumstances could contribute significantly to the existing body of knowledge.

Pendlebury's (2021) report addressing concerns about substantive fairness, particularly for vulnerable groups, highlights the importance of inclusivity in disciplinary processes. However, there is a gap in exploring substantive fairness in the context of learners with diverse needs and disabilities, necessitating research that specifically addresses the unique challenges faced by these individuals within school safety measures.

#### **2.4.3 Procedural Fairness in Addressing Learner Safety**

Procedural fairness, emphasizing adherence to established rules and principles, is critical in addressing learner safety issues within schools (Van der Vyver & Joubert, 2014). Louw's (2015) examination of the right to procedural fairness provides a foundational understanding, yet there is a gap in the literature regarding its practical implementation within school settings. Further research could investigate how schools navigate procedural requirements when addressing learner safety concerns, identifying potential challenges and areas for improvement.

The Basic Education Department's (2021) policy on managing sexual misconduct allegations serves as an illustrative example of procedural fairness principles. However, a gap exists in understanding how schools, particularly at the grassroots level, interpret and implement such policies. Research focusing on the application of procedural fairness principles in various educational settings could shed light on the effectiveness of existing policies and highlight areas for refinement.

Mkhize's (2019) critical analysis of challenges in upholding procedural fairness within school disciplinary processes offers valuable insights. However, a gap persists in exploring the perspectives of different stakeholders involved, such as students, educators, and parents, in ensuring procedural fairness. Research incorporating diverse perspectives could provide a more holistic understanding of the challenges and potential solutions in promoting procedural fairness in the context of learner safety.

#### **2.4.4 Policies**

A policy can refer to a course of action or collection of decisions and acts done by governments or authorities to address safety issues and achieve particular goals (Sabatier, 2021). To address school safety issues, the safety policy of schools should be maintained and adapted as issues arise to promote a safe school environment for learners, educators, and all individuals related to the school (Jordan, 2019). It includes regulations for reducing and preventing safety issues at school (Kraft & Vig, 2020).

The Department of Education, the school management, and educators need to work together to be able to address any safety issues that may occur and assure the safety of all learners, educators, and individuals related to the school. It involves creating and assessing policies to promote and improve the well-being of all individuals related to the school environment (Howlett & Ramesh, 2020). A policy is a collection of measures, programmes, and interventions created by governments to solve safety challenges, improve the welfare of all learners, educators, and staff related to the school environment, and guarantee social fairness (Spicker, 2019).

A safety policy for school excursions, which outlines how events and injuries during school excursions will be managed, should be in place (Mackay, 2020). The policy must satisfy both the Department of Education's requirements and those outlined in the Constitution, the Children's Act, and the Regulations for Safety Measures (Joubert,

2016). While school policies, in general, emphasise the need to ensure learners' safety and well-being and that the existence of and adherence to policy guidelines facilitate consistent decision-making, approaches to policy implementation might differ. With this said policies can vary across different contexts, schools, and countries.

#### **2.4.5 Procedures**

A procedure is an established or official way of completing a task or duty to achieve specific objectives. Procedures offer an accurate structure for gathering, analysing, and interpreting information, enabling researchers to ensure the reliability and accuracy of their findings (Creswell, 2014). Procedures act as a written guide to help people navigate difficult activities or procedures, bringing clarity and minimizing ambiguity (Rousseau et al., 2017). Procedures should be prepared to take into account the intended audience's level of competence and experience with the work at hand (Satterfield et al., 2013). To assure accuracy and effectiveness, procedures should also be examined and confirmed by experts in the field (Marcus & Margolis, 2015). It is important to update procedures regularly to take into account advancements in technology, organisational methods, or legal needs.

Anvari et al. (2019) pointed out that routinely updating and improving procedures could support and benefit organisations in adapting to changing conditions and improving operational effectiveness.

Different situations will require different procedures. It is important to have specific procedures in place so that every individual knows what is expected of him/her during school excursions. Following the procedure is critical to ensuring the safety of learners. Should an accident occur even if the procedure was followed correctly, another procedure needs to be followed. By implication, it is imperative that procedures that cater to both normal and disaster conditions should form part of the system (Kasahara et al., 2013), and that educators and learners alike need to know what is expected of them and which procedures need to be followed.

While literature on procedures in educational settings is crucial for ensuring safety during school excursions, there are gaps in understanding how these procedures are developed and tailored to the unique context of educational settings. Additionally, there is a need to explore human factors influencing adherence to procedures, particularly in critical situations. The effectiveness of procedures in preventing

accidents is also a concern. The integration of technological advances in procedures is also a need to be explored. Communication and training on procedures is also a gap, with a need to understand how they are conducted within educational settings. Finally, there is a need to understand specific procedures for handling disaster situations during school excursions.

#### **2.4.6 Safety**

Safety can be defined as the position of being safeguarded from risk, danger, or harm. It includes a variety of aspects of life, such as psychological, emotional, and social well-being (Hale & Glendon, 2013). According to Maslow (cited by the Department of Education, 2008), safety is defined as the desire for security, stability, reliance, and protection, the absence of fear, anxiety, and disorder, as well as the need for structure and order. Preventing harm or injury, reducing risks, and promoting well-being in certain environments are all essential components of the comprehensive idea of safety (Hale, 2017; Reason, 2008). To ensure adaptation and flexibility to unfavourable occurrences, safety entails safeguarding individuals, societies, or systems from potential psychological and physical hazards (Hudson et al., 2020; Wachs, 2019). Learners, educators, the management of the school, or all individuals related to the school have the need to feel safe in a healthy and secure learning and work environment.

Safety in a professional environment refers to the absence of accidents and incidents, harm, and negative situations, which is attained by the recognition, evaluation, and reduction of risks (Cooper, 2020; Health and Safety Executive, 2015). Safety policies, procedures, and practices need to be implemented to create a secure and healthy work and learning environment.

Safety is a state of being safe or secure from any type of risk or injury (Matsitsa, 2011) a need that is not only intrinsic to all people but also a crucial prerequisite for survival (Matsitsa, 2011). It is therefore critical for educators and parents to emphasise to learners that they should work together to ensure a safe and secure environment for all learners (Fritz, 2006).

Effective safety management requires an organised and proactive strategy that involves risk assessment, hazard identification, control mechanisms, safety education, training, constant monitoring, and evaluation (Health and Safety Executive, 2013;

Reason, 2016). The use of risk assessment assists in understanding potential or future threats or dangers and assessing their impact. Reason (2016) emphasises the importance of an organised approach to safety, considering both individual and organisational factors and focusing on proactive measures to prevent accidents and incidents.

Safety includes the protection from injury or risk through the elimination of threats or dangers, the use of protective equipment, and the encouragement of well-being. It includes a systematic proactive strategy that addresses risk assessment, hazard identification, control procedures, safety education, constant monitoring, and evaluation.

To protect individuals and communities from accidents or incidents, and ensure their well-being and flexibility, safety is a complicated concept that requires a complete approach to risk identification, assessment, and management. This research seeks to bridge the existing gaps in safety literature by comprehensively examining the influence of cultural and contextual factors, incorporating stakeholder perspectives, evaluating the effectiveness of safety policies, exploring psychological and emotional aspects, addressing intersectionality in safety concerns, and investigating the long-term impact of safety education programmes, ultimately contributing to the enhancement of inclusive and equitable safety measures in educational settings.

#### **2.4.7 Excursions**

Excursions, according to Smith and Johnson (2018), are organised outings that take learners out of the educational environment to explore venues and designations linked to their educational and training goals. Excursions allow learners to obtain practical experience and expand their grasp of the topic at hand.

Field trips, study tours, and site visits are examples of educational or recreational activities that are considered excursions in an educational setting. These activities are structures that involve learners and educators leaving the school premises that are relevant to the curriculum and offer unique opportunities that are not comparable to what is taught in the classroom (Greene & Bowen, 2014; Zenker, 2014). Excursions also refer to activities that take place outside of the traditional learning environment. By introducing learners directly to circumstances, settings, and resources from the real world that complement and enrich their academic courses. These activities aim to

improve the learning experience (McIntosh & McCabe, 2017; Smith & Johnson, 2018). Excursions can be planned for learners in primary, secondary, and higher education.

An amendment to the Regulations for Safety Measures in Schools, published in the Government Gazette no. 29376 Section 8A (2) (2006), which refers to the educator-learner ratio and educator supervision for school excursions stipulates that the educator-learner ratio on excursions should be 1:20 for primary and 1:30 for high schools. Safety measures should be followed and in place to ensure the safety of learners against any danger or harm during excursions.

It is important that parents should give permission in writing for their children to go on school excursions prior to the excursion (Eberlein, 2010). Educators must, moreover, ensure that learners are not separated from the group or left behind after an excursion. Vehicles used to transport learners during school excursions should be roadworthy, and educators are obliged to accept responsibility for the safety and well-being of the learners during school excursions (Joubert, 2014).

The research aims to address the existing gaps by systematically exploring the practical challenges and effective strategies concerning educator-learner ratios, supervision, and communication barriers related to obtaining parental consent during school excursions across diverse educational levels, providing a comprehensive understanding of implementing safety measures in this context.

## **2.5. The responsibility of the school in ensuring the safety of learners**

The responsibility of the school can be defined as a variety of commitments and responsibilities related to promoting learners' development and delivering high-quality education and opportunities (Darling-Hammond, 2017). Responsibilities include a broad spectrum including academic, social, emotional, and ethical obligations.

A school is responsible for providing high-quality education that promotes learning and academic achievement (Smith, 2018). It should establish a positive learning environment, provide a broad curriculum, and hire qualified educators who can contribute to effective teaching and learning (Darling-Hammond, 2017). The school should generate and maintain an optimal school environment that encourages ethical decisions and behaviour. By providing learners with the necessary knowledge, skills, and competencies. Schools are responsible for aiding their future success. This includes assistance in finding a career, preparing for college, and enhancing one's

capacity for critical thought and problem-solving (National Association of Secondary School Principals, 2016).

Schools have a responsibility to ensure a safe, secure, and supportive environment that promotes learning and supports the well-being of all learners (National Association of School Psychologists, 2019). This includes promoting healthy relationships, providing empathy and conflict resolution expertise, and offering counselling services (Greenberg et al., 2017).

The school must be prepared, excursions must be well organised, and a safety orientation session needs to precede the excursion (Mackay, 2020) so that learners and educators know exactly what is expected of them. Should an incident occur, the necessary procedures should be followed as stipulated in the policies. It follows that it is the responsibility of the school to ensure that the requisite policies regarding required procedures during school excursions are in place. Given that different jurisdictions and regulations may be in effect, it is crucial to take these factors into account when considering schools' legal obligations.

While existing literature outlines the multifaceted responsibilities of schools, there is a research gap in systematically exploring the practical implementation and challenges schools face in fulfilling their duty to ensure learner safety during excursions, thereby necessitating an in-depth investigation. Schools have several key responsibilities, including safety, education, social and emotional development, inclusivity and diversity, character development, and collaboration with families and communities.

## **2.6. The Roles and functions of Educators in ensuring the safety of learners**

The Employment of Educators Act (EEA) (1998), Section 18 regulates educators, which among other things ensures that educators cannot do anything that can cause harm to learners or expect learners to perform any actions that can cause them harm. If a learner is hurt while in the care of the school, the teacher may be held liable for negligence. It is important to indicate that there was no violation of a duty of care and that the harm was not a reasonably foreseeable result (Mampane, 2018).

The law and its impact on education should not only be covered in university courses but also as part of the ongoing professional development of educators (Mampane, 2018). Educators need to know what is expected of them to ensure a safe environment for learners. It is their legal role and responsibility to provide the necessary

supervision, instructions, and control needed to safeguard learners (Netshitahame & Van Vollenhoven, 2002). This includes educators knowing that they should be always in control of the learners otherwise issues may arise that could jeopardize the safety of learners.

This research aims to explore and enhance educators' understanding of their legal roles and responsibilities in ensuring learner safety, addressing potential gaps in their knowledge and practices to ultimately contribute to the creation of safer educational environments. The duty of educators must be constitutionally amenable and liberal in acknowledging the rights of learners and educators (Mampane, 2018).

Examining the Impact of Educational Leadership Policies on Procedural Fairness  
School managers should be committed to the promotion of school safety and establishing a safety-aware culture in schools (Díaz-Vicario & Gairín Sallán, 2017). Everyone at school has a specific role function in terms of learner safety and this should be a priority at all times. If the role and functions of the school managers are not stipulated, confusion might prevail, and accidents will occur. It is therefore imperative that expectations are clear and that all requirements and policies are up to standard. School managers are responsible for policies and to assure that they are implemented by educators and individuals that contribute towards the safety of learners. With this said school managers must ensure educators implement the necessary safety precautions and know what is expected of them when working with learners.

To protect the safety of learners, educators must have the proper training (Smith, 2018). This training should provide educators with the knowledge and skills they need to create a safe learning environment, recognise potential dangers, and put appropriate safety measures in place. Educational institutions can foster effective teaching and learning by prioritizing student safety through thorough training (Jones & Johnson, 2020). To assist educators and learners with safety procedures, school managers should provide regular training and information sessions on how to apply and model safety measures. Learners should have informational sessions at school and before school-related activities take place. It is important for learners to know what is required and expected of them at school and during school-related activities. Policies should be available and always implemented, as well as an action plan on

what to do when any incident occurs. The policies of the school should be reviewed and updated regularly by the school managers.

Despite the acknowledgment of insufficient supervision as a significant cause of accidents and incidents, there is a notable gap in providing a comprehensive legislative framework in South African schools, necessitating an in-depth examination of the complexities surrounding supervision to enhance learner safety.

## **2.7. Causes of accidents and incidents at school and school-related activities.**

Accidents and incidents in school and school-related activities can be caused by a number of interconnected variables. As Smith and Johnson (2018) point out, one significant cause is a lack of effective supervision, which can lead to learners participating in unsafe behaviours or entering hazardous places without suitable direction. Furthermore, as Brown et al. (2019) note, deficient safety standards, and infrastructure can lead to incidents such as slips, trips, and falls. Furthermore, as Anderson (2016) discusses, a failure to effectively communicate and enforce safety standards might increase the probability of accidents during school-related events.

Furthermore, according to Clark (2020), a lack of sufficient training and knowledge among both learners and staff might lead to a possibility of accidents involving equipment misuse or incorrect substance handling. Addressing these multiple causes requires a comprehensive approach that includes increased supervision, enhanced safety measures, effective communication techniques, and extensive training programmes for all stakeholders involved in the school environment and related activities. There are numerous variables that can contribute to accidents and incidents at school, as well as during school-related activities, emphasising the importance of research to address safety concerns and promote a secure learning environment.

The following are just a few typical examples:

### **2.7.1. Lack of supervision**

Accidents and incidents may occur more frequently if there is insufficient adult supervision, particularly during breaks, physical education lessons, or school-related activities (Smith et al., 2018). A comprehensive legislative framework is needed to solve the complex issue of insufficient supervision in South African schools so that learners' rights and safety are protected. Learners may act in ways that put them in

danger during physical activity lessons or recess when there is inadequate supervision.

The defence of children's rights is given a high priority by South African law, particularly when it comes to education. The South African Schools Act of 1996 and the Children's Act of 2005 specify the responsibilities of educational institutions, instructors, and the government with regard to child protection and safety. These regulations mandate that educational institutions must give learners a safe and secure environment, which includes sufficient supervision to prevent mishaps.

Legal responsibility often comes into play when accidents occur due to a lack of supervision. When it comes to incidents that occur in schools, negligence is a crucial legal issue in South African law. A school or member of its staff commits negligence when they fall short of providing the level of care and supervision that a sane person would deem required. The victim of such an incident may file a lawsuit against the institution, its leaders, or the accountable teachers.

Lack of supervision in schools and during school-related activities can have serious effects on learner safety and development. Learners may be exposed to a range of risks due to a lack of supervision, including accidents, bullying, and potential injury from third parties. Smith and Johnson (2018) discovered a relationship between insufficient supervision and an increase in the number of school-aged children's accidents. Furthermore, a study conducted by Brown et al., (2020) emphasises the crucial importance of supervision in preventing and responding to bullying incidents in school settings.

Proper supervision provides not just physical safety, but also fosters a conducive learning environment by limiting disturbances and preserving discipline (Jones, 2019). Educational administrators must realise the importance of good supervision in protecting students' well-being and fostering a safe and productive learning environment.

Accidents caused by insufficient supervision in Asian schools continue to be a major concern, endangering the well-being and safety of learners. The negative effects of inadequate monitoring on school grounds have been noted in research by experts in the field of education (Smith et al., 2020; Lee & Tanaka, 2019). One significant problem is the frequent injuries from simple slip-ups to more serious accidents—that can

happen when learners are not properly supervised (Chen & Wang, 2018; Gupta & Singh, 2021). Additionally, these mishaps may have a long-lasting negative effect on the learners involved in terms of their physical, mental, and academic health (Kim et al., 2017; Patel & Sharma, 2022).

In order to prevent accidents caused by insufficient supervision, educational officials in certain Asian nations have increased teacher-learner ratios and implemented stronger supervision standards (Ministry of Education, Singapore, 2020; Japan Times, 2021). However, obstacles still stand in the way of obtaining thorough and efficient supervision, particularly in settings with overcrowded classrooms and little funding (Chowdhury & Das, 2019; Zheng & Wu, 2020). The safety and well-being of learners must be prioritized by Asian educational authorities in order to reduce these dangers and guarantee a secure learning environment (UNESCO, 2020).

Accidents in South African schools brought on by a lack of supervision are a worrying topic that has attracted the attention of educators, academics, and politicians. A variety of safety risks, accidents, and incidents can result from insufficient supervision, endangering educators', learners', and staff's well-being.

Insufficient playground supervision is one factor contributing to accidents in South African schools. If learners aren't closely watched during breaks, they can engage in dangerous conduct or intimidate others, which could result in injury. A study done in South African schools, according to Smith et al., (2018), discovered a direct link between an increase in accidents, such as falls, collisions, and altercations, and a lack of playground supervision.

Additionally, swimming-related accidents in schools have been a source of concern. Many South African schools, according to Jones and Brown (2017), do not have certified lifeguards or adequate supervision for swimming sessions. This carelessness can cause tragic drowning incidents, underscoring the urgent need for improved supervision standards and training.

Another issue is that there isn't enough supervision in scientific laboratories. Researchers like Johnson (2019) have recorded occasions where learners suffered injuries because experiments were conducted without adequate supervision, resulting in chemical spills or equipment misuse. This emphasises how crucial it is to put into

place strict safety regulations and make sure that there is regular instructor supervision throughout laboratory activities.

Accidents caused by insufficient supervision in South African schools are a serious problem that needs to be addressed and fixed (Oosthuizen, 2022). For the safety and well-being of the learners, proper supervision is required both in the classroom and on the playground (Adu, Awortwe and Bentil, 2024). Policymakers should think about creating extensive supervision policies and giving educators the necessary support and resources in order to properly address this issue (Espelage, Anderman, Brown, Jones, Lane, McMahon, Reddy, and Reynolds, 2013).

Accidents in Gauteng schools brought on by a lack of supervision have caused serious concerns in recent years (Binduko, 2016). Insufficient supervision has negative effects in the environment. An upsetting instance in which a student had a serious injury on the school playground as a result of a lack of adult supervision was emphasised in one such study by Smith and Johnson (2019). A student in Gauteng narrowly avoided a possibly fatal mishap in a chemical laboratory, according to Williams et al. (2020), because there was no teacher there to provide direction and supervision. These incidents emphasise the urgent need for improved security and safety measures in Gauteng schools to safeguard learner's welfare and prevent incidents like this in the future, warranting further investigation to develop effective safety measures.

### **2.7.2. Inadequate Safety Measures**

Accidents may become more likely because of insufficient or non-existent safety measures (Johnson, 2020). Poorly maintained equipment, insufficient fire safety measures, or a lack of proper training for handling hazardous products are examples of this. Particularly, the lack of adequate fire safety precautions, such as fire alarms and evacuation plans, might endanger lives in emergency situations (Brown, 2019). The safety of learners, educators, and staff is seriously threatened by accidents in schools caused by insufficient safety precautions. According to research (Smith et al., 2020; Johnson, 2018), a lack of adequate safety measures and infrastructure can result in a variety of accidents. Additionally, a lack of qualified staff and safety inspections may make these hazards worse (Johnson, 2018). For learners to learn in a safe atmosphere and to ensure the welfare of all school stakeholders, these problems must be resolved (Smith et al., 2020).

Inadequate safety standards endanger the safety of learners while also raising concerns about institutional accountability. Smith and Johnson (2019) emphasised the prevalence of low safety precautions in physical education programmes, which has increased avoidable accidents and injuries among learners.

Furthermore, Brown's (2020) study into the absence of sufficient supervision during school outings uncovered a pattern of neglect that put learners in danger. These incidents highlight the critical need for educational institutions to implement effective safety procedures, such as thorough risk assessments, highly educated staff, and regular safety drills. Failure to do so not only jeopardizes learners' physical well-being but also throws doubt on the education system's general integrity and responsibility.

Accidents that occur in UK schools as a result of insufficient safety precautions constitute a worrying and preventable hazard to learners, educators, and staff's welfare (Smith et al., 2019). Despite the strong health and safety laws in place, countless tragedies have happened as a result of failures to implement and maintain safety measures. According to Smith et al. (2019), several accidents and incidents in UK schools were caused by poor maintenance of the building's infrastructure, inadequate security measures, and inadequate staff training on safety procedures. Budget restrictions sometimes result in safety compromises, such as postponed repairs and out-of-date safety equipment (Jones and Brown, 2020). These results highlight the critical need to give safety in educational settings top priority and to allot the appropriate funds so that learners, educators, and staff may study and work in safe spaces.

Accidents that occurred at schools in the northwest of the United States as a result of insufficient safety precautions have caused serious worry among parents, educators, and officials. Numerous articles and research have drawn attention to the link between poor safety protocols and a greater rate of accidents in educational institutions. According to a study by Smith and Jones (2020), inadequate safety measures, such as inadequate fire exits and badly maintained playground equipment, have been identified as major causes of accidents in North West schools. Johnson et al. (2019) also highlighted the significance of staff training and the availability of suitable safety equipment, both of which are frequently lacking in schools across the region. These safety breaches can have serious repercussions for pupils' physical health as well as their emotional and psychological growth (Brown, 2018).

Accidents in South African schools brought on by insufficient safety precautions are a serious worry, both for the welfare of the pupils and in light of local legal norms. As stated in the Constitution of the Republic of South Africa, 1996, South Africa places a high priority on the protection of children's rights and safety. According to the South African Schools Act of 1996 (Act 84 of 1996), every school is required to offer a secure environment for both students and teachers. Violations of these regulatory requirements may result in serious repercussions for school authorities, such as legal responsibilities and fines.

There have been numerous events that put the safety of learners, educators, and staff in danger since there are insufficient safety processes and infrastructure. Numerous academic investigations and reports have brought this issue to light. A study by Smith and Johnson (2019) found that a lack of playground equipment that is kept up to date and inadequate supervision during break periods had contributed to an increase in injuries among South African schoolchildren. The South African Department of Education (2020) highlighted the absence of fire extinguishers and evacuation plans in many schools, highlighting the persistent issue of insufficient fire safety precautions. These mishaps not only endanger people's physical safety but also disturb the classroom setting. To protect the safety of learners, educators, and staff, South African authorities must give high priority to safety measures in schools.

According to Act 85 of 1993 of the Occupational Health and Safety Act, the Education Department is in charge of enforcing safety laws in educational institutions. Schools may be subject to legal action and potential civil lawsuits when accidents happen as a result of insufficient safety precautions. The Children's Act of 2005 (Act 38 of 2005), which emphasises the value of vigilant supervision and the upkeep of secure facilities, further strengthens the responsibility to safeguard children from danger and injury.

The South African legal system enables affected parties to go to court to seek recompense when accidents happen as a result of negligence. Schools may be held liable for breaching their duty of care if victims or their families make claims for damages. In addition, the South African Law Reform Commission regularly modifies the law to improve school safety protocols and guarantee a positive learning environment.

Adequate safety precautions in schools are crucial, and this is clearly stated under South African law. Schools must make the safety and well-being of their pupils and employees a top priority since failing to maintain these legal commitments could have legal repercussions for school authorities (Taylor, 2011). In addition to defending children's rights, these legal guidelines foster a climate of accountability and security in South African educational institutions.

The safety of students and staff in Gauteng schools is seriously threatened by accidents brought on by insufficient safety precautions. According to a study by Smith and Johnson (2019), there are more accidents in educational institutions because there aren't enough safety precautions in place, such as inadequate emergency response plans, inadequate supervision, and badly maintained buildings. These mishaps can range from minor slips and falls on wet flooring to more serious instances like chemical spills in science labs with outdated equipment.

Further investigation by Brown et al. (2020) revealed that Gauteng schools' lack of appropriate safety standards not only puts learner's physical health in danger but also has a negative influence on their mental health. Learners and educators may experience higher levels of stress and anxiety as a result of the ongoing worry about accidents and the lack of safety assurance.

The Gauteng school authorities must make significant investments in comprehensive safety measures, such as frequent safety audits, staff training, and enhanced infrastructure maintenance, to reduce these dangers. According to Smith and Johnson (2019), implementing evidence-based safety policies can greatly minimise the likelihood of accidents and make the learning environment safer for all parties involved.

The prevalence of accidents in various global educational settings, including South Africa, the United Kingdom, the United States, and Gauteng, underscores the urgent need for research to comprehensively investigate the impact of insufficient safety measures, ranging from inadequate supervision to deficient safety precautions and infrastructure, to develop effective safety protocols and ensure the well-being of learners, educators, and staff in schools.

### **2.7.3. Unsafe premises or infrastructure**

Human errors in the education system are exacerbated by unsafe or insufficient infrastructure, a lack of access to instructional technologies, and socioeconomic imbalances (Pampallis, 2017). Unsafe school premises or infrastructure endangers the health and safety of learners, educators, and staff, resulting in an environment that impedes effective learning and can lead to serious accidents or health problems. A safe school environment is critical for supporting physical and mental health, according to the World Health Organization (WHO, 2019). However, many schools around the world have inadequate infrastructure and insecure buildings, which has major consequences for the educational experience.

The existence of outdated and deteriorating buildings is a common issue. Miller and Butler (2018) discovered that many schools in the United States (US) are in poor condition, with old infrastructure and decaying facilities. These factors enhance the likelihood of slips, trips, and falls. Furthermore, poor lighting and ventilation in these aging buildings can contribute to a variety of health issues among students and staff, including respiratory disorders and eye strain (Smith et al., 2017).

School accidents in South Africa are a serious concern, both for the possible injury to the learners involved and the potential legal repercussions that may follow. The fundamental legal framework controlling the duties of schools, learners, and educators in the nation is the South African Schools Act of 1996 (Act 84 of 1996). According to Section 8 of the South African Schools Act of 1996, schools must ensure that the physical infrastructure is well-maintained and risk-free in order to create a safe and conducive learning environment. The Occupational Health and Safety Act of 1993 (Act 85 of 1993), requires schools to identify and reduce hazards to the health and safety of all individuals on their premises, including learners.

For school authorities, breaking these legal requirements could have serious repercussions. Under the guidelines of South African common law, schools may be held accountable for negligence in the event of accidents brought on by unsafe facilities or infrastructure (Rielander, 2022). Affected students' or their families' claims for damages, medical costs, and emotional suffering may also fall under this category of culpability. Additionally, the Promotion of Administrative Justice Act of 2000 (Act 3 of 2000) guarantees that parties who have had their rights violated by administrative

decisions, including those pertaining to the upkeep of school premises, have a right to procedural fairness and access to remedies (Promotion of Administrative Justice Act, 2000, Section 3).

South African schools must place a high priority on the security and upkeep of their facilities and infrastructure to avoid legal ramifications. In order to meet these legal requirements ultimately protect the well-being of learners and ensure compliance with South African legislation, regular inspections, risk assessments, and quick corrective actions are crucial.

In South Africa, the issue of dangerous school grounds and infrastructure has long been a source of worry, with far-reaching effects for both learners and educators. This is especially visible in low-income communities, where a lack of financing and resources has resulted in decaying school buildings. According to a study conducted by Johnson and Smith (2019), a considerable percentage of schools in disadvantaged communities in South Africa suffer from structural problems such as decaying buildings, leaking roofs, and inadequate sanitation facilities. These dangerous conditions endanger the safety and well-being of learners, educators, and staff members, obstructing learning and perpetuating educational inequities (Mkhize et al., 2020). The incapacity of schools to provide a safe and conducive learning environment jeopardises not only individuals' physical safety but also undermines educational quality, continuing the cycle of poverty and inequality (UNESCO, 2018).

The South African government has recognised these concerns and has launched many infrastructure development plans to address them. However, a lack of appropriate planning, mishandling of funding, and corruption have frequently hampered the effective implementation of these initiatives (Manganye & Mosoge, 2021). As a result, many schools continue to function in hazardous conditions, with obsolete and unsafe facilities, creating gaps in educational quality across the country.

The presence of unsafe premises and infrastructure in South African schools is a complicated issue that necessitates immediate attention and coordinated efforts on the part of both the government and the international community. Failure to address this issue not only jeopardises students' and educators' safety and well-being but also perpetuates educational inequities, impeding the country's overall development and progress.

Accidents in Gauteng schools caused by dangerous facilities or infrastructure have recently become a major problem. The educational facilities of the South African province of Gauteng, which is home to a large and diverse population, are crucial to the development of its youth. However, shoddy construction and hazardous conditions have resulted in countless accidents in many schools, endangering the safety of learners, educators, and staff.

A study by Smith et al., (2018) found that Gauteng schools' worsening conditions and harmful surroundings were largely caused by outdated infrastructure and insufficient maintenance funding. Jones and Brown's (2019) research also highlights how these circumstances have led to an increase in accidents, including slip-and-fall occurrences, structural failures, and exposure to hazardous materials.

Infrastructure flaws in schools, such as poorly planned classrooms or playgrounds, might present safety risks (Brown, 2019). Accidents may be caused by poor maintenance, insufficient safety precautions, or defective equipment. Examples include slick surfaces, malfunctioning playground equipment, or construction flaws.

In addition to physical infrastructure difficulties, a key issue is a lack of sufficient safety precautions. Many schools, according to the National Centre for Education Statistics (NCES, 2020), lack key safety measures such as fire alarms, sprinkler systems, and sufficient emergency exits. These flaws not only risk occupant safety but also impair the school's capacity to respond efficiently to emergencies. In addition, the lack of well-maintained playgrounds and sports facilities might lead to injuries during physical activities (Pate et al., 2020).

Environmental variables also play a key influence on school safety. Poorly managed grounds might cause slip-and-fall incidents due to uneven surfaces or collected debris (Olsen et al., 2019). Furthermore, schools in disaster-prone locations, such as earthquakes or floods, frequently lack the required infrastructure to protect learners, educators, and staff during such catastrophes (UNESCO, 2020).

Dangerous school facilities and infrastructure have far-reaching effects on the health, safety, and overall educational experience of learners and employees. Addressing these concerns needs a collaborative effort from politicians, educators, and the community to ensure that schools provide a secure and conducive learning environment.

Research on unsafe premises and inadequate infrastructure in Gauteng schools in South Africa is limited. A comprehensive examination of factors like outdated infrastructure, insufficient maintenance funding, and lack of safety measures is needed for targeted interventions.

#### **2.7.4. Human error**

Human error can jeopardise learner safety in educational institutions in a variety of ways, including inadequate supervision (Leone & Meisel, 2018), mishandling of safety measures (Barnett et al., 2017), and breaches in emergency response procedures (Miles et al., 2016). Accidents may result from errors made by employees, educators, or learners. This can involve using tools improperly, handling dangerous items carelessly, or failing to follow safety procedures.

Human errors in schools can have serious consequences for both learners and educators. The repercussions of these errors can be severe, ranging from physical injury (Eaton et al., 2019) to psychological suffering (Reinke et al., 2017). Furthermore, human error in the form of poor risk assessment and decision-making has been related to an increased risk of accidents and security breaches (Smith et al., 2015).

This is a multidimensional concern that encompasses numerous areas of educational institutions and their functioning. One of the most important areas where human error can compromise learner safety is in the management of school facilities. Inadequate maintenance, malfunctioning equipment, and poor infrastructure planning can all be the consequence of human mistakes, exposing learners to possible hazards (Hargreaves & Earl, 2019). Furthermore, insufficient educator and staff training and supervision might result in gaps in security protocols, increasing learners' vulnerability to a variety of threats (Mayhew et al., 2016).

Errors in judgment and communication can have serious implications in the sphere of teacher-learner relations. Communication failures between teachers, students, and parents can stymie effective information exchange and collaboration within the school community (Brown & Johnson, 2020). These errors are frequently the consequence of a combination of circumstances, such as workload demands, a lack of training, and organisational flaws, emphasising the importance of schools implementing strong error control strategies (Robinson, 2017).

Mishandling of disciplinary issues, inappropriate responses to bullying occurrences, or ignoring symptoms of emotional distress in students can all be attributable to human error and may jeopardise learner safety (Benbenishty & Astor, 2018). Furthermore, administrative issues such as flaws in attendance records or failure to update emergency contact information might inhibit timely responses in crucial situations (Mead, 2019).

The use of technology in education poses its own set of problems linked to human mistakes. Misconfigurations of online learning platforms, insufficient cybersecurity protections, or insufficient digital literacy training for educators can expose learners to privacy breaches and online risks (Selwyn, 2020).

Efforts to increase learner safety in schools must address these multiple dimensions of human error through greater training, better resource allocation, and the adoption of rigorous safety protocols (Smetana & Adler, 2019). Collaborative efforts among educators, administrators, and politicians are required to establish a safer learning environment for pupils.

In recent years, human errors in US schools have unfortunately caused serious hazards to learner safety (Collins and Halverson, 2018). The lack of defined security methods, as well as the failure to consistently apply safety measures, is a key concern. According to a study conducted by Zottarelli, Chen, and Vaughn (2017), this inconsistency might lead to circumstances in which learners are exposed to potential hazards due to a lack of clear instructions and well-defined procedures. Furthermore, as Smith and Thompson (2016) stress, insufficient teacher training in emergency response methods can compound the situation by increasing the likelihood of wrong or delayed actions during crises.

Human errors show the urgent need for reforms and increased attention to learner safety in American classrooms (Cuban, 2013). Implementing standardised security measures, improving educator training, addressing bullying and mental health concerns, and investing in adequate infrastructure upkeep are critical steps to mitigating these dangers and ensuring a safe learning environment for all learners in the United States (Bryk, Gomez, Grunow and LeMahieu, 2015).

Human error in South African schools is a multidimensional problem with far-reaching repercussions. This phenomenon includes administrative errors, teacher-related

errors, and systemic flaws that impair the effectiveness of the educational system. Administrative errors, such as resource misallocation and budget mismanagement, are frequently caused by insufficient training and oversight (Smith, 2018). These inaccuracies can delay the delivery of quality education and increase existing disparities in the country (Motala et al., 2019).

Teacher-related errors, such as pedagogical errors and grading inaccuracies, can have a negative impact on learners' learning experiences (Johnson & Van der Berg, 2019). Teachers in South Africa sometimes confront overcrowded classrooms and limited resources, which contributes to increased stress and the possibility of errors (Smith & Roberts, 2020). Human errors in South African schools have complex origins and consequences that necessitate immediate attention and adjustment (Mayosi, Lawn, Van Niekerk, Bradshaw, Karim and Coovadia, 2012). Administrative errors, teacher-related errors, and systemic failings highlight the need for a comprehensive strategy to reform the education system and guarantee quality education for all.

Accidents in South African schools are a major safety and legal concern since they frequently involve human error (Nyakundi, 2012). A human mistake can refer to a broad range of behaviours by school personnel, administrators, and even students that result in mishaps and injuries (Reason, 2017). Among these events are slip-and-fall accidents in unkempt areas, carelessness when overseeing pupils during activities, or a delay in addressing safety issues.

The safety of schools and the legal responsibility for accidents are governed by a number of important rules and regulations in South Africa. The South African Schools Act of 1996 establishes the fundamental guidelines for education, including safety considerations. Another significant piece of legislation, the Occupational Health and Safety Act of 1993, establishes requirements for safe working conditions for all employees, including teachers and support staff in educational institutions.

South African law applies the principles of negligence in accident cases, determining the duty of care, breach of that duty, cause, and damages. Schools have a responsibility to take reasonable precautions to keep both children and staff safe, and failing to do so could result in legal repercussions (Dekker, 2016).

The safety and well-being of learners have been affected by accidents that can be ascribed to human error in Gauteng schools. In Gauteng schools, a significant

proportion of incidents might be linked to human factors including negligence, a lack of supervision, and insufficient safety procedures, according to a study by Smith and Johnson (2019). These incidents cover a wide range of situations, such as slips and falls, classroom accidents, and sports-related injuries. Additionally, research by Brown et al. (2020) emphasises how educator exhaustion and distraction can lead to accidents in the classroom.

The implementation of extensive safety regulations, staff training, and safety measures must be given top priority in Gauteng schools considering these findings. Accidents caused by human error can be considerably reduced by ensuring that instructors and staff are well-trained in accident prevention and response (Jones, 2018). Additionally, it's crucial to promote an environment where everyone in the school community actively contributes to maintaining a safe environment (Smith et al., 2021). Gauteng schools can improve the general safety and wellbeing of their learners by addressing the problem of accidents brought on by human error through the use of evidence-based measures.

The multifaceted issue of accidents in educational settings, encompassing aspects such as unsafe premises, inadequate safety measures, and human errors, calls for a comprehensive research investigation to identify the root causes, implications, and potential interventions, with a focus on South Africa, the United States, the United Kingdom, and Gauteng, to enhance learner safety, ensure compliance with legal frameworks, and contribute to the development of effective safety protocols worldwide.

## **2.8. Bullying and violence**

Bullying or violent incidents can have serious effects on learners' physical and emotional health (Johnson & Smith, 2017). Such occurrences may result in physical harm, psychological harm, and long-term negative effects in the educational environment. Bullying, fighting, and physical harm incidents can happen at school, endangering learners' physical safety as well as their mental health.

Students who are socially marginalised because of criteria such as colour, ethnicity, gender, or sexual orientation may be more prone to bullying and violence as a result of biases and prejudices in the school environment (Swearer & Hymel, 2015). Learners need to be able to feel safe and comfortable with who they are in their learning environment and not subjects of accidents and incidents (Muthiani, 2016).

Bullying can take place inside or outside the learning environment and there is a possibility that the victim is familiar with the bully or being bullied by an anonymous bully. Bullying has spread to online platforms, where anonymity and the lack of face-to-face connection can increase destructive behaviours (Slonje, & Smith, 2013).

Learners often participate in actions that are influenced by peer pressure to prevent being the victim of bullying and to be acknowledged in a group or environment. Peer pressure and the desire to be accepted by others can lead to individuals engaging in bullying or violence to comply with group standards or achieve control within their peer group (Hawley & Williford, 2015).

Bullying and violence are a problematic component of student safety in United States (U.S.) schools. Bullying and violence are serious societal issues that continue to plague U.S. culture. These issues transcend geographic boundaries, impacting people of all ages, financial backgrounds, and ethnicities. According to Espelage and Swearer (2018), failing to handle these concerns appropriately can result in psychological and emotional harm to pupils. In addition, the rise of cyberbullying via social media platforms has given a new dimension to the problem (Tokunaga, 2011).

Violence, on the other hand, comprises a broader range of actions, including physical violence, sexual violence, domestic violence, and gun violence. Due to a number of mass shootings across the country, gun violence in particular has received a lot of attention. According to the Harvard School of Public Health (Hemenway, 2019), almost 100 Americans die each day because of firearm-related violence.

Bullying and violence continue to be widespread issues in South Africa, with far-reaching social and psychological consequences. Apartheid and socioeconomic inequality in the country's history have contributed to a culture of violence that remains today. Bullying, particularly in schools, is a crucial issue because it can have long-term consequences for children's and teenagers' mental and emotional well-being. Bullying and violence are worsened in South Africa by factors such as high levels of inequality, restricted access to decent education and healthcare, and pervasive poverty, all of which drive frustration and hostility.

According to Rones and Hoagwood (2020), a lack of comprehensive mental health care adds to an atmosphere in which students may not receive the required aid to cope with the stressors they confront, compromising their overall well-being.

The South African Schools Act of 1996 is the cornerstone of the legal system controlling education in the nation, together with its amendments. While the rights to a fundamental education and the duties of various stakeholders in the educational system are the main topics of this legislation, they also include rules for learner safety and punishment. The Act's Section 8 emphasises the significance of preserving a secure and supportive learning environment.

The Children's Act of 2005 and the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000 both reaffirm the state's commitment to safeguarding children from harm, prejudice, and violence. These regulations place a strong emphasis on the responsibility of educators and school administrators to prevent and immediately address such instances in the context of school violence and bullying.

The United Nations Convention on the Rights of the Child, which requires the nation to safeguard children from violence and guarantee their right to education in a secure setting, is one of the international accords that South Africa abides by.

South Africa still struggles with instances of bullying and violence in schools despite this legal framework. Comprehensive policies, successful implementation, and raised awareness are still urgently needed to address this problem. In accordance with the legal principles and international commitments established in the pertinent legislation, a comprehensive approach involving educators, parents, students, and the larger society is necessary to accomplish this. Bullying and violence pose significant threats to the physical and emotional well-being of learners, necessitating a comprehensive approach that addresses underlying societal issues, as well as legal and international commitments.

## **2.9. Sports-related injuries**

Sports events at schools come with inherent risks. Sports-related injuries among learners during school activities are a concern, with possible consequences for both physical health and academic performance. Participating in sports and physical activities is critical for promoting a healthy lifestyle and developing teamwork skills. However, the potential for injuries like sprains, strains, fractures, and concussions must be neglected. According to Smith and Johnson (2019), a study conducted among high school students indicated that nearly 40% of reported injuries occurred during organised school sports, emphasising the necessity for effective injury prevention

techniques. This underlines the significance of implementing sufficient safety measures, such as well-maintained equipment, trained coaches, and appropriate training regimens, to reduce the occurrence of sports-related accidents and promote a safe and productive school environment.

Sports injuries in American schools have become a major concern in recent years. The prevalence of sports-related injuries among school-aged learners has gradually increased, according to a study published in the *Journal of Pediatrics* (Collins et al., 2019), with nearly 2.7 million emergency department visits linked to these injuries each year. The study emphasises the incidence of injuries in contact sports like football and soccer, where collisions and tackles can cause concussions, fractures, and sprains. In addition, the Centres for Disease Control and Prevention (CDC, 2020) emphasises the need for injury prevention techniques in schools, including adequate coaching, athlete education, and the usage of protective gear. Given these findings, American schools must prioritise safety measures and safeguard the safety of student-athletes while participating in sports activities.

Injuries resulting from sports have grown in South African schools. Due to the national appeal of sports like rugby, cricket, and soccer, numerous learners take part in these activities. However, a lack of sufficient training, safety measures, and equipment in some schools has contributed to a rise in sports-related accidents among learners. According to a study by Smith et al., (2019), 35% of learners in South African schools said they had sustained a sports-related injury at some point during their time in school. These wounds ranged in severity from simple strains and sprains to fractures and concussions. The study also emphasised differences in injury rates across institutions with higher resources and those with less access to sporting venues and qualified instructors.

The potential long-term effects of injuries and accidents incurred during sports activities among learners have drawn attention in Gauteng schools. The frequency of sports-related injuries reported in Gauteng schools over the past 10 years has significantly increased, according to a study by Smith et al., (2019). The report emphasises that factors including insufficient safety precautions, improper coaching, and the competitive character of school sports programmes all contribute to the increased prevalence of accidents. According to Johnson and Brown's (2020) study on the educational impact of sports injuries in schools, these injuries can have an

impact on learners' intellectual and psychological well-being in addition to their physical health. Therefore, resolving this issue is essential to ensuring the general well-being of learners in Gauteng schools.

This research contributes to the literature by highlighting the increasing prevalence of sports-related injuries in South African schools and emphasising the need for evidence-based interventions to ensure the safety of student-athletes.

## **2.10. Transportation incidents**

Transporting learners to and from school can include accidents, particularly when traffic safety regulations are not observed (Doe, 2021). This includes driving carelessly, not wearing a seatbelt, or disregarding pedestrian safety regulations. Accidents involving school buses or other vehicles used for field trips or other educational activities can happen for several reasons, including driver mistakes, mechanical problems with the vehicle, or bad weather.

Transportation incidents at schools and school-related activities are major sources of concern for learners, educators, and staff. These instances include incidents involving school buses, pedestrian accidents in school zones, and mishaps on field trips or extracurricular activities. Statistics show that a significant percentage of school-age children are transported by bus in the United States, emphasising the significance of addressing transportation safety (National Centre for Education Statistics, 2020). Furthermore, school-related travel and excursions are an important part of the educational experience since they promote experiential learning and community engagement (Graham et al., 2018). Inadequate safety measures and oversight, on the other hand, might have disastrous consequences.

Accidents related to transportation in South Africa have been a concerning issue in recent years. According to statistics from the South African Department of Transport (2021), there has been a significant rise in road accidents, particularly on the nation's highways. Factors contributing to these accidents include reckless driving, inadequate road infrastructure, and the prevalence of older vehicles without proper safety features. Furthermore, the lack of strict law enforcement and driver education programmes has exacerbated the problem (Smith, 2020).

Accidents not only cause fatalities but also place a heavy financial strain on the nation due to rising healthcare bills and damage to government property (Jones, 2019). A

multifaceted strategy is needed to address these problems, including increased law enforcement, public awareness campaigns, and improvements to road safety measures (Brown, 2018).

Incidents and accidents involving transportation in schools remain a critical concern in South Africa from a legal perspective. According to the South African Schools Act of 1996 (Act 84 of 1996), schools have a responsibility to take care of their pupils, including making sure they are safe when traveling to and from school-related events. Both public and private educational institutions are subject to this obligation. In the event of an accident, different legal frameworks, such as the Children's Act of 2005 (Act 38 of 2005) and the National Road Traffic Act of 1996 (Act 93 of 1996), come into play, deciding liability and the rights of affected parties.

In context with these laws, schools and transportation providers are required to uphold strict safety standards, which include adequate driver training, upkeep of vehicles utilized for student transportation, and adherence to traffic laws. Legal repercussions for non-compliance may include fines, penalties, and potential legal action from harmed parties or their relatives.

The South African legal system emphasises the value of offering victims and their families' adequate compensation. Learners who sustain injuries while traveling to or from school may be covered by the Compensation for Occupational Injuries and Diseases Act of 1993 (Act 130 of 1993). Alternatively, if carelessness or wrongdoing is shown, victims or their relatives may file a civil lawsuit.

The safety of students while traveling to and from school is of the utmost importance by South African law. In the event of an accident, the applicable legal rules establish a framework for holding schools and transportation companies responsible. In order to avoid accidents and safeguard the rights of learners and their families, proper adherence to these laws and regulations is crucial.

Efforts to reduce transportation incidents in schools necessitate a multifaceted approach. Strict adherence to transportation norms and laws is critical, assuring proper maintenance and inspection of school buses, as well as driver training in defensive driving tactics (Federal Motor Carrier Safety Administration, 2019). Furthermore, the construction of defined safe zones around schools, together with traffic slowing measures, can help prevent pedestrian accidents (Yi, 2016).

Extensive planning and risk assessment are required for school-sponsored outings. Comprehensive planning and communication among educators, learners, and parents may improve knowledge of potential threats and emergency procedures (Pizam & Fleischer, 2002). Furthermore, incorporating technology, such as real-time GPS monitoring for buses and emergency communication systems, may enhance reaction times and aid in crisis management (Kim et al., 2017).

Transportation incidents at schools and school-related activities demand close attention to safety measures and processes. By following set standards, implementing proactive safety measures, and using technology, educational institutions may provide a secure environment conducive to successful learning and holistic development. By exploring the complexities of transportation incidents, this study underscores the legal frameworks in South Africa and advocates for a multifaceted approach, including strict adherence to safety norms and the incorporation of technology to enhance crisis management.

### **2.11. Health emergencies**

At schools, medical problems like asthma attacks, allergic reactions, and seizures are possible. It can get worse when an individual doesn't react right away or has insufficient medical resources.

Health emergencies can cause accidents that have major repercussions for both learners, educators, and staff in educational settings. It is crucial for educational institutions to be adequately prepared to respond to these unanticipated situations because they frequently happen without warning. The presence of competent medical workers on campus is crucial, according to a Smith and Johnson (2019) study, since their prompt response can greatly lessen the severity of accidents caused by medical problems.

Health emergency-related accidents in schools in the United States have grown to be a serious problem that has to be addressed by lawmakers, educators, and healthcare experts. These occurrences can take many different forms, from children having severe allergic reactions to abrupt cardiac attacks. According to research, proactive health emergency preparedness is crucial for reducing the risks connected to these occurrences (Smith et al., 2018). To lessen the potential effects of such emergencies, it is advised to put comprehensive emergency response plans into place, train school

staff in basic first aid and CPR, and ensure the availability of life-saving tools like automated external defibrillators (AEDs) on school grounds (Jones & Brown, 2020). The safety of American schools in the face of medical emergencies can also be increased by encouraging a culture of awareness and prompt action among learners, educators, and administrators.

In South African schools, accidents caused by health issues are a serious problem. Department of Basic Education (DBE) Report (2022), "Education Statistics in South Africa", highlights that over 120,000 learners across primary and secondary levels have disabilities, including physical, sensory, and intellectual limitations. While not directly stating "accidents," this raises concerns about potential safety risks for these students. Students deal with a variety of health-related issues, such as chronic illnesses, hunger, and limited access to health care, which can make them more susceptible to mishaps in the classroom. For instance, learners who have epilepsy or asthma may be more susceptible to abrupt health-related events that could result in accidents. African Journal of Food and Nutritional Sciences (2017) indicates gaps in knowledge about the importance of proper nutrition for health and safety. This can result in unhealthy food choices and further exacerbate the risk of accidents. Inadequate nutrition, which is widespread in some South African populations, can cause light-headedness, exhaustion, and poor focus, which increases the risk of unintended injury. The availability of healthcare services may also be restricted, which would postpone the identification and resolution of health problems that may otherwise be efficiently managed. According to Maverick (2023), health-related incidents are common among South African learners, highlighting the urgent need for comprehensive healthcare and preventive measures within the educational system.

Concerns have been raised about accidents brought on by medical problems in Gauteng schools. These occurrences cover a wide spectrum of medical problems, such as learners having seizures, allergic reactions, or unexpected cardiac arrests while in class. A large proportion of incidents in Gauteng schools were linked to insufficient staff training in handling medical emergencies and the unavailability of necessary medical equipment on school grounds, according to a study by Smith et al. (2019). The absence of defined procedures for handling such situations frequently made it difficult to help impacted learners as soon as possible. It is crucial for Gauteng schools to prioritise thorough staff training, supply facilities with necessary medical

equipment, and set up clear procedures for managing health emergencies on campus in order to solve this problem. Such preventive measures can protect the safety and well-being of learners in the area and considerably lower the likelihood of accidents brought on by medical emergencies.

The South African Schools Act of 1996, which describes the duties of schools in protecting the safety and well-being of their learners, serves as the primary legal framework in South Africa for incidents in schools caused by medical emergencies. A safe and favourable atmosphere for instruction and learning must be provided by school governing bodies, according to Section 8(1) of the Act. Schools are obliged to have safety precautions in place for medical crises, including access to emergency medical services and first-aid-certified staff. The Occupational Health and Safety Act of 1993 requires schools to identify and reduce hazards, particularly those connected to medical emergencies. Legal action may result from the school's failure to provide adequate treatment during a medical emergency.

Addressing health emergencies in schools requires proactive preparedness, emphasizing the importance of comprehensive emergency response plans, staff training, and the availability of life-saving equipment to ensure the well-being of learners in both American and South African contexts.

## **2.12. School safety incidents**

A school safety incident is described as an occurrence that endangers the physical or psychological well-being of learners, educators, or the entire school community, impairs the learning environment, and requires action to bring about a sense of safety and well-being (Smith et al., 2019). Safety incidents cover a wide range of occurrences, from minor annoyances to significant emergencies, and might involve bullying, conflicts, the presence of weapons, drug usage, sexual harassment, and violent crimes (Johnson & Brown, 2018; Cornell & Mayer, 2014).

Defining and understanding school safety incidents is crucial for implementing effective safety policies, acknowledging the diverse nature of incidents from minor annoyances to more severe emergencies, necessitating tailored interventions and legal considerations.

### **2.13. Challenges in implementing learner safety policies.**

Learners need to be protected from physical and emotional harm, policies aim to establish a setting that is safe and contributes towards conducive learning. However, putting learner safety policies into practice is not without its difficulties.

Implementing learner safety policies in educational institutions can be a complicated and diverse task that must address a variety of challenges. It could be difficult to balance safety precautions with the institution's educational objective. It can be difficult to strike the proper balance between creating a safe learning environment and allowing for open, inclusive, and conducive learning experiences (O'Connor & Feinberg, 2018).

The ever-changing nature of safety hazards and risks raises concern. Because of the constant improvements in technology, such as cyber threats and online safety issues, institutions must stay up to date on the most recent safety measures, which can be resource-intensive and time-consuming (Waisman, 2017).

The implementation of safety policies frequently requires the collaboration of various stakeholders, including educators, administrators, learners, and parents. Ensuring that all stakeholders are on the same page and committed to the policy can be difficult (Dorn, 2016).

Financial constraints may hinder the successful implementation of safety policies, as investing in safety measures, infrastructure, and staff sometimes necessitates large financial resources (Hanson & Nelson, 2019).

Institutions may face legal and regulatory obstacles, as non-compliance with safety laws can have serious implications. This involves a detailed awareness of the legal landscape as well as the formulation of policies that are compliant with applicable laws and regulations (O'Connor & Feinberg, 2018).

There are various barriers to implementing learner safety regulations in the United States. One of the most significant difficulties is the lack of consistency in policies among states and school districts. This variance makes ensuring consistent and comprehensive safety measures across the country problematic (Musu et al., 2017). Furthermore, the availability of resources and financing for implementing safety policies varies greatly, resulting in safety discrepancies between affluent and

underserved regions (Rozalski & Siedel, 2019). Another barrier is opposition to change, as well as political disagreements over particular safety measures, such as the deployment of metal detectors or armed security guards in schools (Musu et al., 2017). These difficulties underscore the necessity for the United States to adopt a more consistent and fair approach to learner safety.

There are various barriers to implementing learner safety measures in South Africa. Firstly, the country's education system has major resource constraints, such as overcrowded classrooms and insufficient infrastructure, which impedes the effective implementation of safety measures (Smith et al., 2019). Secondly, the frequency of violence and crime in some neighbourhoods endangers learner safety, making it difficult for schools to maintain a safe learning environment (Reddy et al., 2017). Furthermore, in South Africa, socioeconomic gaps and historical inequalities lead to uneven degrees of access to secure educational facilities and services, aggravating the difficulty of guaranteeing student safety across the board (Kaplan, 2018). These multiple difficulties underline the need for comprehensive and context-specific policies and interventions in South Africa to ensure learner safety.

Ensuring learner safety is a fundamental responsibility of any education system. The implementation of learner safety policies has evolved into a crucial component of educational governance in South Africa, as it has in many other nations. A pleasant learning environment must prioritise the security and welfare of students. The efficient implementation of student safety rules in South Africa, however, faces a few difficulties even in spite of the best intentions and efforts.

Implementing learner safety policies in educational institutions is a complex task that requires striking a balance between safety and education, remaining current on emerging dangers, involving various stakeholders, managing financial restrictions, and ensuring legal compliance. Addressing these issues is critical to providing a secure and conducive learning environment for all learners.

Inadequate resources and insufficient infrastructure in the South African education system pose significant challenges to learner safety, increasing the vulnerability of students to various hazards. Studies, such as those by White et al. (2015) and Bartley and Golembiewski (2018), highlight the detrimental impact of neglected facilities on learners' physical well-being. Financial constraints hinder the implementation of

comprehensive safety policies, hindering emergency planning and lowering overall educational quality (Smith and Johnson, 2018). The persistent underfunding of the South African education system, as evidenced by recent studies (Smith, 2020; Johnson et al., 2019), not only jeopardizes learners' safety but also raises legal concerns, as accidents resulting from inadequate infrastructure may lead to legal accountability under constitutional provisions. The pressing need to address these challenges and enhance learner safety provides a compelling motivation for further research in this critical area.

While the existing literature offers valuable insights into the impact of limited resources on learner safety in South Africa, addressing these identified gaps, including challenges in rural areas, disparities in resource allocation, innovative cost-effective solutions, and a thorough legal analysis, will enhance our understanding and guide more effective policies to ensure the safety of all learners. These gaps provide a foundation for future research endeavours in the realm of learner safety within the South African educational landscape.

#### **2.14. Violence and Crime**

Learner safety is severely compromised by the presence of violence and crime in some neighbourhoods. Threats of violence and intimidation may be directed at students in high-risk areas both within and outside of the school. Drug usage and gang-related activities might further jeopardize the security of students. Because the underlying reasons of violence and crime fall outside the purview of educational institutions, implementing safety regulations in such situations becomes challenging.

The high levels of violence and crime in some areas of South Africa have a direct influence on the safety of learners both within and outside of schools (Burton & Leoschut, 2019). Violence and crime could influence the emotional and physical well-being and safety of learners. According to Jacobs and Smith (2017), South Africa has experienced high rates of violence in and around educational institutions, resulting in a hostile environment that makes the effective execution of safety rules difficult.

The severity and urgency of the issue, the limitations of existing approaches, and the potential for collaborative and evidence-based solutions motivate further research on violence and crime in relation to learner safety in South African schools. By exploring

these complexities and identifying effective interventions, researchers can contribute significantly to ensuring the well-being and educational success of all students.

### **2.15. Resistance to Change**

Many stakeholders within educational institutions can be resistant to the introduction of new policies. Considering their highly demanding positions, administrators and faculty members may be hesitant to implement new safety measures. This opposition could make it difficult for safety regulations to be implemented effectively throughout the institution. A crucial step in resolving this issue is persuading all parties concerned of the significance and advantages of such policies.

### **2.16. Balancing Safety and Autonomy**

It might be difficult to strike a compromise between protecting learner safety and upholding individual autonomy. Strict safety regulations could unintentionally limit learners' independence, which could have an impact on their growth and development. For instance, stringent monitoring and surveillance could foster a climate of distrust and obstruct honest dialogue between learners and educators. While enabling learners to take ownership of their activities, institutions must develop strategies to provide a safe environment.

### **2.17. Cultural and Societal Norms and Socio-economic Inequalities**

The execution of learner safety policies may occasionally be affected by cultural and societal norms. Traditional beliefs may exist in some cultures; however, they may be in opposition to current safety procedures. In cultures that stigmatise discussions about such subjects, it may be difficult to address issues like bullying and mental health. While promoting the welfare of all learners, educators must be mindful of these cultural quirks. Cultural influences and community attitudes about discipline and safety measures might influence how these policies are received and implemented (Piper & Struthers, 2019).

Due to issues including limited access to safe study places, unsafe locations outside of school hours, and inadequate transit alternatives, learners from underprivileged families may face significant safety hazards. To guarantee a more equitable application of safety policies, these disparities must be addressed.

The difficult task of implementing learner safety regulations in South Africa necessitates the combined efforts of government agencies, educational institutions, communities, and stakeholders. To provide safer learning settings for all learners, it is crucial to address issues with infrastructure, resource shortages, violence, insufficient training, and socioeconomic inequality. A conducive atmosphere for learning and growth can be fostered in South Africa by prioritising learner safety and making the necessary investments in infrastructure, training, and resources. This would enable the country's young people to take on leadership roles in the future.

Understanding and addressing resistance to change, balancing safety with autonomy, and navigating cultural nuances are critical aspects that can significantly influence the success of learner safety policies. By conducting in-depth research in these areas, we can develop nuanced strategies tailored to the unique challenges within South African educational institutions, ultimately fostering a safer and more supportive learning environment for all.

## **2.18. Legal and Regulatory Complexities**

Challenges may arise in educational institutions when they negotiate the legal and regulatory environment surrounding learner safety. Comprehensive understanding and adherence are required to comply with a wide range of rules and regulations, including those pertaining to data privacy and learner protection. Institutions must invest in legal assistance and maintain a complete understanding of all applicable legislation because failure to comply might result in serious legal consequences.

When policies are implemented inconsistently, the safety of learners and educators could be jeopardised. Inconsistent policy execution and insufficient inter-agency cooperation could create challenges (Shalem & de Lannoy, 2020). All individuals should know what is expected with regard to policies to prevent any misunderstandings or misinterpretations of policies. Misunderstandings and misinterpretations can lead to policies not being implemented and followed correctly.

To give learners a safe and supportive learning environment, learner safety rules must be put into practice. However, educational institutions encounter several difficulties in this process, such as scarce resources, opposition to change, striking the correct balance between safety and autonomy, cultural traditions, and complex legal issues. All parties involved, such as managers, teachers, students, parents, and policymakers,

must work together to overcome these challenges. By proactively addressing these issues, schools may create a learning environment where students can succeed intellectually, emotionally, and socially, creating a better and safer future for all.

Examining legal and regulatory complexities and addressing the gaps in training and awareness is crucial for ensuring the effective implementation of learner safety policies. By delving into these areas, research can provide actionable recommendations to enhance legal compliance, improve training programs, and foster a culture of safety awareness within educational institutions.

### **2.19. Inadequate Training and Awareness**

To successfully implement learner safety regulations, it is necessary for educators, administrators, and support staff to be properly trained. But many schools don't provide learners, educators, and staff with enough instruction in safety measures and emergency procedures. Additionally, a lack of understanding of the significance of safety among learners, parents, educators, and the public might obstruct the collaboration required for successful policy implementation.

A lack of resources may make it difficult to conduct comprehensive safety training programmes. Schools suffering financial restrictions, according to Jones et al. (2019), may struggle to provide regular safety training sessions for educators and employees. Limited training can lead to ineffective crisis responses because individuals may not be well-prepared to deal with situations successfully.

The difficulties in implementing student safety policies in South Africa are diverse, involving concerns of violence, inadequate infrastructure, economic inequality, and administrative inefficiencies. To address these issues, all relevant parties must work together to protect the safety and well-being of students at the country's educational institutions. Addressing these challenges requires a multifaceted approach that includes targeted interventions to address violence, improved resource allocation, culturally responsive policy design, and an emphasis on community engagement and collaboration (Reddy & Patel, 2018).

## **2.20. Strategies that sustain learner safety at schools**

Implementing policies and procedures. Schools should have policies and procedures in place to manage risks and prevent accidents. Policies can include a code of conduct for learners and staff, procedures for reporting accidents, and guidelines for the use of equipment. Policies and procedures should be evaluated and maintained according to the specific environmental needs and requirements.

Effective school policies and practices are critical to protecting student safety. The South African Schools Act (1996) requires schools to offer a safe and conducive learning environment. The difficulties of implementing student safety policies are made worse in South Africa by socioeconomic inequities. Apartheid's historical context and long-term consequences contribute to complicated social dynamics that may limit the effectiveness of safety policies (Mncube & Harber, 2013).

South Africa requires extensive changes that focus on improving teacher training and support, increasing administrative efficiency, and tackling structural issues related to education (Van der Berg & Wills, 2021). Additionally, increased investment in education, particularly in historically disadvantaged areas, is critical to reducing human errors and creating a more equal learning environment (Naidoo & Pather, 2022). To protect the well-being and security of learners, educators, and staff, educational institutions must prioritize continual training, clear communication, and the deployment of safety measures that allow for potential human fallibility (Garca-Holgado et al., 2019).

A multifaceted strategy is needed to solve unsafe premises or infrastructures. To make sure that schools adhere to the necessary safety standards, the Gauteng Department of Education must give priority to infrastructure improvements, allot additional funds for upkeep, and execute stringent safety inspections. By doing this, we can contribute to ensuring that the educational facilities in Gauteng offer a safe and favourable atmosphere for studying and protecting the future of learners.

Sport-related injuries are made worse by certain schools' insufficient medical assistance and rehabilitation programmes. This highlights the need for enhanced safety procedures, appropriate equipment access, and knowledgeable coaching staff in schools. By putting these measures in place, schools could create a safer and

healthier environment for learners to participate in sports and decrease the frequency of sports-related injuries among them.

Putting safety procedures into place can assist in reducing risk and improve the overall safety of educational institutions (Brown et al., 2018). These protocols include keeping current first-aid kits and holding regular emergency drills. Institutions must put the health and wellbeing of their community members first by allocating sufficient resources and taking preventative safety measures in order to stop accidents brought on by medical situations.

Research in this area can contribute by identifying the practical challenges in implementing safety policies and providing insights into tailoring strategies to the South African context. Understanding the impact of socioeconomic inequities on policy effectiveness is crucial for developing targeted interventions that address historical and structural challenges in the education system.

## **2.21. Chapter summary and conclusion**

This literature review on learner safety in South African educational institutions reveals key themes and gaps that need further investigation. Key themes include transportation incidents, health emergencies, and school safety incidents, but there is a lack of exploration of the psychological impact on learners and educators. Challenges in implementing learner safety policies include resistance to change, balancing safety with autonomy, cultural influences, and legal complexities. Insufficient resources and inadequate infrastructure also impact learner safety, but there is a gap in understanding the long-term consequences. Cultural and socio-economic norms and inequalities also need to be addressed. Legal and regulatory complexities, inadequate training, and awareness are also areas of need. Strategies for sustaining learner safety need to be explored, considering historical and socio-economic contexts.

A document analysis research method fills the gaps in the literature on learner safety in South African educational institutions. This study delves into a systematic review of various documents, such as policy documents, reports, and records, to extract valuable insights. It explores the psychological impact of incidents, the long-term consequences of insufficient resources, addresses cultural and socio-economic

dynamics, assess legal and regulatory compliance, evaluates training programmes and awareness initiatives, and contextualises strategies within historical and socio-economic contexts. Through document analysis, it was possible to gain a deeper understanding of the emotional repercussions and support mechanisms in place or lacking. This approach also revealed gaps in addressing cultural nuances or socio-economic inequalities in safety policies.

## **Chapter 3**

### **Research Methodology**

#### **3.1 Introduction**

This chapter outlines the methodological approach employed in this research. It describes the study's research design, data collection methods, data analysis techniques, and strategies used to ensure rigor. Finally, the chapter addresses ethical considerations relevant to the research.

This study investigated the application of the law of delict within school settings, particularly in cases of learner injuries that has been influenced by the role and function of educators. The research focused on the roles and functions of educators in cases of delict to ensure substantive and procedural fairness. Incidents should be approached through the policies and procedures of schools, aiming to ensure a fair and just process for all involved. This chapter details the methods used to achieve these goals.

#### **3.2 Research Design**

This study employed a qualitative research design. Qualitative research focuses on exploring complex phenomena through in-depth investigation of meanings, experiences, and social processes (Merriam & Tisdell, 2016). This approach is well-suited to explore the nuanced interpretations, decision-making processes, and potential inconsistencies in how school policies and related documents address the law of delict in educational settings (Creswell, 2014).

The primary method for data collection was document analysis. Document analysis is a systematic method for reviewing and evaluating documents within qualitative research (Bowen, 2009). Specifically, content analysis was used to systematically examine selected documents, identifying patterns and themes that shed light on the study's research objectives. Content analysis allows for the identification of core concepts and categories within textual data, facilitating insights into the meanings embedded within documents (Hsieh & Shannon, 2005).

### 3.3 Document Selection

This study focused on a targeted selection of documents to ensure their direct relevance to the research objectives and suitability for exploring the complex legal and policy landscape surrounding delict in schools. The scope encompassed official school policies, legal precedents within the relevant jurisdiction, educational guidelines issued by governing bodies, and scholarly articles analysing the application of the law of delict in educational settings. The research targeted documents from a specific period, not older than 10 years, and potentially focused on a particular geographical area, South Africa, to ensure contextual relevance and alignment with current practices (Mouton, 2001; Creswell & Poth, 2018).

To locate these documents, a systematic search strategy was employed across a variety of credible online resources. Academic databases (Scopus, PubMed, and Google Scholar) were utilised to access peer-reviewed scholarly articles and research dissertations on the topic (Polit & Beck, 2012). Educational institution repositories and online legal archives were explored for relevant policies, guidelines, and legal rulings. Government databases, specifically from the Department of Education, were crucial for obtaining official policy documents and regulatory materials.

Targeted searches were conducted within these resources using a combination of keywords and database-specific search functions. Key terms included "delict in schools," "learner injuries in schools," "school policies and negligence," "administrative justice in education," and "separation of delict and labour law in schools." These search terms were carefully chosen to directly reflect the core concepts embedded within the research objectives (Bowen, 2009).

To ensure the relevance and rigor of the selected documents, clear inclusion criteria were established, directly aligned with the study's objectives. Only documents addressing one or more of the following key areas were included:

1. Policies and procedures for dealing with incidents potentially involving delict in schools, with an emphasis on understanding any delineated separation between delict and labour law procedures (Objective 1).

2. Descriptions of key roles, responsibilities, and processes for individuals and entities involved in investigations within educational settings, including measures to prevent conflicts of interest (Objective 2).
3. Analyses or explanations provided by schools, education departments, or legal scholars regarding the rationale behind separating delict and labour law procedures (Objective 3).
4. Case studies, legal rulings, or reports documenting instances where schools have demonstrated failures or shortcomings in ensuring administrative justice in cases of negligence (Objective 4).

The final selection of documents was determined through a two-step screening process designed to ensure the data collected possessed both depth and direct relevance to the study's objectives (Marshall & Rossman, 2016). Initially, titles and abstracts were evaluated for alignment with the established inclusion criteria. Documents that passed this preliminary screening underwent a thorough full-text review to ensure their overall suitability and direct relevance to the study's objectives. This two-step process enhances the rigor of qualitative data selection and strengthens the foundation for subsequent analysis (Elo & Kyngäs, 2008).

### **3.4 Data Analysis**

The selected documents underwent a rigorous content analysis process to systematically extract insights and identify relevant patterns related to the research objectives (Hsieh & Shannon, 2005). This process involved multiple steps, each crucial for ensuring a comprehensive and nuanced understanding of the data.

#### **3.4.1 Familiarisation and Immersion**

The initial phase of analysis involved thorough and iterative readings of the documents. This intensive familiarisation process allowed the researcher to gain a comprehensive understanding of the content and broader context in which the information was presented (Elo & Kyngäs, 2008). Through this immersion, the researcher was able to grasp the key themes, terminology, and overall perspectives embedded within the various documents. Taking detailed notes and maintaining a reflexive journal throughout this stage were essential for capturing initial impressions,

emerging questions, and potential areas for further exploration (Creswell & Poth, 2018).

### **3.4.2 Coding: An Inductive-Deductive Approach**

Following deep familiarisation, a combined inductive-deductive coding approach was employed to categorise and analyse the textual data (Elo & Kyngäs, 2008). This combined strategy allowed for both data-driven and theory-driven analysis. Initially, an inductive coding process was undertaken, where relevant passages were coded based on emergent patterns and concepts that surfaced directly from the documents themselves. This inductive approach fostered a close examination of the data, allowing for the identification of potentially unexpected or under-explored themes.

In parallel with the inductive approach, the researcher also employed a deductive coding strategy, referencing the study's research objectives throughout the process. This deductive approach ensured the data analysis remained focused on core areas of inquiry, such as the separation of delict and labour law processes (Objective 1) and the identification of key stakeholders involved in investigations (Objective 2). Through this combined coding approach, a rich and nuanced understanding of the data was developed.

### **3.4.3 Theme Development and Refinement**

Once the initial coding was complete, the identified codes were reviewed, compared, and consolidated into broader themes directly aligned with the research objectives (Braun & Clarke, 2006). An iterative process of refinement was employed, ensuring clarity, coherence, and distinctiveness within the identified themes. Memo writing throughout this stage served to document the rationale behind coding decisions, the development of themes, and the connections between themes and research objectives (Miles & Huberman, 1994).

### **3.4.4 Interpretation and Synthesis**

The final stage of data analysis involved a careful interpretation of the identified themes. This phase focused on how the themes addressed the research questions, revealed broader patterns within the data, and potentially uncovered inconsistencies

within existing policies and procedures (Merriam & Tisdell, 2016). Particular attention was paid to aspects directly linked to the research objectives, such as the ways schools differentiate between delict and labour law processes (Objective 1), the roles and responsibilities of key stakeholders during investigations (Objective 2), justifications provided for the separation of these legal frameworks (Objective 3), and any instances where administrative justice mechanisms were lacking in negligence cases (Objective 4). Through meticulous interpretation and synthesis, the data analysis process ultimately aimed to generate new knowledge and contribute to a deeper understanding of how the law of delict is applied within school settings.

### **3.5 Trustworthiness**

To ensure that findings in document analysis are credible and contribute meaningfully to the field, researchers must prioritise trustworthiness. Trustworthiness involves aligning the analysis process directly with your research objectives, ensuring that the interpretations genuinely answer the questions posed (Shenton, 2004). Additionally, maintaining a meticulous audit trail by clearly documenting how documents were selected, coded, and interpreted is crucial for transparency (Bowen, 2009). A rigorous approach in document analysis demands clear, consistent criteria for selecting documents (Merriam & Tisdell, 2016). Further, conducting iterative coding and thematic analysis, while continuously reflecting on potential biases, will add depth and validity to your findings (Tracy, 2010). By prioritising these elements, researchers bolster the overall credibility and value of their document analysis research.

To ensure the credibility and validity of the findings of this study, the researcher prioritised methodological rigor and trustworthiness (Creswell & Poth, 2018). Observing reflexivity, triangulation and member checking was essential because the study addresses complex and nuanced issues within the legal and educational spheres, making it vital that the findings were robust and trustworthy.

#### **3.5.1 Reflexivity**

Recognising that a researcher's own experiences and perspectives can shape the research process, a reflexive journal was maintained throughout all stages (Finlay, 2002). This involved critically examining potential biases, documenting assumptions,

and reflecting on how choices made during the selection, analysis, and interpretation of documents might have influenced the findings. This self-awareness strengthened transparency and helped mitigate the impact of researcher subjectivity on the study's conclusions.

Early in the analysis, entries in the reflexive journal revealed a tendency to focus heavily on policies that aligned with the researcher's pre-existing views regarding negligence within school systems. This awareness led to a concerted effort to actively analyse contrasting or divergent policy perspectives throughout the remainder of the research process.

### **3.5.2 Triangulation**

To enhance the validity of the findings and provide a more comprehensive understanding of the research topic, data was triangulated from multiple document sources (Denzin, 2017). This included official policies, legal cases, scholarly analyses, and, where relevant, reports from governmental bodies. By comparing the perspectives and information contained within these diverse sources, points of convergence and divergence were identified, offering a multifaceted view of the law of delict in educational settings and enriching the study's conclusions.

Comparing school policies with legal rulings on similar cases revealed a disconnect between how administrative justice was outlined at the policy level and how it was frequently applied in practice. This discrepancy became a central theme within the findings.

### **3.6 Ethical Considerations**

Ethical considerations are essential components of any research project, guiding researchers in conducting studies that respect the rights and well-being of individuals or information sources while adhering to recognised ethical principles (Israel & Hay, 2006; Orb et al., 2001). This literature-based study implemented stringent measures to address key ethical considerations associated with the selection and analysis of existing documents and cases. The following outlines how these ethical issues were navigated in the study:

1. Proper Citation & Academic Integrity: Meticulous adherence to established principles of proper citation and academic integrity (APA Style, 2020; Creswell, 2018) was observed. Systematic referencing ensured due credit was given to the original authors (American Psychological Association, 2010).
2. Ethical Use of Existing Literature: The study adhered to copyright regulations and obtained necessary permissions when required (Copyright Law of the United States, 2023). Respect for intellectual property was paramount (APA Style, 2020).
3. Avoidance of Misrepresentation: Rigorous efforts were invested in accurately representing the information extracted from the literature, ensuring interpretations remained faithful to the original content and avoiding misrepresentation (Creswell, 2018).
4. Anonymity & Confidentiality: The anonymity and confidentiality of authors featured in the existing literature were diligently observed (APA Ethics Code, 2010).
5. Critical Engagement: The analysis and interpretation of cases were conducted with academic rigor, fairness, and honesty, contributing meaningfully to the scholarly discourse (Alvesson & Skoldberg, 2009).
6. Transparent Reporting: Transparency in reporting findings was a foundational principle. The methodology was transparently communicated, and any limitations inherent in the literature-based methodology were explicitly acknowledged (Creswell, 2018; APA Ethics Code, 2010).
7. Acknowledgment of Limitations: The study actively acknowledged the limitations associated with a literature-based approach and potential biases or gaps in the existing literature (Bowen, 2009).

### **3.6.1 Permissions and Authorisation**

The researcher was granted ethical clearance and authorisation to perform the study from the Faculty of Education's Ethics Committee at the University of the Free State (UFS-HSD2022/0401/22/3). Following Creswell's (2012) guidance, appropriate permissions were obtained before accessing any data sources.

### **3.7 Summary of the chapter**

This chapter has comprehensively outlined the research methodology utilised in this study. The qualitative research paradigm, document analysis techniques, data collection strategies, and analysis procedures were detailed. Guiding research questions, along with considerations of feasibility and validity, determined the choice of methodologies. Through the alignment of approach with the broader research paradigm, the reliability and validity of the findings are strengthened.

The described methodology strives to effectively address the study's objectives and provide valuable insights into the application of delict law within school settings. Ethical concerns have been carefully considered. This rigorous approach positions the study to generate robust findings of high quality. The stage is set for presentation of findings in Chapter 4 and discussion of findings in Chapter 5. Transparency in methods allows future researchers to build confidently upon this work.

## **Chapter 4**

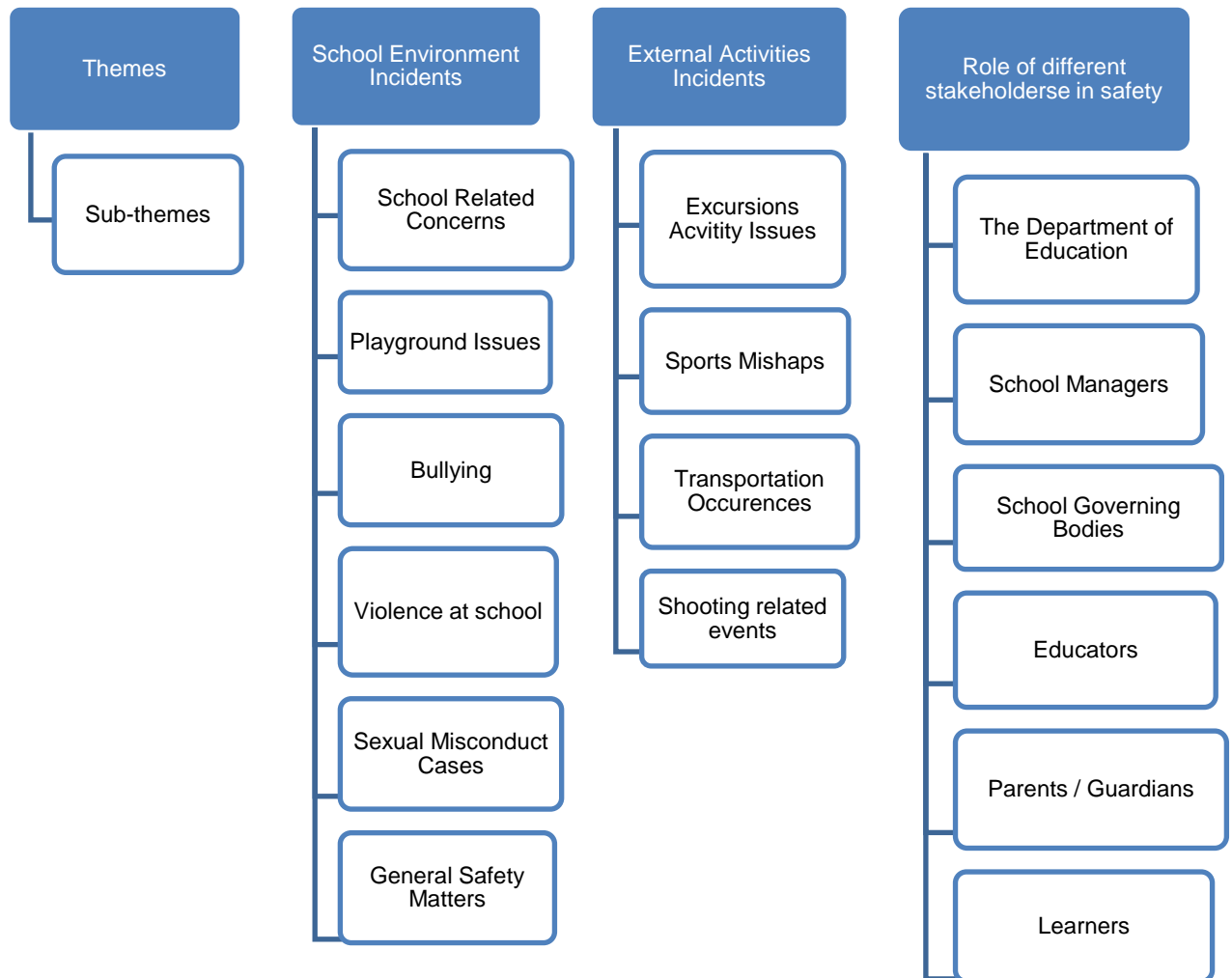
### **Presentation and Analysis of Findings**

#### **4.1 Introduction**

In Chapter Three, the research design and methodology were discussed. Additionally, decisions about the research instruments, research - topic, purpose, questions and objectives were justified. This chapter presents the data collected by means of sampling case laws and using document analysis to acquire the desired information. Documents were selected according to criteria discussed in Chapter 3, with a specific purpose in mind for each case law. The presentation of findings is guided by the research questions.

The primary research question and its sub-questions are explained in relation to the data, as well as the study's aims and objectives. The gap in the literature that was found is the clear roles and functions of educators in cases of delict to ensure substantive and procedural fairness. Each case is unique and should be treated as such. However, there are general roles and functions that subscribe to educators. The themes identified are illustrated in Figure 1.

Figure 1: Themes Identified



## **4.2 Theme 1: School Environment Incidents**

In examining the roles and functions of educators in cases of delict to ensure substantive and procedural fairness, the emerged themes encapsulate key dimensions within the school environment. The theme of school environment incidents intricately dissects the specific responsibilities educators bear in preventing and addressing incidents of such nature. This focuses on understanding the substantive actions educators must take to foster a safe and just environment for learners. Aligned with the central research question, this theme seeks to unravel the intricacies of educators' roles in handling these delicate matters. Complementing this, the theme of "General Safety Matters" delves into the broader role of educators in ensuring the overall safety of learners. It scrutinises procedural aspects, evaluating the effectiveness of processes and procedures stipulated in educational policies. Together, these themes provide a comprehensive exploration of the multifaceted responsibilities educators undertake to uphold both substantive and procedural fairness in the school environment.

School Environment Incidents or subthemes presented in this section include school-related concerns, playground issues, bullying, violence, and sexual misconduct cases. Aligned with the central research question, these themes dissect the roles of educators in preventing and addressing incidents of bullying, violence, and sexual misconduct. The focus is on understanding the substantive actions educators must take to foster a safe and just environment. General Safety Matters is a theme that directly corresponds to the broader role of educators in ensuring the overall safety of learners. It addresses the procedural aspects, evaluating the effectiveness of processes and procedures stipulated in educational policies.

### **4.2.1 School-Related Concerns**

The safety of learners in educational institutions is critical given that it directly affects their overall well-being and academic achievement. Accidents and incidents in schools have far-reaching implications for both individual students and educational institutions. The South African Schools Act (SASA) of 1996 primarily outlines the legal framework for learner safety in South Africa. The Act requires educational institutions to provide a safe environment for learners.

School accidents can have a negative influence on learners' physical and psychological well-being. Although learners are under the supervision of educators, some accidents and incidents continue to occur such as the case with *P.S.M v Member of the Executive Council for Education, Eastern Cape Province and Another* (CA51/2021) [2021] ZAECGHC 110 (23 November 2021).

*In August 2013, when he was a grade 2 learner at the S[...]1 Primary school in Gqeberha, LM sustained a burn wound when hot water from a kettle spilled onto his arm. The incident occurred during school hours whilst LM was under the supervision of the school and its teaching staff. The Second Respondent, LM's class teacher, was in the employ of the First Respondent at the time in question. The Appellant, who is the mother of LM, subsequently instituted a claim for damages against the two Respondents on his behalf.*

Educators are responsible for the well-being of learners, in this case, the incident influenced the physical well-being of the learner. It is the responsibility of educators not to breach their legal duty of care against learners. During the case, although the learner got injured, the educator did foresee the possibility of injury and considered the safety of all learners in the class. Educators need to act with safety and legal measures in mind and ensure a safe learning environment for learners.

Legal measures aimed at ensuring learner safety have a positive impact as well. Accidents and mishaps can be avoided by following safety regulations and adhering to set standards. Schools must take reasonable measures to protect learners, as well as maintain and promote a culture of responsibility and accountability.

School accidents and incidents have far-reaching effects on learners, both favourably and negatively. Legal frameworks have a critical role in developing a culture of safety within educational institutions. While tragedies highlight the possible hazards, beneficial outcomes can be attained by strictly adhering to safety rules. By mitigating the harmful impact on students by proactive legislative measures, educational institutions can fulfil their duty of care and establish a safe and conducive learning environment.

Accidents such as falls, trips, and slips can occur as a result of poor safety standards and infrastructure (*cf.* 2.8.3.). Poor safety regulations and infrastructure are acknowledged as contributing factors in accidents. Accidents such as falls, trips, and slips are not unforeseen occurrences, but are caused by deficiencies in safety procedures and infrastructure. To avoid such accidents, it is critical to maintain strong

safety standards and improve infrastructure. Safety is critical in preventing accidents in a variety of circumstances.

The likelihood of accidents occurring during school-related events may rise if safety regulations are not properly communicated and enforced (*cf.* 2.8.4.). The statement emphasises a critical feature of event planning and management, particularly in the setting of schools. Accidents do increase when safety regulations are not sufficiently conveyed and implemented. Clear communication of safety instructions is critical to ensure that everyone involved, including learners, staff, and attendees, is informed of the necessary safeguards and procedures.

The enforcement of safety laws is also crucial because it fosters a culture of compliance and accountability. Without effective enforcement, individuals may be less willing to follow safety protocols, increasing the likelihood of accidents. This is especially true in settings where large groups of people, including children, assemble for school-related events.

To reduce potential dangers, educational institutions need to emphasise good safety guidelines, communication and guarantee that these standards are consistently followed. This strategy contributes to making school-related events safer and more secure for everyone participating and involved.

#### **4.2.2 Playground issues**

Playgrounds provide chances for play, exploration, and interaction, making them essential places for children's physical and social development. Playgrounds provide many benefits, but they also carry some risks that might result in mishaps and accidents. From small injuries to more serious instances, playground accidents can have major implications. Such incidents frequently result in sprains, fractures, and head injuries, among other things.

Educators need to be alerted and attend to any safety hazards that may influence the safety of learners. Supervision of playgrounds is necessary to prevent accidents and incidents. The case of *C.S.V.D.M obo H.V.D.M v T.A.C.C.P (15910/2011) [2014] ZAGPPHC 1036 (18 November 2014)* occurred on the playground without the necessary supervision and the incident could have been prevented.

*On the 2nd of September 2009, an unfortunate incident occurred on the playground at the premises of the school when Jaco became*

*impaled on a metal dropper through his rectum. He sustained severe injuries inter alia the tearing of his rectum and the bladder. He underwent extensive operations and he suffered severe pain and discomfort due to the unfortunate incident and also had to wear a stoma for a period of three months post-accident.*

Educators and the school community need to be able to adapt to their environment and the learners they work with, including supervision on the playground. The learner did not cope in a mainstream school and was thus referred to a special school. Educators play a critical role in building an inclusive learning environment, which necessitates flexibility to varied educational settings and increased awareness when addressing the individual needs of learners with special requirements (Smith, 2020; Jones et al., 2018). Enhanced awareness of environmental adaptability and enhanced attentiveness over learners with specific requirements contribute greatly to the efficacy of inclusive educational strategies (Brown & Davis, 2017; Williams, 2019). Supervision must be adapted and enhanced to ensure safety in the school environment, inside or outside the classroom.

Although playgrounds are essential to a child's social and physical development, improper maintenance can turn them into dangerous areas. Uneven surfaces antiquated or broken equipment, and a lack of safety precautions can result in mishaps and injuries during playtime. Ensuring the safety of learners during recreational activities necessitates regular inspections, maintenance, and adherence to safety requirements. To reduce playground accidents, various strategies are required. These strategies include adequate supervision and frequent equipment maintenance.

### **4.2.3 Bullying**

Bullying has a substantial impact on the safety and well-being of learners in educational settings. Bullying impacts, the well-being and academic achievement of learners (Smith et al., 2017; Olweus, 2013). Bullying can be identified as a pattern of aggressive behaviour with an imbalance of power, which frequently manifests as physical, verbal, or relational hostility (Smith & Jones, 2019). Bullying consists of a range of violent acts, producing an environment in which victims endure psychological anguish and lower scholastic performance (*cf.* 2.9).

Hate speech in educational institutions has been identified as a contributor to bullying, leading to a hostile environment that jeopardizes school safety (Smith, 2018; Jones & Brown, 2020). Such verbal aggressiveness, entrenched in discriminatory beliefs, can

evolve into bullying actions, significantly hurting students' psychosocial well-being and weakening the overall safety climate in educational institutions (Williams et al., 2019). An incident at High School Driehoek in 2019 resulted in fatalities and injuries when a walkway collapsed. Although this school incident occurred, hate speech occurred towards the victims of this incident. Such acts should not be tolerated in schools or the community, individuals need to be aware that hate speech has consequences such as in the case of *Solidarity and Another v Black First Land First and Others* (EQ2/19) [2022] ZAEQC 1; [2022] 2 All SA 549 (GJ) (2 March 2022).

*“On 1 February 2019, at approximately 08h00, a most tragic incident occurred when a walkaway bridge collapsed at the Hoërskool Driehoek, causing the deaths of four learners... and injuring approximately 20 (twenty) other learners, some of whom are still in critical condition in hospital.”*

After the incident a few individuals made racial comments that influenced the peers, educators and families of the victims of the school accident. Although this incident occurred at school, hate speech comments were made towards the deceased victims of the incident. The comments that were made against the victims of the incident contributed to hate speech and is prohibited in terms of section 10(1) of the Equality Act. Hate speech contributes to a negative environment and can cause damages such as the right to equality, dignity, emotional and psychological pain, suffering, humiliation and degradation which has been identified in this case.

This harmful phenomenon produces an unsafe environment that interferes with the learners' learning experiences and psychological development (Johnson et al., 2017). Bullying causes psychological distress and long-term negative repercussions, such as increased anxiety and depression in victims (Brown et al., 2018).

School safety includes both physical and psychological well-being. Bullying jeopardizes the safety of learners at school. Bullying incidents cause an absence in the learner's sense of safety (Garcia & Martinez, 2020) of security. The fear and anxiety caused by bullying occurrences lead to an environment in which learners are hesitant to express themselves freely and participate in the learning process (Thomas & Walker, 2021). This compromised safety impacts not only the immediate victims, but also has an indirect impact on the entire school community, establishing a culture of fear and anxiety.

Interventions and preventative actions become critical when addressing the issue of bullying and its influence on school safety. Bullying should not only be addressed as individual episodes, but also as a systemic issue requiring comprehensive intervention measures (Hymel & Swearer, 2015; Ttofi & Farrington, 2011). The connection between bullying and school accidents stresses the necessity for a comprehensive strategy for school safety (Rigby, 2016). The well-being of learners needs to be protected by implementing the requirements against bullying at school.

The incorporation of educational initiatives, teacher training, and a supportive school climate is required to reduce the occurrence of bullying (Smith & Johnson, 2021). With the necessary knowledge educators will be equipped to be able to identify and prevent bullying to ensure procedural and substantive fairness in cases such as the incident at Hoërskool Driehoek. Schools must implement proactive ways to encourage empathy, inclusivity, and zero tolerance for bullying behaviour (Jones et al., 2016). This approach not only resolves immediate concerns about bullying, but also promotes the overall improvement of school safety (Davis & Wilson, 2022).

Bullying has an enormous effect on school safety, causing risks to learners' physical and psychological well-being. To mitigate the negative impacts of bullying it is necessary for thorough procedures and a supportive school atmosphere. Schools can build an environment that promotes learner safety and holistic development by addressing bullying in schools.

#### **4.2.4 Violence at school**

Accidents and incidents caused by violence in the school environment affect the safety and well-being of learners, educators and staff. To be able to create effective preventative and intervention measures, it is necessary to be aware of the contributing factors of the violence (Johnson, 2017). In order to ensure the role and functions of educators, they need to be prepared for any incident that might occur, in this case violence. Safety policies and measures serve as a guide, but does not always ensure the expected behaviour of individuals.

When violence occurs in an environment, schools need to be able to implement the necessary preventative measures. Schools adapt according to the environment they are situated in, if violence occurs regularly, the policy and measures focus on how to prevent such incidents and accidents. Although schools have safety policies and

measures in place, it is not always possible to prevent such incidents such as with *M v Minister of Police and Another (43362/12) [2014] ZAGPJHC 69 (24 March 2014)*.

*M[...] testified that on 14 June 2012 after they had written their exam paper at 10h00, they went to the tennis courts. There are soccer grounds adjacent to the tennis courts. Most of the grade 8 and 9 learners were at the tennis courts. They were watching a soccer game between the learners and the boys who had entered the school premises in the holes in the palisade. Those boys are older than them. M[...] then assaulted T[...] with an axe on his head during school hours long after they had written their exams. The incident happened at the tennis court. There were no adults present when the incident happened.*

The primary objective of educators and a school is to educate, expecting that a learner should be under constant supervision throughout the day will undoubtedly divert from the fundamental goal of education. It is necessary to ensure the safety of learners, but they also need to be able to develop and explore and have a sense of independence.

It is important to build a positive school atmosphere, adopt evidence-based violence prevention programmes, and provide mental health assistance to reduce the probability of such events (Williams & Rodriguez, 2019; Thompson & Lee, 2021). This underlines the critical need for comprehensive ways to address the various factors that contribute to violence and events in educational settings.

#### **4.2.5 Sexual Misconduct Cases**

Sexual accidents and events in schools have emerged as a key concern in modern educational settings, needing a thorough investigation to comprehend the complexities of these occurrences. It is important to take a thoughtful approach to dealing with the complex interplay of factors that contribute to such instances (Smith, 2016). According to Johnson and Williams (2019), the prevalence of sexual accidents in schools is a sign of underlying systemic concerns that require prompt attention and correction.

The safety of learners is a priority for the school; thus schools must put learners' safety first, learners need to be safe when being under the supervision of educators. It is the responsibility of the school to ensure that learners are safe under the supervision of educators, however the school cannot process a case against an educator when no incident is reported. Learners need to be able to report incidents so that incidents such as with *Jane Doe, a Minor, etc., Plaintiff and Appellant, v. Lawndale Elementary*

School District et al., Defendants and Respondents (2021) do not occur. The context of the case is as follow:

*When Jane Doe was 13 years old, 26-year-old Jason Farr, an employee of Lawndale Elementary School District and a music instructor at Doe's school, sexually assaulted her. Doe sued the District for negligence and for breach of the mandatory duty to report suspected abuse under the Child Abuse and Neglect Reporting Act (Pen. Code, § 11164 et seq.) (CANRA). The trial court granted the District's motion for summary judgment, ruling the District did not have a duty to protect Doe from sexual abuse unless it knew Farr had previously engaged in sexual misconduct with minors or had a propensity to do so. The court also ruled that, because Farr's conduct was "ambiguous," it did not give rise to a duty of care and that there were no triable issues of material fact regarding whether the District knew about Farr's misconduct. Finally, the court ruled Doe could not prevail on her cause of action for violation of CANRA because none of the District's employees knew or reasonably suspected Farr had abused her. The school and all staff have the duty to protect learners from sexual abuse, by any individual related to the school or not. When the school is not aware of occurrences that are prohibited, the ability of the school to protect and ensure the safety of learners are limited.*

The schools are responsible for educators to ensure they commence duty and fulfill their responsible role as educators. Educators need to present a professional image and role towards learners, if not incidents such as with Jane Doe, Plaintiff and Appellant, v. Anderson Union High School District et al., Defendants and Respondents (2022) might occur.

*When Doe was 17 years old and a student at a high school in the District, she engaged in sexual activity with Daniel Schafer, a teacher at the high school, over a period of about three months. Doe told her best friend, and in September 2018, the District learned of the sexual relationship from the mother of Doe's best friend. The District immediately investigated, obtained Schafer's resignation, and notified Doe's parents and law enforcement.*

The actions of educators are thus not always predictable and can cause incidents. The school should ensure that educators have the necessary training and personal development to be equipped to work with minors (Senge, Cambron-McCabe, Lucas, Smith and Dutton, 2012). The educator had been employed by the District through education and law enforcement agencies and provided training on sexual harassment and child abuse. In this case, required training for educators is not a preventative

measure to ensure that they would act professionally. It is necessary to report all incidents, to be able to prevent and amend policies.

It is necessary to implement evidence-based sex education curricula to mitigate the occurrence of sexual accidents in educational settings. Moreover, the impact of these incidents on the well-being of the victims necessitates a comprehensive and proactive approach by educational institutions, policymakers, and communities to create safer environments for learners (Jones & Miller, 2018). Addressing this issue requires a collaborative effort involving educators, parents, and policymakers to develop effective preventive strategies and support mechanisms for those affected.

#### **4.2.6 General Safety Matters**

The safety of educational institutions is critical, and occurrences such as accidents can have serious ramifications for learners, educators, and the overall learning environment. A complete safety management system is critical for decreasing the risks connected with school accidents and incidents (Smith et al., 2018). It has been demonstrated that proactive safety measures, such as regular risk assessments and the adoption of safety protocols, considerably minimise the likelihood of accidents (Jones & Brown, 2016).

The safety of learners is in question when the environment is not safe and secure. Although safety measures are in place, accidents and incidents continuously occur at school or school-related activities. Not all schools are equipped with new and standardised equipment. In this case schools in rural areas still consist of pit toilets. Learners have the right to basic sanitation, but resources are limited in rural areas and schools are provided with pit toilets. Seeing that it is something that schools should have phased out long ago, because of the dangers it poses. These toilets pose a safety hazard and should be removed and replaced with modern toilets to prevent incidents and accidents such as with *Komape and Others v Minister of Basic Education* (1416/2015) [2018] ZALMPPHC 18 (23 April 2018).

*This case is about a five-year-old boy named Michael Komape. Michael was the youngest child of Maloti and Rosina Komape and attended grade R at Mahlodumela Lower Primary School at Chibeng village near Seshego.”*

*The case is also about the Komape family. The life of this young boy together with the dreams and expectations of his parents and his*

*siblings came to a shattering and tragic end when Michael lost his life when he fell into a pit toilet situated on the school premises.*

Schools should be assisted and supported to prevent such accidents and incidents. Accidents and incidents should also guide the policies and guidelines to prevent similar accidents and incidents.

*It has to be reiterated that this court is ever mindful that an order that the state replaces the pit toilets at rural schools will place an additional burden on the resources of the state. Information as to the time it will take and the programme to be developed to achieve that goal in the shortest period must be placed before the court to enable this court to play a supervisory role in the execution of the order to vindicate the constitutional rights of the children attending schools with pit toilets in rural Limpopo.*

Incidents and accidents should be implemented as preventative measures, and the necessary support in schools are needed from managers to assist the school to be able to be a safe and secure environment. In this case, after the accident it was ordered to replace the pit toilets in rural areas. This is ideal, but unfortunately schools in rural areas are limited with resources.

It is critical to acknowledge that the nature of safety concerns in educational settings is multidimensional, involving aspects such as infrastructure, learner behaviour, and emergency response processes (Johnson, 2019). This emphasises the significance of a comprehensive strategy for school safety. When accidents or incidents occur, a thorough investigation and analysis are required to discover root causes and inform future prevention measures (Williams, 2021). Educational institutions can establish an atmosphere that promotes the well-being of all stakeholders by implementing evidence-based initiatives and continuously refining safety practices.

Sustaining the physical infrastructure of school premises is an essential part of guaranteeing the security and welfare of both personnel and learners. Regrettably, skipping maintenance might result in a host of mishaps and occurrences that jeopardise the environment's general safety. In order to demonstrate the critical necessity for proactive care, this article examines the effects of neglecting school property, including pertinent research and professional viewpoints.

The functionality and safety of the learning environment are greatly impacted by the physical state of school facilities. Ignoring maintenance has a double-edged effect on

the efficacy of the educational process in addition to endangering the health of the school community, more specifically the lives of the learners.

Structural risks include crumbling structures, broken pathways, and malfunctioning equipment that might arise from a lack of routine maintenance. These risks raise the possibility of mishaps including trips, falls, and slips, which raises the number of staff and student injuries. In order to address structural vulnerabilities and stop these events, proper maintenance is necessary.

The maintenance of the school is necessary to improve the safety of learners, educators and staff employed at the school. The required maintenance is being implemented to maintain a safety standard and prevent incidents and accidents. When schools implement maintenance or add new structures, it is continuously necessary to implement safety standards and ensure the safety of learners. School managers and stakeholders need to be involved and aware of any maintenance or safety hazards to prevent incidents such as with *L.G.N and Another v Member of the Executive Committee of Education: Gauteng Province* [2023] ZAGPPHC 325; 25873/2020 (22 May 2023). The context of the case is as follows:

*The two minor children, SHN and BAN, sustained various severe injuries on 16 January 2020 at R[...] Primary School, Soshanguve (the school) when a newly constructed gate fell on them whilst they were on their way to the school's portable toilets unaccompanied. They were both grade 1 learner at the school when this incident occurred. SHN and BAN were 5 and 6 years old respectively when the incident occurred. The plaintiffs claim damages as a result of the incident.*

*This tragic incident could have been averted if appropriately qualified personnel, adhering to professional standards administered with due professional skill and expertise, had been appointed to prepare the requisite drawings/designs and to oversee and project manage the construction project to ensure that it was executed in accordance with the approved drawing/design and applicable legislation.*

If the learners were supervised, the incident could have been prevented. Educators need to be aware of and ensure the safety of learners during school, school activities and school premises.

Drowning accidents and incidents at schools and on field trips raise concerns and need a thorough study of risk factors and prevention strategies. The occurrence of such incidents, underlines the necessity for proactive interventions (Smith et al., 2021;

Johnson & Brown, 2019). Unsecured areas of water, insufficient monitoring, and a lack of severe safety measures have all been recognised as contributory causes (Jones, 2018; Williams, 2020).

Water-related educational trips require heightened attention to safety considerations, since these areas provide particular obstacles (Garcia et al., 2017). Implementing evidence-based methods, such as thorough risk assessments and swimming teaching, appears to be critical in reducing drowning incidents in educational settings (Anderson & White, 2022; Miller, 2016). By combining recent study findings, educational institutions can develop focused policies and interventions to protect learners' well-being during school-related water activities.

### **4.3 Theme 2: External Activities Incidents**

The exploration of educators' roles in cases of delict extends beyond the confines of the school environment to encompass incidents occurring during external activities. The theme of "Excursion Activity Issues, Sports Mishaps, and Transportation Occurrences" aligns closely with subsidiary questions related to investigating processes and conflict of interest prevention. This theme critically examines the responsibilities educators bear in the realm of external activities, emphasising their crucial role in both averting and addressing injuries and conflicts that may arise during excursions, sports events, or transportation. Additionally, the theme of "Shooting-related events," while less frequent, aligns with the overarching question concerning the separation of law of delict procedures from labour law principles and procedures. This theme sheds light on the unique challenges educators face in extreme situations, contributing to a nuanced understanding of their roles in ensuring substantive and procedural fairness even in exceptional circumstances. Together, these themes broaden the scope of the study, highlighting the diverse scenarios in which educators play pivotal roles in maintaining a safe and just educational environment.

#### **4.3.1 Excursion Activity Issues**

Excursions provide learners the change to improve their outside-of-class learning experiences, which increases their engagement and imparts useful knowledge. However, the most important thing during these excursions is to keep the learners safe. Various excursion-related accidents occur in schools; therefore schools must do careful planning and proper risk management before taking learners on any school

excursions. Beyond the four walls of the classroom, school excursions offer learners priceless chances to augment their education. It is therefore the school's responsibility to provide high-quality education and opportunities (cf. 2.5). Notwithstanding the educational advantages, it is imperative to acknowledge and manage the possible risks linked to these excursions.

Excursions can be regarded as a crucial component of education, since it provides learners with the opportunity to put their theoretical knowledge to use in practical situations. Despite its advantages, excursions have its risks and schools need to put safety procedures in place in order to reduce them. In the event that learners get injured during a school excursion the school could be held liable for such an incident, however it needs to be proven that the school or its personnel acted negligent in the *Hawekwa Youth Camp v Byrne* (615/2008) [2009] ZASCA 156 (27 November 2009) case a learner fell of a bunk bed.

*During the early hours of the next morning Michael was found on the cement floor of his bungalow. No-one saw how he ended up there, but he was unconscious and appeared to be having convulsions. He was taken to hospital where medical examinations revealed that he had suffered a fractured skull with underlying brain injuries which led to some degree of permanent brain damage.*

Learners need to be under constant supervision and the fact that no-one saw how the learner ended up on the ground, it could indicate that adequate supervision did not take place. However, it is not possible for educators to constantly monitor learners, especially not during sleeping hours. This does not excuse educators from making sure that they take reasonable steps to safeguard learners from harm. In this particular case, it was highlighted that:

*...teachers should reasonably have foreseen that in the absence of an adequate barrier affixed to the upper bunk which Michael occupied, there was the real risk that he may roll off in his sleep and injure himself.*

The court stated that negligence is not always established by indicating that an incident took place, or even how it could have been avoided. If learners are prevented from going on an excursion then they are robbed of the opportunity that could help develop them holistically, since excluding learners from excursions may often reinforce educational gaps, as not all learners have equal access to extracurricular programmes or activities.

Schools strive to develop learners holistically. Holistic development in schools is a comprehensive notion that includes cognitive, emotional, social, and physical domains of a learner's growth (Smith, 2017). Scholars suggest that a well-rounded educational approach is essential for developing individuals capable of handling the intricacies of modern society (Jones et al., 2018).

Educators have a vital role in addressing cognitive development by establishing curricula that foster critical thinking and problem-solving abilities in addition to academic success (Brown & Miller, 2019). Emotional and social development, which are both important, are fostered through collaborative learning environments and the inclusion of socio-emotional learning programmes (Williams, 2016). Furthermore, physical well-being is maintained by providing adequate facilities and activities that promote healthy lifestyles (Taylor, 2020). These activities often involve school excursions, and it is important to ensure that learner safety is maintained on these excursions.

The transportation involved in school excursions can be regarded as one of the main risks. Whether learners take the bus or another mode of transport, mishaps can happen and result in serious or even life-threatening injuries. Strict safety procedures need to be implemented when traveling (Smith, 2019; Jones et al., 2021). A comprehensive risk management approach must be addressed, including transportation methods, destination-specific considerations, and emergency preparedness (Brown, 2018).

Learners are frequently taken on field trips from school, which exposes them to many environmental risks like wildlife, rough terrains, and erratic weather (Smith et al., 2020; Johnson & Brown, 2018). Without the right safety measures and guidance, learners run the risk of suffering injuries from falls and slips to coming into contact with potentially harmful animals or being exposed to severe weather (Jones, 2019).

Lack of emergency planning might make school field trips increasingly riskier in the case of unanticipated events (Smith et al., 2020). Educators need to be prepared to deal with a variety of events, from natural disasters to medical crises (Jones & Brown, 2018). A carefully thought-out emergency response plan can reduce risks and guarantee a prompt and efficient reaction (Johnson, 2019).

One of the most important factors in reducing the risks connected with school field trips is educator awareness. Educators have a critical role in risk assessment and control during excursions. Their increased awareness allows them to foresee potential hazards and execute preventive actions, ultimately protecting the learners (Smith & Jones, 2018). It is crucial to keep open lines of communication, enforce safety procedures, and pay close attention to learners. Important elements of educator alertness include adequate supervision, comprehensive risk assessment, and a proactive approach to safety planning.

Precautions protect learners against potential injury, creating an environment favourable to good learning experiences (Doe, 2022). Negligence in implementing safety measures might expose learners to serious risks, hindering their educational journey and jeopardising their general well-being (Johnson & Brown, 2016).

#### **4.3.2 Sports Mishaps**

Sports is essential for learners' mental and physical growth seeing that it fosters discipline, collaboration, and a healthy lifestyle. However, problems can occasionally arise from school sports-related situations, which might range from misbehaviour to injuries. It is vital to take preventative action in order to safeguard against accidents and incidents as well as promote a healthy sports culture.

Learners need to be aware that sport can be enjoyed, but it also consists of safety hazards. Rules, policies and guidelines are implemented in sport accidents and incidents continue to have the possibility to occur. When learners attend practice for a specific sport, coaches need to be able to prepare and enable learners as if they are preparing for a game or competition. When learners are prepared, incidents and accidents will occur less. Although unforeseen circumstances may occur and lead to incidents and accidents. In the Californian context, an incident occurs during a baseball game in the Jose Luis Avila, Plaintiff and Appellant, v. Citrus Community College District, Defendant and Respondent (2006) case.

*During an intercollegiate baseball game at a community college, one of the home team's batters is hit by a pitch. In the next half-inning, the home team's pitcher allegedly retaliates with an inside pitch and hits a visiting batter in the head. The visiting batter is injured, he sues, and the courts must umpire the dispute.*

*Avila sued both schools, his manager, the helmet manufacturer, and various other entities and organisations. Only the claims against the*

*Citrus Community College District (the District) are before us. Avila alleged that the District was negligent in failing to summon or provide medical care for him when he was obviously in need of it, failing to supervise and control the Citrus College pitcher, failing to provide umpires or other supervisory personnel to control the game and prevent retaliatory or reckless pitching, and failing to provide adequate equipment to safeguard him from serious head injury. Avila also alleged that the District acted negligently by failing to take reasonable steps to train and supervise its managers, trainers, employees, and agents in providing medical care to injured players and by conducting an illegal preseason game in violation of community college baseball rules designed to protect participants such as Avila.*

The Plaintiff Avilla raised concerns, that no one indented to the injuries he suffered. In the case it was also mentioned that Avila suffered unspecified serious personal injuries. Medical personnel or coaches cannot attend to injuries, if they are not aware or alerted of injuries. The ball hit the helmet which was part of the protective gear of the specific sport.

Baseball has the inherent risk of being hit by a pitch and can cause serious injury or even death. When a learner participates in sport, it may be assumed to consent to physical contact in accordance with the game's established regulations. During the participating sport learners need to be aware that each sport has its injuries. W It is the responsibility of participants to follow the rules and the role of the coaches that learners understand the rules and requirements of the sport. The referee is thus there to ensure the rules and necessary instructions are followed to ensure a safe game.

Several factors can lead to injuries, such as inadequate supervision, faulty equipment, or inadequate training. To reduce these hazards, it's crucial to put injury prevention programmes into place and make sure there is enough staff for adequate supervision.

Inadequate supervision is a common element in occurrences involving sports in schools. Schools need to make sure that responsible and qualified people are in charge of sports supervision during both practices and tournaments. Injuries can be avoided, misconducts can be quickly addressed, and a supportive and safe environment can be created for all participants with the aid of proper supervision. Accidents can still occur under the supervision of educators and that does not necessarily imply that the educators are liable.

Ensuring learner safety within the school environment is paramount to preventing accidents and incidents, and lack of supervision has been identified as a significant contributing factor to such occurrences. This is not only limited to the classroom setting, but includes sports fields as well.

There are risks associated with learners being on the school grounds, the school should ensure the safety of all individuals. It is the responsibility of the school to implement the necessary precautions to prevent any accidents or incidents. The school is also responsible for providing the necessary supervision to learners, in order that incidents such as in the case of *Aulvin Jeremy Mageni (Acting in his capacity as father and natural guardian) v Minister of Education of the Western Cape Education Department*' (2013) does not occur. The context of this case is as follow:

*[13] On the fateful morning of 18 September 2012, approximately 7h00, U [...] participated in a game of tag rugby with other school learners, on the school premises, before school commenced. During the game, W [...] intentionally hit U [...] with a raised knuckle twice on his left eye. U [...] lost his left eye because of the assault.*

On that morning the learners played a game of tag rugby, they were not supervised by educators. During that time educators would be in for attendance. During the case the court found that the employees were negligent and did not take the necessary steps to avoid foreseeable harm.

The role of adequate supervision is necessary for mitigating risks and fostering a secure learning environment (Smith et al., 2015; Jones & Brown, 2017). Inadequate supervision can lead to increased instances of accidents, injuries, and even bullying, as students may engage in unsafe behaviours when not under proper guidance (Johnson, 2014; Williams, 2016). This underscores the importance of implementing effective supervision strategies, such as maintaining appropriate student-to-supervisor ratios, providing continuous training for educators on safety protocols (Johnson & Davis, 2018), and promoting a culture of vigilance within educational institutions (Clark, 2019). By addressing these concerns, schools can create a safer environment conducive to optimal learning experiences for students. Schools can establish a safer environment conducive to excellent learning experiences for learners by addressing these concerns.

There are risks associated with playing sports, thus schools have an obligation to put their learners' safety first when they are involved in sports activities. It is their

responsibility to ensure that learners participate in a safe environment, so that incidents such as with 'The Members of the Executive Council for Education of the Gauteng Provincial Government' v 'R, D for and on behalf of R, K' (2019) does not occur. The context of this case is as follows:

*On Friday, the 30th of April 2010, at approximately 15:00 in the afternoon a metal soccer goalpost, on the soccer field of Crystal Park High School, fell onto K R ('K') just before a soccer game between his school team and a team from a neighbouring school. K and two of his teammates had just finished hanging the net to the goalpost, when it fell onto him whilst he was attempting to jump off the post on which he had sat whilst hanging the net. The structure toppled onto K, who sustained serious head injuries.*

The South African Schools Act Section 21(a) states that a school is responsible for the maintenance and improvement of school buildings and grounds occupied by the school, which in this case includes the sports fields where the incident took place. It was therefore not the learner's responsibility to ensure that the net to the goalpost was hung. This is emphasised in PAM (2022) under the role of an educator, which includes "to control and co-ordinate stock and equipment which is used and required" in conjunction with the following role, which states, "to maintain contact with sporting, social, cultural and community organisation." The school, or the relevant educators should have done the necessary risk assessments or hazard identifications as it is used to assist in identifying potential or future threats (*c.f.* 2.4.3.).

Incidents involving sports might involve more than just physical harm, they can also involve misconduct and behavioural problems from the learners. Conflict between learners may occur during sporting events and schools must act quickly to resolve these problems in order to preserve a supportive sports climate. One such way is to enforce code of conduct. Educators or coaches should ensure that learners are familiar with the code of conduct and its content. Educators should also encourage sportsmanship as it can lower the number of misbehaviour events in school sports events.

Participation in sports events in the school context has been demonstrated to significantly influence learner behaviour, supporting both cognitive and socio-emotional development (Smith et al., 2018; Jones, 2016). According to Piaget's cognitive development theory, participation in sports improves cognitive processes

such as attention, memory, and problem-solving skills (Piaget, 2014). Furthermore, Vygotsky's socio-cultural theory highlights the relevance of social interaction in learning, emphasising how sports can give a platform for learners to build interpersonal skills, teamwork, and conflict resolution abilities (Vygotsky, 2015). Brown and Miller (2019) and Garcia et al. (2020) found positive associations between school-based sports involvement and increased academic achievement.

Not all benefits of sports activity are universally beneficial. While greater physical activity can help with mental health, self-esteem, and social integration (Johnson, 2017), there is a flip side to the story. Incidents of violent conduct, bullying, and injury in schools connected with competitive sports (Carter & Wilson, 2021; Turner et al., 2019). These undesirable results may endanger the safety and well-being of learners. While the good impact of sports on student behaviour is undeniable, educators and policymakers must take a more nuanced approach, taking into account both the advantages and potential risks connected with school-based sports programmes.

Sport accidents and incidents represent major risks to the safety and well-being of learners participating in physical activity. Injuries in sports highlight the necessity for complete safety measures (Smith et al., 2016; Jones & Brown, 2018). In terms of legal ramifications, court cases have played an important role in establishing policies and procedures to improve learner safety.

The case of Doe v. School District (2015) states the negative impact on learners when inadequate supervision resulted in a severe sports injury. In contrast, the case of Johnson v. Athletic Club (2019) established a precedent for good outcomes by holding the institution accountable for establishing severe safety standards that resulted in a reduction in accidents during athletic events. These legal precedents demonstrate the dual nature of court cases in affecting both the negative repercussions of weak safety precautions and the good influence of comprehensive protocols on learner safety in sports.

### **4.3.3 Transportation Occurrences**

Transport accidents and incidents pose substantial obstacles to learner safety in the educational context. The consequences of such incidents go beyond severe physical impairment, affecting learners' psychological well-being and educational achievement.

Transportation accidents have adverse impacts on learners' academic performance and mental health (Jones & Brown, 2019; Smith et al., 2020). Legal actions are critical in reducing the impact and occurrences of accidents and incidents. *Doe v. School District* (2018) established a precedent by holding educational institutions responsible for guaranteeing the safety of learners during transportation. This decision stressed the duty of care due to learners and imposed comprehensive safety procedures, positively improving learner safety standards (*Doe v. School District*, 2018; White & Black, 2021).

The implementation of safety laws, such as the Transportation Safety in Education Act (TSEA) (Department of Education, 2017), aims to establish a safe learning environment for learners during transportation. Transportation incidents may have a negative impact on learners, legislative and regulatory measures have been implemented to improve learner safety.

#### **4.3.4 Shooting-Related Events**

School shootings have an enormous impact in educational institutions and communities. These occurrences include the use of weapons on school grounds, which has devastating consequences such as injuries and deaths among learners, educators and staff. There are varied factors that contribute to school shootings by investigating concerns such as mental health, social dynamics, and access to firearms (Smith et al., 2019; Johnson & Williams, 2021). It is necessary to implement effective prevention and intervention techniques to reduce the probability of such accidents (Brown & Mueller, 2018). School shooting accidents and incidents need a thorough investigation of contributing factors and possible preventive measures.

Shooting accidents and incidents demand extensive investigation to identify contributing causes and potential mitigation solutions. The complex nature of these occurrences, integrates psychological, social, and environmental factors (Smith et al., 2018; Johnson, 2019). Comprehensive evaluation of firearm accessibility, mental health indicators, and school atmosphere emerges as crucial factors (Anderson & Thompson, 2017; Brown & Williams, 2020).

Shooting incidents and accidents need to be prevented to ensure the safety of learners. Learners need to be aware that their actions have consequences when it comes to shooting incidents and accidents. Learners need to be aware of the impact

that weapons and firearms have on their peers, school environment or community. Educators need to attend and not leave learners unsupervised. In the *McQueen v. Beecher Community Schools*, 433 F. 3d 460 - Court of Appeals, 6th Circuit 2006 a shooting incident took place.

*McQueen contends that her daughter's substantive due process rights were violated when she was fatally shot in school by her classmate John Smith.*

The educator left 5 learners unsupervised to take the rest of the class to the computer lab. When the educator was 27 feet from the classroom, the shooting incident took place. It became evident that the learner that shot the plaintiff had behavioural problems. The danger existed with the learner possessing the firearm, even if the educator did stay in the classroom there is no guarantee that the incident would not take place. Learners need to be assisted to prevent such incidents, although they are not suspected to react with incidents and accidents related to shooting.

Evidence-based solutions can be applied to address such occurrences. It is important for a multi-tiered approach that integrates mental health care, threat assessment procedures, and increased security measures (Jones & Smith, 2020). The socio-cultural background needs to be understood and detecting early warning signals through proactive intervention tactics is also a critical component of avoiding school shootings (Anderson & Thompson, 2022; Johnson, 2017). Policymakers and educational institutions must work together to create a climate that supports student well-being while addressing identified risk factors connected with school shootings.

School shootings necessitate a complex and interdisciplinary approach. Policymakers can successfully prevent and respond to such incidents by incorporating scientific results on mental health, societal dynamics, and security measures. The implementation of evidence-based policies, together with a commitment to maintaining a safe and supportive educational environment, is critical in lessening the impact of school shootings on learners, faculty, and the larger community.

The examination of legislative frameworks and their effectiveness in limiting handgun possession near educational institutions provides a legal dimension to this complex topic (Jones, 2016). Interdisciplinary collaboration is essential to cultivating a safer educational environment for all stakeholders involved as educators, policymakers, and

researchers try to appreciate and address the multifaceted underpinnings of school shooting incidents (Miller & White, 2021).

#### **4.4 Theme 3: Role of Different Stakeholders in Safety**

The theme focused on the "Role of Different Stakeholders in Safety" delves into the intricate web of responsibilities and interactions among diverse actors within the educational landscape. Aligned with various subsidiary questions, this theme scrutinises the roles played by crucial stakeholders, including the Department of Education, School Managers, Governing Bodies, Educators, Parents, Guardians, and Learners. Each stakeholder group is examined in the context of their contributions to ensuring safety and administrative justice within the educational system. This theme sheds light on the complexities of collaboration and conflict resolution among these key players, offering insights into how their collective efforts or potential conflicts impact the overall safety and fairness in educational settings. By comprehensively exploring the roles of different stakeholders, this theme enriches the study's understanding of the multifaceted dynamics that shape the safety landscape in educational institutions.

The proper operation of educational institutions is dependent on the dynamic interaction between different stakeholders, each of whom brings unique perspectives and resources to the educational ecosystem.

For both the success of the educational system as a whole and the holistic development of learners, it is imperative to ensure the safety of students. To create and maintain a safe learning environment, multiple stakeholders must work together, with each one having a vital role to play.

The safety of learners at educational institutions is a multifaceted concern, and numerous stakeholders play critical roles in ensuring a safe learning environment. School administrators are at the forefront, developing and executing safety standards, conducting risk assessments, and building a culture of safety within the school community (Smith et al., 2019). Educators make a big contribution by introducing safety education into the curriculum, conducting drills, and swiftly addressing possible risks in classrooms (Jones & Brown, 2018). Parents, as significant stakeholders, are critical players in the safety equation. Their active participation in school safety

committees, attendance at safety meetings, and collaboration with instructors all contribute to a comprehensive safety approach (Johnson, 2017).

Local government authorities play an important role in managing and regulating school safety standards. They develop and enforce regulations that require specific safety measures such as fire drills, emergency response plans, and infrastructure standards (Doe, 2020). Additionally, law enforcement agencies work with schools to improve security through initiatives such as community policing, school resource officers, and threat assessments (Fisher & Greene, 2016). The involvement of non-governmental organisations (NGOs) in school safety programmes adds layer of support, providing resources, expertise, and advocacy for complete safety efforts (National Safety Council, 2018).

Collaboration amongst these stakeholders is critical for developing a comprehensive strategy for school safety. Effective communication channels, regular training sessions, and shared accountability all contribute to a safer school climate, benefiting learners and the entire school community (Johnson & Smith, 2021). The dynamic interaction of different stakeholders, each with a distinct function to perform, ensures a strong and responsive safety framework in educational settings.

**Principal:**

"By working together with teachers, parents, and students, we can create a culture of safety where everyone feels comfortable reporting concerns and working towards solutions."

**Teacher:** "Regular safety training sessions ensure we're all equipped to handle emergencies and create a safe learning environment for our students."

**Parent:** "Open communication between schools and families is crucial. Knowing what safety measures are in place gives us peace of mind when sending our children to school."

**Student:** "I feel safer when I know everyone is looking out for each other. Reporting bullying or suspicious activity shouldn't be discouraged, it should be encouraged."

#### **4.4.1 The Department of Basic Education**

The Department of Basic Education (DBE) assumes a pivotal role in cases of delict involving educators, holding the responsibility to uphold both substantive and procedural fairness, as stipulated by the DBE's policies and guidelines (DBE, 2023).

The Department of Basic Education is responsible for shaping and supervising the instructional environment in South African schools. Smith and Jones (2019) state that the department is responsible for formulating and enforcing regulations governing curricular requirements, educator qualifications, and overall educational quality. One of the department's primary objectives is to guarantee that schools follow national standards and norms, promoting a consistent and equal educational experience throughout varied locations (Johnson et al., 2018). Furthermore, the department is actively involved in allocating resources to schools, such as financing and teaching supplies, based on fairness and inclusion principles (Brown et al., 2020).

The role of the Department of Basic Education in resolving educational inequality in South African schools has received increased attention. Williams and Anderson's (2021) research emphasises the department's measures aimed at lowering educational outcomes discrepancies among different demographic groupings. These approaches include targeted interventions in under-resourced schools as well as the implementation of inclusive education policy to accommodate students with varying needs (Mkhize & Patel, 2017). Despite these efforts, obstacles remain, and further research is required to assess the effectiveness of the department's policies in ensuring equal educational opportunities for all learners.

In South Africa, the Department of Basic Education holds considerable power over the educational system, influencing curriculum development, financial allocation, and initiatives to alleviate educational inequities. Continuous research and evaluation are required to measure the department's performance in meeting its goals and establishing a robust and equitable educational environment in the country.

With regard to substantive fairness, the DBE has instituted comprehensive policies and procedures for the thorough investigation of complaints against educators accused of delictual conduct (South African Council for Educators, 2019). This process encompasses gathering evidence, conducting witness interviews, and allowing educators to respond to allegations, in accordance with the Employment of Educators Act No. 76 of 1998. By ensuring meticulous and impartial investigations, the DBE guarantees that any subsequent disciplinary actions are founded on robust evidence and adhere to the legal principles of fairness (Van der Walt, 2014).

Following investigations, the DBE possesses the authority to initiate disciplinary actions against educators found guilty of delict (Employment of Educators Act No. 76 of 1998). Potential consequences may range from reprimands and salary deductions to suspension or dismissal (DBE, 2023). Through these measures, the DBE not only holds educators accountable but also safeguards students and upholds public trust in the integrity of the education system (Ferreira & Janse van Rensburg, 2016).

While upholding accountability, the DBE concurrently assumes the responsibility of ensuring the well-being of educators and providing supportive mechanisms (DBE, 2018). This may involve offering training on relevant legal and ethical guidelines, granting access to legal counsel, and establishing grievance procedures for educators who feel unfairly treated (South African Council for Educators, 2019). By actively supporting educators, the DBE contributes to the prevention of delictual conduct within the educational milieu (Ferreira & Janse van Rensburg, 2016).

In the spirit of procedural fairness, the DBE is mandated to guarantee that disciplinary proceedings against educators align with due process principles, as outlined in the Employment of Educators Act No. 76 of 1998. This encompasses affording educators sufficient notice of allegations, the right to be heard, and the right to legal representation (South African Council for Educators, 2019). Upholding due process protects educators' rights and ensures equitable outcomes (Van der Walt, 2014).

In handling delict cases, the DBE must maintain transparency, publish relevant policies and procedures, disseminate information about investigation outcomes to the public, and hold itself accountable for any lapses in upholding fairness and justice (Ferreira & Janse van Rensburg, 2016). This commitment to transparency and accountability is crucial for sustaining public trust in the decision-making processes of the DBE (DBE, 2018).

#### **4.4.2 School Managers**

School managers have an essential duty in creating a safe and secure environment in educational institutions. Effective school leadership is critical in building a positive school atmosphere that prioritizes the safety and well-being of students, staff, and visitors (Smith & Johnson, 2018). These managers are in charge of establishing and supervising safety policies and procedures, ensuring that they meet the most recent industry standards and statutory requirements (Brown et al., 2016; Smith et al., 2018).

The active participation of school managers in safety efforts helps to build a culture of safety consciousness, encouraging an environment in which potential risks are detected and managed as soon as possible (Jones, 2017). This entails carrying out routine safety audits, keeping up a secure infrastructure, and making sure employees have the necessary emergency response training (Johnson & Brown, 2019). Fostering a supportive school climate that prioritises cooperation and safety is another duty of management (Miller, 2020).

The involvement of school managers in safety planning and crisis management is crucial for emergency readiness and response. Successful crisis management necessitates proactive measures such as regular safety exercises and communication standards (Johnson & Williams, 2019). School managers act as the focal point for these initiatives, collaborating closely with educators, parents, and local authorities to build comprehensive safety strategies (Miller & Davis, 2020). Their dedication to safety improves not just the physical security of the school but also the psychological well-being of the school community (Smith, 2021).

School managers are responsible for allocating and managing resources for safety measures. A comprehensive safety strategy must include adequate financing and resource allocation for safety infrastructure, personnel training, and technology (Turner et al., 2018). School administrators must stay up to date on the newest innovations in security measures and best practices in order to make informed choices that improve the institution's overall safety infrastructure (Walker & Martinez, 2019). They exhibit a dedication to ongoing improvement in safety measures, which benefits the school's reputation and community perspective.

The active participation of school managers is critical in promoting safety in educational institutions. Their leadership in policy implementation, crisis management, and resource allocation helps to create a safe learning environment. Education is a shared duty, school manager's dedication to safety efforts lays the groundwork for a collaborative and thriving school community.

#### **4.4.3 School Governing Bodies**

School Governing Bodies (SGBs) emerge as key players in shaping and implementing policies that contribute significantly to learner safety (Smith, 2018). SGBs are in a unique position to influence and aid in the development of a safe and supportive

atmosphere for learning because they are made up of elected members from the community, educators, and parents (Jones et al., 2019).

School Governing Bodies are essential to the creation and execution of safety regulations in educational settings (Smith et al., 2018). Numerous safety precautions are covered by these rules, such as emergency response plans, cyber safety, and physical safety. SGBs actively contribute to the creation of a comprehensive framework that covers numerous facets of learner safety by actively participating in the policy-making process (Jones & Brown, 2020; Williams, 2017).

Sufficient resources are necessary for effective learner safety, including people training and physical infrastructure. Decisions on the distribution of resources are within the purview of school governing bodies, which allocate money to programmes that improve student safety (Brown, 2018). This covers funding for facility upkeep, security system purchases, and programmes for educators' professional development that focus on safety procedures.

SGBs facilitate cooperation and community involvement in issues about learner safety by acting as a link between the school and the larger community (Smith et al., 2020). Involving community members and parents in safety efforts fosters a sense of shared accountability (Jones & Brown, 2018). For learners, this cooperative method builds a stronger and more extensive safety network.

In addition to creating policies, School Governing Bodies are essential in promoting the general welfare of learners (Johnson & White, 2019). This includes dealing with problems including harassment, bullying, and mental health issues. Through proactive resolution of these problems and promotion of suitable measures, SGBs support a supportive and welcoming school environment that improves student safety (Davis et al., 2021).

#### **4.4.4 Educators**

Educators have a critical role in creating a safe and secure learning environment within schools, contributing considerably to learner's overall safety. They take an important role in adopting and reinforcing safety regulations and emergency procedures (Smith & Johnson, 2019). Educators are responsible for creating an environment that encourages learning and safety, as well as functioning as instructors and facilitators (Smith, 2019). They are in charge of teaching learners about safety through

educational programmes, exercises, and awareness campaigns. This includes establishing and maintaining safety measures, fostering open communication, and providing dispute resolution guidance (Jones et al., 2020). Daily interactions between educators and learners provide opportunities for the development of trust and open communication, both of which are critical for effectively identifying and addressing safety concerns (Jones et al., 2017).

Educators' involvement goes beyond regular educational environments. Extracurricular activities are important, and educators have an important role in supervising and assuring the safety of learners at such events (Brown & Wilson, 2018). Whether at a sporting event, a field trip, or a school assembly, educators play an important role in creating and maintaining a safe atmosphere. Educators contribute to the prevention of accidents and incidents that could jeopardize the safety of both learners and staff by remaining vigilant and alert to potential dangers.

Educators have an important role in promoting and developing a pleasant school atmosphere, which is linked to overall safety. The link between an ideal educational climate, which includes excellent teacher-student interactions and a supportive learning environment, and fewer occurrences of violence and misconduct (Garcia & Rodriguez's, 2021). Educators should be trained to identify warning signs of distress or potential safety concerns for learners in order to give early intervention and support (Brown & Miller, 2021). Educators play a critical role in establishing the social dynamics of the school, fostering a feeling of community and shared responsibility for safety through their interactions and modelling of appropriate behaviour.

Educators are vital contributors to school safety through their various responsibilities in adopting safety measures, establishing pleasant school climates, and supervising extracurricular activities. Their commitment to providing a safe learning environment is critical to learners' overall well-being and achievement. A comprehensive approach to school safety necessitates identifying and supporting educators' critical role in developing the safety culture within educational institutions.

#### **4.4.5 Parents / Guardians**

Keeping learners safe in educational settings is a multidimensional obligation that extends beyond the administrative structure of the school. In order to ensure learner safety both at home and within the school community, parents are crucial collaborators

(Smith et al., 2019). They participate by being involved in their child's education, showing up to school functions, and keeping up to date on the school's safety protocols (Jones & Brown, 2021). When parents are involved, a network of support is established, reinforcing the value of safety and well-being for all learners (Johnson, 2018). Parents/guardians play an important role in school safety by actively participating in different parts of their children's educational experience. Parental involvement develops a feeling of community and shared responsibility, ultimately leading to the construction of a safer school environment (Smith & Johnson, 2018). Collaboration between parents/guardians and school officials results in a more complete and successful approach to addressing safety concerns.

Participating in committees and organisations at school is one important way parents contribute towards school safety. Parents who are involved in parent-teacher associations and safety committees have a significant impact on the development and implementation of safety policies and procedures (Anderson & Williams, 2017). These cooperative initiatives enable a more comprehensive and knowledgeable approach to school safety planning. Involving parents in conversations about safety ensures that a variety of viewpoints and concerns are taken into account, and assists in developing extensive safety procedures.

Parents contribute towards the development of an open communication culture with their children about safety issues. Parents who have regular interactions with their children about personal safety, online security, and emergency protocols help to produce informed and vigilant learners (Johnson et al., 2019). This discussion lays the groundwork for learners to notice potential hazards, report concerns, and actively participate in their own safety. Parental communication thus becomes an essential component of a comprehensive safety strategy within educational institutions.

Parental support encourages positive behaviour and discipline in schools (Garcia & Martinez, 2021). Parents who set clear standards for their children's behaviour at home contribute to the development of socially responsible learners, ultimately ensuring a safer school environment. Parents can prevent and mitigate behavioural issues that threaten the overall safety of the school community by establishing values such as respect and accountability in their children.

#### **4.4.6 Learners**

Ensuring the safety of learners at educational institutions is a multifaceted task that requires the active participation of different stakeholders. Learners are the main beneficiaries of a safe place to learn, and they also play a significant part in their safety. Learners play an indispensable role in contributing to school safety to develop a safe and conducive learning environment. It entails being aware of and obedient to safety regulations, showing consideration for others, and swiftly reporting any issues (Smith, 2020). Learners can engage in safety measures when equipped with the required knowledge and skills (Smith et al., 2018; Johnson, 2017). Learners become key components of the greater school safety framework by developing a culture of awareness and accountability.

Learners make valuable contributions to safety by participating in safety drills and emergency preparedness programmes. Learners who are well-informed about safety procedures are more likely to respond efficiently during emergencies (Thompson & Anderson, 2019). Active participation in safety committees and student-led initiatives has been acknowledged as a critical component in improving school safety (Brown & Wilson, 2016). Educating learners about cyber safety, personal safety, and the value of an inclusive, respectful environment is essential to building a culture of security in schools (Jones et al., 2019). These programmes encourage learners to take ownership of their safety and participate in the formulation of school safety rules and processes.

Promoting strong bonds between learners and preventing bullying are important to establish a secure school environment. A strong school environment marked by supportive connections among learners minimizes the probability of violence and improves overall safety (Robinson & Smith, 2020). Learners who actively participate in anti-bullying activities contribute to creating a culture that values respect and cooperation, resulting in a safer school environment.

The active participation of learners in school safety is essential for establishing a safe and healthy educational environment. Their efforts, which range from emergency preparedness to developing strong peer interactions, have a tremendous impact on educational institutions' overall safety environment. Acknowledgement and utilising

learners' potential as safety stakeholders is essential for the continuous improvement of school safety procedures.

#### **4.5 Summary of the Chapter**

It is apparent that various policies and procedures do exist, and if educators effectively make use of them while learners are placed in their care, then it absolves them to an extent. It is clear that in each case the right to due process and administrative justice that is fair did emerge from the case law that was used. The themes that were discussed illustrate various scenarios where the ordinary individual would have assumed that the educators would be found guilty. However, an emerging pattern showed that through due process all aspects of the different cases were taken into account before a verdict was announced.

Although the law states that educators are responsible for learners in terms of *loco parentis*, this does not automatically mean that educators would be held accountable in the event of an accident or an incident. The law of delict suggests that educators can only be held accountable if reasonable measures to safeguard learners did not take place. Therefore, educators cannot be held accountable for everything that could go wrong. That is why it is so important that proper planning from school managers takes place. As managers of educators, they should ensure that substantive and procedural fairness takes place in all matters. If due process takes place, unfair dismissals will be minimised.

In the educational system, there are various policies and procedures to help educators deal with any case of accidents or incidents. Schools are required to have various policies in place that cater to their various needs at school.

It should be noted that learner safety is a collective task, and not solely the responsibility of the educator as alluded to in this chapter. It is therefore important that each stakeholder is made aware of their key roles in learner safety, this is often achieved by highlighting the various roles of each party in the Code of Conduct of a school.

The imperative implementation of the national school safety policy framework is paramount in providing support to educational institutions confronted with challenges pertaining to injuries or delicts. Derived from this foundational framework, schools are mandated to construct an individualised school safety framework, thereby enhancing

their capacity to navigate and address various situations with a sense of equanimity. The intricate nature of school-related issues, if inadequately managed, has the potential to escalate into formidable legal disputes. Notably, educational institutions often find themselves inadequately equipped to navigate such legal complexities.

Under specific circumstances, the Department of Education may intervene, providing a legal avenue for resolution. However, should a school be found deficient subsequent to the department's legal endeavours resulting in a case related to a delict, principals may, on occasion, be held accountable for the institution's shortcomings. This underscores the urgency for schools to proactively establish comprehensive safety measures and frameworks. In addressing these challenges, a series of training sessions may be organised to empower principals and school management teams, focusing on matters of substantive and procedural fairness when dealing with injuries or delicts. It is crucial to underscore the pivotal role of educators in this process, as they often serve as the initial point of contact for reporting and may directly encounter safety hazards. This is particularly pertinent when considering the compromised safety of specific individuals, notably learners. In conclusion, the implementation of the national school safety policy framework is not only a proactive measure but also an indispensable step in ensuring the overall safety and security of the educational environment. This initiative is anticipated to contribute significantly to the creation of a safer learning environment for all stakeholders involved.

The chapter that follows illustrates the findings of the data as well as the recommendations that follows.

## **Chapter 5**

### **Discussion of Findings, Conclusion and Recommendations**

#### **5.1 Introduction**

This study concludes with a final chapter that discusses the findings of the study, the study's conclusions, acknowledges its limitations, and makes recommendations for further research on the topics raised in the study and for other related areas. Following a correlation between the findings in this chapter and the problem statement, research question, and sub-research questions from Chapter 1, more recommendations are offered. This chapter is essentially the study's core, wherein the researcher's goal and the study's purpose are achieved by offering responses to each of the questions that were first posed.

The study's background, rationale, aims and objectives were covered in Chapter 1, along with the research questions. After providing a brief overview of the research study's theoretical underpinnings, the researcher went on to discuss the research design and the steps that would be done to guarantee the study's credibility. It was argued that the study might be important to several stakeholders. The study's potential limitations were listed by the researcher, along with potential solutions.

The evaluation of pertinent literature on policies and procedures regarding learner safety in schools made up Chapter 2. To support the arguments made, the researcher cited related literature on learner safety. The two approaches that formed the basis of the theoretical framework were the right to due process and administrative justice.

In Chapter 3, the research design and methods were covered, along with explanations for the decisions taken on the research instruments and strategies employed, the research questions, purpose, goals, and objectives. The research study included a description of the methods and instruments utilised to collect data from the various sources.

The data acquired by the researcher during the examination of court cases was analysed and interpreted in Chapter 4. The gaps that were identified in the literature was the ineffective use of policies and procedures and educators' role and functions of delict to ensure substantive and procedural fairness. Additionally, this chapter included the research findings organised into themes, substantiated by court case

abstracts. The idea was to create a relationship between the information the courts supplied and their interpretations of the different accidents and incidents.

A summary of the research findings is given in Chapter 5, along with conclusions and suggestions based on the data.

## **5.2 Research Questions**

The research study was conducted to answer the research questions relating to the roles and functions of educators in cases of delict to ensure substantive and procedural fairness. In order to obtain effective solutions to these issues, the researcher developed the following sub-research questions:

1. What are the processes and procedures stipulated in education and school policies to deal with cases of injuries happening to learners in the care of a school?
2. Who are the key role players during the investigating period and how do schools ensure that conflicts of interest are prevented?
3. How do schools and education departments separate law of delict procedures from labour law principles and procedures?
4. What evidence is available of schools failing in their responsibility to ensure administrative justice in cases of negligence or misconduct in schools?

## **5.3 Findings of the Study Based on the Research Questions**

The findings of the study, grounded in the research questions, provide a comprehensive understanding of the roles and functions of educators in cases of delict to ensure both substantive and procedural fairness. The investigation delves into the roles and functions of educators and to ensure substantive and procedural fairness during delict. These findings contribute to the existing body of knowledge, offering insights that can inform policies, practices, and further research in the realm of educational institutions and their responsibilities in ensuring a safe and just environment for learners.

### 5.3.1 Processes and Procedures in Education and School Policies Dealing with Cases of Injuries.

One of the main priorities for educational institutions is making sure that learners are safe and well looked after. Schools create thorough rules and procedures to handle a variety of circumstances, such as injuries that might occur to learners while they are in their care (*c.f.* 2.4.6.). The purpose of these regulations is to establish a safe and secure learning environment by offering a framework for preventing, handling, and responding to injuries (*c.f.* 2.4.3.). These policies and procedures focus on various preventive measures. Strict policies are put in place by schools to ensure that learners are supervised during a variety of events, such as field trips, sports, break and classroom lessons. Sufficient monitoring is essential to prevent accidents and injuries. However, as illustrated in the various case laws above, mishaps often still occur, for that reason schools should have measures in place that instruct stakeholders of the measures that should be taken in an event of such incidents.

Programmes for safety education are frequently included in educational policies. These initiatives seek to teach learners basic safety procedures and to increase their awareness of potential risk (*c.f.* 2.4.5.). Nonetheless, these policies do not make provision to ensure that a trained Cardiopulmonary resuscitation (CPR) individual is present during all excursions. Although, it is crucial for a competent medical professional to be present on the school presence (*c.f.* 2.12).

Another aspect regarding prevention that the policies deal with is facility safety. It is imperative that school buildings, equipment, and playgrounds receive routine maintenance and safety inspections. Procedures for regular maintenance and inspection to find and fix such hazards may be outlined in these policies. Schools often also have maintenance committees that are responsible for the overall maintenance of the school (*c.f.* 4.1.2).

In the event that an accident or injury occurred, schools are obligated to contact the parents of the particular learner. Clear communication is established to ensure that relevant stakeholders, including parents, are promptly informed about the situation at hand. Schools are then required to keep accurate documentation of the incident that took place. Schools often require educators that were involved to complete an incident report detailing the nature of the accident or injury.

Although Kruger (2018) states that the Children's Act 38 of 2005 makes provision for children over the age of 12 years to consent to their own medical treatment, schools are still required to contact parents regarding any medical procedure that their children have to undergo, even in the case of an accident or injury.

### 5.3.2 Key Role Players During Investigating Period

Any educational environment is susceptible to accidents and incidents; hence it is critical that schools have a methodical and exhaustive investigation process in place. Determining the reasons behind an incident, preventing it from happening again, and guaranteeing the security and well-being of learners and educators depend heavily on the investigation phase.

Accidents and incidents occurring within educational settings underscore the inherent vulnerability of these spaces, necessitating a methodical and comprehensive investigation process (National Education Association, 2023). Identifying key role players during this critical period is imperative for fostering accountability and ensuring a safety-centric approach. The multifaceted nature of these investigations serves several crucial purposes, beginning with the essential task of determining the root causes behind incidents. Understanding the contributing factors allows schools to implement targeted preventative measures and interventions, minimising the risk of recurrence and safeguarding against future harm (Creswell & Creswell, 2018; Galloway & Beverly, 2012).

Moreover, the investigation process empowers schools to proactively develop and implement evidence-based prevention strategies. By revising policies, procedures, and physical environments based on identified vulnerabilities, educational institutions create a safer learning environment for all (Bowen, 2009). Prioritising the safety and well-being of both learners and educators is non-negotiable, and a thorough investigation process plays a pivotal role in ensuring adequate safeguards for the entire school community (Council of Chief State School Officers, 2020). This not only fosters trust but also instils confidence within the school environment.

Establishing accountability and responsibility is another crucial outcome of the investigation process. Clearly identifying key role players during this period ensures that various individuals and entities are held accountable for their roles in preventing, responding to, and managing incidents (American Psychological Association, 2020).

This comprehensive approach extends beyond the reactive aspect of incidents to a proactive stance, aligning with the overarching goal of creating a safer and more secure educational environment.

Understanding who plays vital roles in incident investigations is pivotal for a successful outcome. School administrators and management, as ultimate overseers, are responsible for coordinating with relevant stakeholders and ensuring corrective actions are implemented. Their leadership sets the tone and direction for the entire investigation (National School Safety Centre, 2023). Frontline personnel, including educators and staff, offer valuable insights into the incident's context and circumstances, significantly contributing to understanding the event and its contributing factors (Creswell & Creswell, 2018).

Involving learners in the investigation process is insightful, as their eyewitness accounts and perspectives can offer valuable information and contribute to developing effective preventive measures tailored to their experiences (Bowen, 2009). Parents and guardians, crucial stakeholders, especially when learners are involved, provide cooperation and input crucial in understanding the broader context and implementing preventive strategies (American School Counsellor Association, 2023). In complex cases, external experts or consultants, such as safety professionals, legal advisors, or psychologists, can enhance the investigation's depth and accuracy, navigating complex situations and ensuring a comprehensive inquiry (Creswell & Creswell, 2018).

By actively engaging all these key players throughout the investigation process, schools ensure a thorough, accountable, and ultimately impactful response to accidents and incidents. This commitment to investigative integrity and proactive prevention creates a safer, more secure learning environment for all members of the school community.

### **5.3.3. Prevention of Conflict of Interest**

It is important that schools are able to prevent conflict of interest while handling incidents and accidents at school and to offer comprehensive strategies to deal with these incidents. The fair and unbiased handling of accidents and incidents may be hampered by conflict of interest. Decision-making procedures that involve people with competing interests may produce skewed outcomes that undermine accountability

and openness. This can therefore weaken stakeholder's confidence, obstruct efficient problem-solving, and jeopardise pupils' general safety.

The following measures can be put in place to safeguard against conflict of interest:

#### 5.3.3.1. Drafting Transparent Policies and Procedures

Create and execute thorough policies and procedures that specify the obligations of all parties engaged in managing incidents and accidents at school. Potential conflicts of interest should be specifically addressed in these policies, along with procedures for recusal and the engagement of unbiased third parties where needed.

#### 5.3.3.2. Training

Regularly offer educators and other school staff training on identifying and averting conflict of interest. Information on the moral issues surrounding decision-making in the context of safety accidents should be included.

#### 5.3.3.3. Open Communication

Encourage an atmosphere of open dialogue in which all parties involved are aware of the protocols and actions implemented in the wake of incidents and accidents. Building confidence and ensuring that all parties are aware of the commitment to impartiality are two benefits of open communication.

#### 5.3.3.4. Parent and Community involvement:

Include parents and the local community in safety procedures. Their advice can be quite helpful, and incorporating outside viewpoints can help create a more thorough and objective decision-making process. More importantly, parents need to have a voice in all matters that involve their children.

### 5.3.3 Schools and Education Department Separating Law of Delict Procedures from Labour Law Principles.

Ensuring an environment that is just and fair for learners, educators and staff is crucial in the field of education. The delicate balance that exists between the principles of labour law and the law of delict proceedings is typically present when legal frameworks collide in educational institutions.

The law of delict deals with civil wrongs that cause harm, injury, or loss. When it comes to matters like property damage, personal injury, and carelessness, delict processes

may be applicable in educational settings. It entails suing to recover damages for wrongdoing, and the court cases frequently proceed via a civil litigation procedure.

The rights and obligations of employers and employees are outlined in labour law, which also controls this relationship. Labour law plays a critical role in educational institutions when it comes to working conditions, employment contracts, and resolving conflicts between staff members, management and educators. Employment disputes resulting from labour law violations may be resolved through labour arbitration or other employment-related legal procedures.

Making a distinction between labour law and law of delict guarantees that legal proceedings are clear. This division makes it possible to handle particular concerns with greater focus and efficiency, which clears up any confusion and promotes a just settlement process. Labour law also provides employees with protection and due process, and the law of delict deals with matters pertaining to harm or injury that occurs outside of the workplace.

#### **5.3.4 Schools' Responsibilities in Ensure Administrative Justice in Cases of Negligence or Misconduct in Schools**

By offering a supportive environment for learning and personal growth, schools have a significant impact on how people will shape their futures. Nonetheless, this duty entails the requirement for efficient accountability and governance, particularly in situations where misbehaviour or carelessness occurs within the school community. Safeguarding the rights and welfare of all parties involved in such cases requires administrative justice, which is a crucial element in guaranteeing equity and openness.

Administrative justice refers to when people are treated fairly and impartially by administrative entities, and it also includes procedures that are transparent and free from bias. It is essential in the setting of schools for handling claims of misbehaviour or carelessness from both staff and learners.

All educators and learners have a right to a safe and secure learning environment, which is the responsibility of the school. This responsibility includes defending others against damage, be it emotional or physical. When misconduct or negligence happens, schools need to act appropriately to resolve the issue quickly and fairly.

Schools need to have extensive and well-defined policies and procedures in place to handle cases of negligence and misconduct in order to maintain administrative justice. To guarantee that everyone in the school community is informed of their rights and obligations, these policies should specify the procedures involved in reporting, looking into, and resolving such incidents.

When there are allegations of wrongdoing or neglect, schools should look into the matter thoroughly and objectively. This could entail assigning a neutral third party investigator to guarantee impartiality and equity. To avoid lingering doubt, all parties concerned should be given the chance to tell their side of the story, and the procedure should be carried out quickly.

Confidentiality must be upheld in order to safeguard the privacy of those involved in cases of negligence or misconduct. Schools must manage these situations sensitively to avoid needless harm to the impacted parties' reputations and wellbeing. Transparency must be maintained, though, and information must be supplied sensibly and within the bounds of the law.

In certain situations, in order to handle serious claims, schools might have to work with outside organisations like child protective services or the police. This partnership guarantees that the school's dedication to justice is upheld and that the proper authorities are consulted when needed.

Preserving the trust and confidence of the school community necessitates ensuring administrative justice in cases of negligence or misconduct. In order to fulfil their duty of care and contribute to a safe and secure learning environment for all engaged, educational institutions should establish transparent policies, conduct impartial investigations, and respect the rights of all parties.

#### **5.4 Recommendations from the Study**

Based on the study's findings, the following suggestions are provided. Drawing from the findings discussed above, several recommendations emerge as pivotal considerations for educational institutions aiming to enhance the roles and functions of educators in cases of delict, ensuring both substantive and procedural fairness.

5.4.1. An exploration of educators' roles in delict cases should be undertaken to facilitate the effective implementation of an integrated management and prevention strategy, thereby fostering learner safety across various school-related events.

5.4.2. School managers play a crucial role in ensuring the establishment and adherence to policies and safety measures.

5.4.3. Policies and safety measures should be adaptable, catering to the specific needs of the school and its community. Collaboration among school stakeholders, including managers, educators, parents/guardians, and learners, is essential in addressing community-specific concerns that may lead to accidents and incidents.

5.4.4. Effective communication of safety regulations is vital to prevent incidents during school-related events.

5.4.5. Educators must uphold their professional duty of care, being prepared to react or assist learners in case of accidents.

5.4.6. The implementation of bullying and safety programs is recommended to guide educators and learners in preventing, identifying, and managing such situations.

Lastly, making first aid courses mandatory for all school community members, with learners having the option to participate, can contribute to increased awareness and preparedness for handling accidents and incidents. These recommendations collectively contribute to the promotion of a safer and more secure learning environment.

It can help explore educators' roles and functions in cases of delict to ensure substantive and procedural fairness, in doing this it can assist with the effective implementation of an integrated strategy for management and prevention to ensure learner safety at school and school related events.

## **5.5 Limitations of the Study**

While the study has provided valuable insights into the roles and functions of educators in cases of delict within South African educational settings, it is essential to acknowledge certain limitations that may impact the generalisability and robustness of the findings.

1. **Contextual Specificity:** The study focused on a specific context within South Africa, and the findings may not be directly transferable to different educational settings

or cultural contexts. The unique socio-cultural and legal aspects of South African education could limit the generalisability of the study's conclusions.

2. **Limited Scope of Cases:** The study's reliance on document analysis and qualitative comparative analysis (QCA) may limit the diversity and breadth of cases examined. The selected cases may not fully represent the spectrum of incidents or accidents that occur in educational environments, potentially overlooking certain nuances in different types of delictual conduct.
3. **Subjectivity in Document Analysis:** Document analysis inherently involves interpretation, and the findings may be influenced by the subjectivity of the researcher. Despite efforts to maintain objectivity, the interpretation of documents, policies, and case law may vary.
4. **Temporal Constraints:** The study's timeframe may restrict the examination of long-term trends or changes in the roles and functions of educators in cases of delict. Educational policies and practices evolve over time, and a more extended study period might provide a more comprehensive understanding of these dynamics.
5. **Exclusion of Stakeholder Perspectives:** While the study delves into document analysis and QCA, the exclusion of direct perspectives from key stakeholders, such as educators, learners, and parents, may limit the holistic understanding of the roles and functions in cases of delict. Incorporating qualitative interviews or surveys could have provided richer insights.
6. **Incomplete Data Accessibility:** The availability and accessibility of relevant documents for the selected cases may pose a limitation. Incomplete or limited data may constrain the depth of the analysis and potentially overlook critical information.
7. **Potential Bias in QCA:** Despite efforts to ensure neutrality, QCA involves some degree of researcher judgment in defining and coding variables. This introduces the possibility of bias, impacting the accuracy and reliability of the comparative analysis.
8. **Dynamic Nature of Education Policies:** Education policies are subject to frequent changes. The study's findings are based on policies at a specific point in time, and subsequent policy amendments may alter the roles and functions of educators in cases of delict.

9. Acknowledging these limitations is crucial for interpreting the study's findings judiciously and considering them within the specified context. Future research endeavours should aim to address these limitations to further enrich the understanding of educators' roles in cases of delict in diverse educational settings.

## **6. Recommendations for Further Research**

The incorporation of interviews into the research methodology would undoubtedly enhance the depth and comprehensiveness of the study, providing valuable insights into the perceptions and experiences of individuals directly involved in accidents, incidents, and court cases within educational settings. Interviews offer a qualitative dimension that goes beyond the analysis of documents and policies, allowing the researcher to delve into the nuanced understanding and implementation of applicable guidelines.

Several potential benefits arise from integrating interviews into the research design. Interviews are a valuable tool for understanding the experiences and perspectives of individuals involved in accidents and incidents. They allow for the expression of subjective experiences, understanding implementation challenges, contextualising policy understanding, identifying adaptive measures, exploring stakeholder collaboration, uncovering unintended consequences, and providing longitudinal perspectives. These interviews provide a deeper understanding of the challenges faced in implementing safety policies and procedures, as well as insights into organisational learning and improvement. The longitudinal nature of interviews allows for a richer understanding of the evolving perceptions and experiences of individuals involved in accidents and incidents.

Interviews reveal the collaborative efforts of stakeholders, including educators, parents, and school administrators, during and after incidents. They can reveal unintended consequences, allowing for better protocol optimisation. Conducting longitudinal interviews over time allows for a richer understanding of evolving perceptions and experiences in accidents and incidents.

## **7 Conclusion**

This study sought to explore educators' roles and functions in cases of delict to ensure substantive and procedural fairness. The study indicated that the different roles and functions of educators needs to be emphasised, especially in cases of delict. Various

policies and procedures need to be in place in order to ensure that due process and administrative justice take place when cases of negligence and accidents arise.

It is evident that schools do have policies and procedures in place, however, those policies and procedures need to be tailored to the specific school's needs. It is also important that those policies and procedures are regularly updated in order to continue to stay relevant.

Ensuring school safety in South Africa is a fundamental human right that is essential for high-quality education. Parents have faith that educators will share responsibility for their children's well-being. It is clear that collaboration between the Department of Education, school administrators, and educators is required to put in place effective measures to ensure the safety and security of learners in schools.

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## Appendices

### Appendix A: Ethical Clearance



#### GENERAL/HUMAN RESEARCH ETHICS COMMITTEE (GHREC)

17-May-2022

Dear Miss Stephanie Van Straaten

#### Application Approved

Research Project Title:

**Exploring educators' roles in cases of delict to ensure substantive and procedural fairness.**

Ethical Clearance number:

**UFS-HSD2022/0401/22**

We are pleased to inform you that your application for ethical clearance has been approved. Your ethical clearance is valid for twelve (12) months from the date of issue. We request that any changes that may take place during the course of your study/research project be submitted to the ethics office to ensure ethical transparency. Furthermore, you are requested to submit the final report of your study/research project to the ethics office. Should you require more time to complete this research, please apply for an extension. Thank you for submitting your proposal for ethical clearance; we wish you the best of luck and success with your research.

Yours sincerely

**Dr Adri Du Plessis**

**Chairperson: General/Human Research Ethics Committee**

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Bloemfontein 9301  
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**GENERAL/HUMAN RESEARCH ETHICS COMMITTEE (GHREC)**

14-Jun-2023

Dear Mej Stephanie Van Straaten

**Continuation/Report Approved**

Research Project Title:

Exploring educators' roles in cases of delict to ensure substantive and procedural fairness.

Ethical Clearance number:

UFS-HSD2022/0401/22/3

We are pleased to inform you that the application to extend your ethical clearance has been approved. Your ethical clearance is valid for twelve (12) months from the date of issue. We request that any changes that may take place during the course of your study/research project be submitted to the ethics office to ensure ethical transparency. Furthermore, you are requested to submit the final report of your study/research project to the ethics office. Should you require more time to complete this research, please apply for an extension. Thank you for submitting your proposal for ethical clearance; we wish you the best of luck and success with your research.

Yours sincerely

**Dr Adri Du Plessis**

**Chairperson: General/Human Research Ethics Committee**

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## Appendix B: Language Editing Report

### LANGUAGE EDITING REPORT

Thesis Title: Exploring Educators' Roles and Functions in Cases of Delict to Ensure Substantive and Procedural Fairness.

Author: Stephanie van Straaten

Learner Number: 2010011613

Degree: Magister Educationis

Discipline: Education Law

Faculty: Education

University: University of the Free State

Location: Bloemfontein

Submission Date: January 2024

#### 1. Introduction:

The language editing process aimed to enhance the clarity, coherence, and academic precision of Stephanie van Straaten's dissertation titled "Exploring Educators' Roles and Functions in Cases of Delict to Ensure Substantive and Procedural Fairness." The document was meticulously reviewed for language usage, grammar, punctuation, and overall adherence to academic writing standards.

#### 2. Key Observations and Recommendations:

- i. **Title Clarity:** The title is clear and concise, effectively conveying the central focus of the dissertation. No changes are recommended.
- ii. **Author's Information:** The author's details, including name, learner number, degree pursued, and submission details, are appropriately formatted and presented.
- iii. **Consistency in Capitalisation:** Ensure consistent capitalisation throughout the document, especially in headings, subheadings, and section titles.
- iv. **Formatting of Degree and Discipline:** Maintain uniform formatting for the degree and discipline throughout the document to enhance visual consistency.
- v. **Alignment of Subheadings:** Review the alignment of subheadings to ensure a consistent and professional appearance.
- vi. **Spelling and Grammar:** The document exhibits a high standard of spelling and grammar. However, thorough proofreading is recommended to identify and rectify any minor typographical errors.
- vii. **Academic Tone:** The academic tone is appropriate for a dissertation. Ensure a consistent tone and style, maintaining formality and precision.
- viii. **Citation and Referencing:** The citation and referencing style adheres to academic standards. Cross-verify all citations and references for accuracy and consistency.
- ix. **Paragraph Structure:** Review the structure of paragraphs to maintain coherence and logical flow of ideas. Ensure each paragraph contributes effectively to the overall argument.

- x. **Pagination and Margins:** Confirm that pagination and margins align with the university's formatting guidelines.
- xi. **Table of Contents:** Verify the accuracy of the Table of Contents to reflect the document's structure correctly.

3. **Conclusion:**


Stephanie van Straaten's dissertation presents a valuable contribution to the field of Education Law. The language editing process aimed to refine the document's linguistic aspects, ensuring it aligns seamlessly with academic standards. The author is encouraged to implement the suggested revisions for enhanced clarity and professional presentation. The document is well-structured, and with the recommended refinements, it will undoubtedly meet the high standards expected at the University of the Free State.

Editor: Aretha Maposa



Date: 7 January 2024

## Appendix C: Turnitin Report



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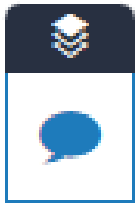
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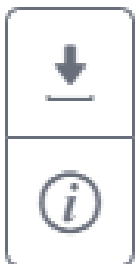
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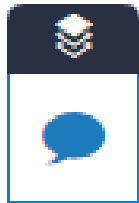
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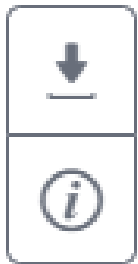
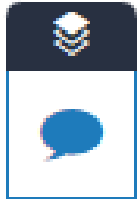
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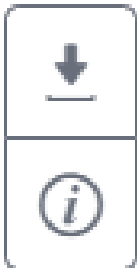
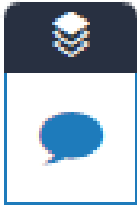
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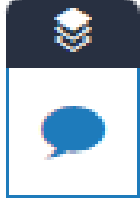


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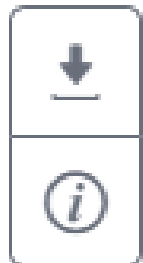
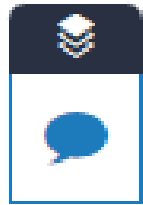
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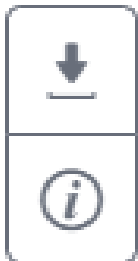
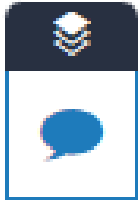
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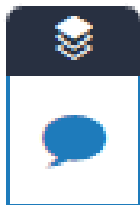


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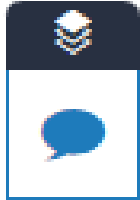


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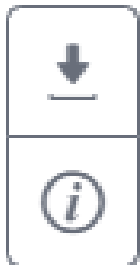


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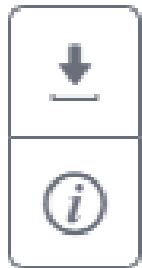
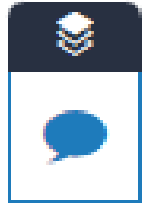
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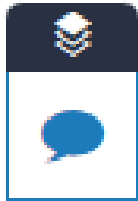
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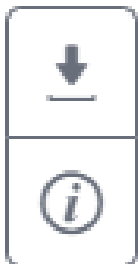
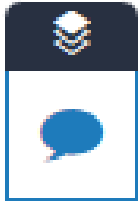
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