

**Review Article****Perceived Faults that Exist in Laws Governing the Appointment of School Principals in South African Schools \***Agrippa Madoda DWANGU <sup>1</sup>  Vimbi Petrus MAHLANGU <sup>2</sup> **Abstract**

The purpose of the article is to explore the faults that exist in the laws governing the appointment of school principals in schools in South Africa. The article advances an argument that there are numerous flaws in the laws that regulate the appointment of school principals in schools. The article will contribute to the revision and strengthening of the laws that are used in the appointment of school principals. Some sections of South African Schools Act 9) SASA regulate the appointment of school principals and are used to militate against the good intentions of the Department of Basic Education (DBE) to have the best suitable candidates appointed as school principals. The appointment processes of educators in schools are seen as fraught with fraud and corruption. A report emerged in the year 2016 that the process of selecting candidates for appointment in the Education Sector is riddled with inconsistencies. The report emanated from the probe by a Ministerial Task Team into allegations of selling of teachers' posts. Principals should be selected by means of experienced panels inclusive of a DBE representative. It was recommended that Cadre Deployment be done away with. The appointment of candidates as principals was supposed to be made purely on the basis of merit in terms of the report.

**Keywords:** Fault, South Africa, system, appointment, principal**1. INTRODUCTION**

Uslu and Çetin (2022) believe that individuals are expected to be equipped with basic moral values and to have the qualifications required by the necessities of the time. One of the first policies that led to law were formulated post-1994 in the field of education is the South African Schools Act, Act No. 84 of 1996 (SASA) with the sole purpose of democratising schools and school governance (de Clercq, 2020). This was a conscious move by the ruling party, the African National Congress (ANC), as a response to the many pre-1994 struggles against the bureaucratic and oppressive school systems that affected mainly the blacks in a very negative way. This change in the manner that things were done led to issues of governance in schools being placed purely in the hands of the School Governing Bodies (SGBs) in terms of the law. It was through the SGBs that the principle of the 'government of the people by the people' was to find expression in schools. The SGB is made up of parents, teachers, learners and other non-teaching staff members in the school. The policy dictates that there should be more parents than all the other components combined by at least one parent in the SGB. Part of the functions of the SGB, as contemplated in Section 20 (1) (i) of SASA is to make a recommendation as to who should be appointed as the principal of the school. The recommendation is the outcome of a process that begins with the advertisement of the post by the Department of Basic Education (DBE), followed by the sifting, the shortlisting and the interviews that are conducted by a panel selected from

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the SGB. Based on the recommendation of the SGB, it is the Head of Department (HOD who makes the appointment. Under no circumstances can the HOD not appoint the candidate recommended by the SGB unless there are valid reasons for not appointing the recommended candidate.

Studies conducted point to lack of knowledge and skills on the part of SGBs to perform duties assigned to them in terms of SASA (Setlhodi, 2020). In support of Setlhodi (2020), Dube and Tsotetsi (2020) also attest to a lack of capacity and the requisite competency for SGBs to perform their duties. This is particularly the case with the parent component of the SGB whose members are either illiterate or non-literate. The performance of School Principals is assessed on the basis of 12 Performance Standards in terms of Integrated Quality Management System (IQMS). 4 of these Performance Standards (Performance Standards 9-12) apply only to School Principals and do not apply to teachers at levels below. These Performance Standards relate, in the main, to issues of Leadership, Communication, Servicing the Governing Body, Strategic Planning, Financial Planning, Decision Making and Accountability. It is improbable for SGB Members who do not have capacity to zoom into those critical competences when conducting interviews for the position of a School Principal. This makes the SGBs' choice of a suitable candidate for appointment as principal to be based on issues that have nothing to do with competency, but nepotism and other fraudulent practices. This is a situation that necessitates a need to have the responsibility entrusted in the hands of the SGBs in regard to the appointment of school principals shifted to people who are in possession of the necessary capacity in terms of the law.

The appointment process of educators in schools is seen as fraught with fraud and corruption. A report emerged in the year 2016 that the process of selecting candidates for appointment in the Education Sector is riddled with inconsistencies. The report emanated from the probe by a Ministerial Task Team into allegations of selling of teachers' posts. In a statement that the Minister of Basic Education made following the interim report that proceeded the final one in 2016, she pointed out that 'there is corruption and undue influence in the appointment of teachers and school principals' (BusinessTech, 17 December 2015). This is the sentiment that resonated in the final report that was issued in 2016 as well. The interim report further showed that Government Systems created a situation that allowed an exploitation of the system which compromised appointments in critical posts such as those of school principals. The report does not go into detail to explain what this situation in the Government System is all about. This article is intended to explore the situation in detail and come up with informed findings and recommendations. A recommendation in terms of that report was that the SGB powers to make recommendations for the appointment of post level 2 teachers and above be taken away. It was further recommended that principals should be selected by means of experienced panels inclusive of a DBE representative. It was recommended that Cadre Deployment be done away with. The appointment of candidates as principals was supposedly to be made purely on the basis of merit in terms of the report.

The appointment of a teacher to be a principal of a school is regulated through legislation. It is this legislation which in terms of the argument advanced in this article has gaps that allow for the appointment of candidates that do not have the requisite leadership abilities and competencies to become school principals. Section 20(1) (i) of the South African Schools Act, Act 84 of 1996 (SASA) dictates that the SGB 'must recommend to the Head of Department the appointment of educators at the school'. This means that Head of Department cannot make any appointment whatsoever that is not based on the recommendation of the SGB. Section 7(1) (a) of the Employment of Educators Act, Act No.76 of 1998. (EEA) categorically states that 'in the making of any appointment or the filling of any post on any educator establishment under this Act due regard shall be taken into account of the ability of the candidate'. It is in regard to this 'ability of the candidate' that an argument is made in this article that a flaw exists in the legislation regulating the appointment of a school principal. The legislation does not take into consideration the capacity levels of the majority of the SGBs in the country that

need serious attention. The legislation does not stipulate how this ability must be ascertained in the selection processes. At the same time, it is apparent that the SGBs, particularly the illiterate parent components thereof in the deep rural areas of the country, do not have the expertise required of them to be able to select the best candidate for the position of the principal. One other issue that is of serious concern regarding the laws governing the appointment of school principals in South Africa is the fact that teachers are not subjected to any form of formal training in Leadership and Management in terms of the law before they become school principals. They are normally appointed on the basis of their experience as teachers and the leadership charisma they show during the interviews. Alternatively, some teachers are appointed as principals in certain schools as a way of rewarding them for the track record they have in producing good results in the subjects that they teach. The argument that this article advances in this regard is that criteria such as these are not adequate for deciding as whether the teacher is suitable for appointment as school principal or not.

The research draws mainly on literature review, and partly on the unpublished doctoral thesis of the author(s). The article argues that the legislation needs to be revisited in order to address these critical shortfalls. [Naidoo \(2019\)](#) points out that the Minister of Basic Education proposed that applicants undergo competency tests before appointment as principals. This noble idea from the Minister never saw the light of the day however. This would have gone a long way in ensuring that only suitably qualified candidates are hired as school principals. The article argues that an amendment needs to be effected in the legislation in order to address this critical concern.

### **1.1 Purpose of Research**

To explore the faults that exists in the laws governing the appointment of school principals in schools in South Africa. The article advances an argument that there are numerous flaws in the laws that regulate the appointment of school principals in schools.

## **2. METHODOLOGY**

The research draws mainly on literature review, and partly on the doctoral thesis of the first author under the supervision of second author. The article argues that the legislation needs to be revisited in order to address critical shortfalls in the appointment of principals. Interpretive paradigm was used in the writing of the arguments in the article. The methodology used in this study is the Thematic Analysis Approach. [Castleberry and Nolen \(2018: 807-815\)](#) refer to a form of qualitative analysis called Thematic Analysis (TA). TA is a method of identifying, analysing, and reporting patterns (themes) within data. It is described as a descriptive method that reduces the data in a flexible way that dovetails with other data analysis methods. In this study, the themes that were developed from the review of literature were then followed by a process of in depth interpretation of each theme. A report with Principles and Recommendations was then compiled.

The thematic analysis that was done was preceded by Literature Review. Literature review entails the selection of available documents, both published and unpublished, on the topic at hand ([Hart 2018: 21](#)). Such documents contain information, ideas, data and evidence written from a particular standpoint to fulfil aims or express certain views on the nature of the topic and how it is to be investigated. This includes the effective evaluation of these documents in relation to the research being proposed. [Leite, Padilha and Cecatti \(2019: 1\)](#) point out that a sophisticated literature review (LR) can result in robust discussions by scrutinising the main problem examined by the academic study, anticipating research hypotheses, methods and results. It maintains the interest of the audience in how the discussions will provide solutions to the current gaps in a particular field. In the case of this study, LR was meant to assist the researchers in identifying gaps in the appointment processes of

principals in schools. Through literature review, ideas as to how the gaps that were identified could be addressed were then generated.

### **3. FINDINGS**

The study is informed by the perception that exists among school communities that the appointment of school principals in South Africa is fraught with fraud and corruption. It is also informed by the literature review that has been conducted by the researcher on the subject. The available literature points it out clearly that for candidates to be recognised and get appointed as principals they have to engage in unlawful acts which include bribery, nepotism and sex for jobs scandals. It seems that the pieces of legislation that are in place for these appointments are not good enough to circumvent these corrupt and unlawful acts.

For the purpose of this article it is important to delve a little bit into explaining what the concepts of 'fraud and corruption' mean. Fraud is an action committed intentionally in the form of lies, cheating, forgery, embezzlement, information misrepresentation, and removal of evidence, distortion of facts, and manipulation for personal gain or to damage another individual. It is a crime embracing diverse means that human ingenuity can devise to gain advantage over another by false representations (Siahaan, Umar, & Purba 2019). The scourge of fraud and corruption in appointment processes is rising at a very fast rate as bureaucratic operations continue to grow. This is despite preventive actions and security measures being deployed, because fraudsters are learning and finding new ways to get around fraud prevention systems (Błaszczyszki, de Almeida Filho, Matuszyk, Szeląg, & Słowiński, 2020). Documents are falsified, and it is not easy to detect the falsification thereof. Fraud detection is not an easy expertise to master. By fraud detection is meant the technique of identifying fraudulent activities (Maddila, Ramasubbareddy, & Govinda, 2020). Fraud detection is usually compared to finding a needle in a haystack and remains a challenging task to pursue because fraudulent acts are buried in massive amounts of normal behaviour as true intentions may be disguised in a single snapshot (Liu, Guo, Zuo, Wu & Guo, 2020). Criminal attacks have drastically increased over the years which make its detection increasingly vital (Maddila et al., 2020). Harrison, Dilla, and Mennecke (2020) describe online fraud as a problem with significant consequences, and little is known about the decision processes that perpetrators follow for engaging in fraud.

Wango and Gatere (2016) define fraud as a deliberate deception for personal gain or harm to another individual. They also claim that fraud is a crime, as well as a civil law violation. The most common forms of fraud are regulatory offences and breaches of contracts (Leon & Ken 2019). Traditional forms of fraud include embezzlement, insider-trading, self-dealing, lying, non-disclosure of information, corruption and cover-ups (Ozili, 2020). Other forms of fraud include billing for unnecessary equipment, or phantom supplies and invoicing more expensive equipment than was actually delivered to clients (Johnson, Johnson, & Policastro, 2019).

Corruption; it is the behaviour of persons entrusted with public or private responsibilities, who neglect their duties to achieve unjustified benefits. That includes: (1) channeling funds into personal use; (2) patronage; (3) bribery and extortion; (4) giving preferential access to services or goods; (5) influencing outcomes and (6) favouritism irrespective of merit (Calderon & Ancho, 2018). Luna-Pla and Nicolás-Carlock (2020) describe corruption as a systemic and adaptive phenomenon that requires comprehensive and multidisciplinary approaches for its effective prevention and combat. They also states that traditional approaches lack analytical tools to address the structural and dynamic aspects that characterize modern social, political and technological systems in which corruption occurs. Lima and Delen (2020), who support Luna-Pla and Nicolás-Carlock (2020), consider that corruption is still ubiquitous and perceived as one of the biggest challenges of modern societies. A large body of academic studies has attempted to identify and explain the potential causes and consequences of corruption, at varying levels of granularity, mostly through theoretical lenses by using correlations and regression-based statistical analyses (Lima & Delen, 2020). Mohamebhai

(2020) argues that no sector appears to be immune from fraud and corruption, not even those that have a direct impact on society's welfare: health, education, sports, politics, or religion. Corruption has remained one of the most significant problems in the post- authoritarian societies, yet there are institutions in place to combat the rampant corruption (Khmelko & Bonnal, 2020). It is a proxy of low detection of opportunistic behaviour which influences managers' decisions (Marchini, Mazza, & Medioli, 2019). This makes corruption extremely difficult to avert and combat decisively. Inshyn, Basai, Basai, Soroka and Stremenovskyi (2020) concede that corruption is a negative global phenomenon in modern conditions, which has penetrated into all areas of the state's functioning, causing significant damage to its development. Corruption affects the stability and security of society, and compromises democratic institutions and values. One of the main and most important actions in the prevention and combating of corruption is the legal approval procedure for the selection of public authorities. Exposure and punishment of perpetrators of corruption can play a major role in the prevention and combating of corrupt activities.

Schools as education institutions are not immune to fraud and corruption when it comes to the appointment of principals. Ahiaku (2019) contends that the procedure for selection and interviews for the appointment of principals is manipulated to favour certain candidates over others, with corruption and nepotism as major factors responsible for the dissatisfaction of other stakeholders. Supporting these claims, Dube and Tsotetsi (2020) say that the appointment of principals in South Africa has, over the years, become politicised and unionised to the extent that it is contextualised within comradeship narratives. Therby, they point out, an understanding has emerged that rejects the qualifications and qualifications necessary to defend the quality education necessary to empower people. Khumalo (2021: 8) lays bare the scourge of corruption in the appointment of school principals by stating that "The practice of selling posts whether through the exchange of money or other favours such as sexual favours is wide-spread though under-reported. The under-reporting can be attributed to the fact that the seller and the buyer of the post operate in high secrecy and in some instances with intimidation... ". In support of Khumalo (2021), Zengele (2019) also cites instances where some South African Democratic Teachers' Union (SADTU) officials have even sold management positions. Zengele (2019:1) insists that "when government education agencies do not heed the warnings of researchers, they not only fail to plan, but they end up planning to fail. This is because of the existing gap between research, policy formulation and implementation". The state of affairs as presented in this paragraph is a clear indication that there is indeed a need for policies and law on appointments of teachers and school principals to be amended. This should be done for the purpose of closing the gap that allows for the appointment of candidates that do not meet the requirements to be appointed as school principals. There are therefore flaws in the laws governing the appointment of school principals that need to be addressed. This can be done by promulgating laws that take the responsibility of making recommendations for the appointment of school principals away from the SGBs and giving them to individuals with professional expertise in the field of education. These would include Circuit Managers, Chief Education Specialists and District Directors.

Corruption in the appointment of principals in schools is not unique to South Africa. Asiyai (2020) alludes to a rampant appointment of underqualified teachers in Nigeria by individuals and groups involved in appointment processes who are hell-bent on taking bribes in order to enrich themselves through corrupt practices. Kum and Julius (2020) attest to the effect that in Cameroon the appointment of school leaders on grounds of personal relationships, political affiliation, ethnicity, or some indices of culture and tradition have become the order of the day.

#### **4. DISCUSSION**

There are many reasons why people commit fraud; and these apply in the appointment of principals in schools just as they apply in other organisations. These reasons are as follows:



#### 4.1 Elements of the Fraud Diamond Theory

Rustiarini, Sutrisno, Nurkholis and Andayani (2019) ascribe the reasons for government employees to commit fraud to four elements which they explain by way of what they refer to as the Fraud Diamond Theory. According to this Theory, the four factors that lead to the commission of fraud by public officials are pressure, opportunity, rationalisation and capability. The four factors are the elements of the Fraud Diamond Theory. These are the factors that trigger the commission of fraud and corruption by employees, both in the private sector and government sector. The pressure alluded to relates to personal problems such as the cost of marriage, divorce, medical bills affecting the individual official concerned. Other problems relate to such factors as bankruptcy, uncontrolled debt, individual egocentric motivation such as the desire to get prestige or a higher paying job, obsession with power, and the fear of losing social status. By opportunity is meant the total set of circumstances that make the climate conducive for the commission of fraud and corruption. Opportunities exist when the control systems present flaws that make it easy for employees to commit fraud and corruption. Fraud is not likely to occur where there is no opportunity, even if the individual has high pressure to commit fraud.

Rationalisation occurs when employees are able to come up with reasons that sound acceptable enough to justify their flouting of procurement measures that are procedural and lawful. Ex-post facto approvals, in procurement processes for example, which mean the approval of procurements that have already been made, are clear examples of loop holes in the systems of government institutions. Such approvals are common in instances where institutions find themselves having to procure and acquire goods or services as a matter of urgency as a result of a disaster that catches the institution off-guard. Lastly, individuals who are motivated to commit fraud must also have the capability to exploit existing fraud opportunities. Capability is thus another attribute that each fraud perpetrator must possess to be able to commit fraud. It takes virtues like courage, self-confidence, audacity and fearlessness to break the law on the part of the employee to commit fraud and corruption. Employees with capability to commit fraud and corruption are usually endowed with intelligence that is high enough to help them come up with strategies for a calculated risk.

Perpetrators of fraud are usually internal procurement staff members who work within the organization. They collude with outside suppliers to deceive the employer in exchange for personal benefits such as kickbacks, bribes, gifts or other benefits.

##### 4.1.1 Politicization of the Civil Service

Desta (2019) identifies one of the main underlying causes of corruption in the civil service of developing countries as the politicization of the civil service. The author asserts that this politicization is further aggravated by poor pay, lack of accountability and transparency, weak law enforcements mechanisms, lack of merit-based career advancement, and excessive/ opaque regulations. Cadre deployment championed by politicians leads to corrupt practices such as bribery, embezzlement, fraud, extortion, abuse of power, conflict of interest, insider trading, abuse of privileged information, favoritism, collusion with business interests, procurement contract/bid rigging and influence peddling (Desta, 2019). Similarly, Shava and Chamisa (2018) state that the increasing deployment of politically connected individuals in local municipalities and other public entities has a serious effect on levels of corruption in government. In South Africa, ever since the inception of the cadre deployment policy, numerous cases of corruption such as the abuse of public funds and poor development of local communities have been documented. Therefore, cadre deployment has contributed immensely to increased corruption and has proved to be a major obstacle to the realisation of the goals and objectives of a developmental state in all spheres of the economy. It is through cadre deployment that candidates that do not have the requisite qualifications are appointed into senior positions at the expense of competency levels expected of appointees in those positions. In support of Desta (2019), describes corruption as a multidimensional phenomenon that encompasses abuse of power,

misappropriation of public resources, fraud, bribes, collusion, and other rent seeking activities undertaken for private gain, monetary and non-monetary, by both the politicians and the civil service. Hence, [Mutangali \(2019\)](#) portrays the picture very well by saying that corruption in government institutions is persistent in all countries of the world because institutions such as the legislature (politicians so to speak) have become the major perpetrators of corruption themselves. They are in fact the conduits through which corrupt activities flow. In addition, the rule of law and adherence to formal rules are not rigorously observed, patronage becomes the standard practice, the independence and professionalism of the public sector gets eroded, and the average civilian finally accepts corruption as an inevitable facet of life. All of these emerge as the results of political influence ([Mutangali, 2019](#)).

#### *4.1.2 Moral Degeneration and Deterioration in Ethical Standards*

[Yap, Lee, and Skitmore \(2020\)](#) point out that “Lack of ethical standards” is rated the third most critical cause contributing to corrupt practices. They argue that a number of causes are perceived to be significant, with the most critical causes being avarice, relationships between parties, lack of ethical standards, an intense competitive nature, and the involvement of a large amount of money. Moral degeneration and greed among politicians and government officials have been singled out as some of the causes of corruption ([Kabiru, 2019](#)). Moral decay manifests itself in the form of the absence of a culture of integrity, honesty, sincerity, hard work, love for others, and commitment to serve as best as possible the interests of the people on the part of civil servants. Moral decay and deterioration in ethical standards have become the major cause of fraud and corruption in developing countries. This results in the abundance of the natural and the human resources that many of these countries are blessed with being grossly compromised. [Guerrero-Dip, Portales, and Heredia-Escorza \(2020\)](#) argue that personal ethical standards are a major causative factor in the commission of fraud and corruption, and key to those ethical standards is to know what constitutes, and what does not constitute good behaviour; and to understand it as essential to do good all the time. Deterioration in ethical standards thus implies two things: Firstly, a deliberate intent on the part of the individuals concerned not to do good even though they know what good entails; and secondly, a deliberate neglect of the understanding they have of why it is essential to do good at all times. It implies refusal or unwillingness to be guided by the moral “compass” of ethical standards referred to above.

#### *4.1.3 Flawed Legal Systems and Lack of Accountability*

In most countries of the world, the scourge of fraud and corruption is attributable to a flawed legal system and a lack of accountability which is exacerbated by ineffective law enforcement within bureaucracies ([Yap et al., 2020](#)). Also, [Sagar \(2019\)](#) ascribes the scourge of fraud and corruption to lack of accountability, opportunity to commit crime, peer support, greed, loopholes in legal structures, and lack of appropriate reporting mechanisms. Inadequate supervision and lack of internal auditing lead to white-collar crimes ([Sagar, 2019](#)). Corruption which has become endemic in developing countries is mainly because of the lack of accountability of governments, lack of oversight, inactive civil society, and lack of anti-corruption action plans ([Nurunnabi, 2020](#)). In all developing countries, laws that are aimed at curbing and combating fraud and corruption do exist, but there is either lack of will or capacity to enforce them. Alternatively, it may be that these laws have loopholes that make it difficult for law enforcement agencies to apply law effectively. After the alleged State capture in South Africa became public knowledge, it was a shock to discover how broken down the crime-fighting agencies really were. For instance, it came to light that the weak leadership in institutions such as the National Prosecuting Authority (NPA) grossly undermined the effectiveness of the broader criminal justice system in South Africa. The frail management of the NPA could have been the result of “the concentration of powers given to the president to appoint and remove an official” ([Storm, 2020](#)). This is possibly one of the flaws in the legal system that may have contributed to the NPA not implementing consequence management on perpetrators of fraud and corruption the way it should have done. Maybe there is a need to revisit the legal framework that regulates the appointment of the

Head of the NPA and Heads of Chapter 9 Institutions like the Public Protector (PP), the Auditor General (AG), the South African Human Rights Commission (SAHRC), etc. As stated in Chapter 9 of the Constitution of the Republic of South Africa, the purpose of the Chapter 9 Institutions is to safeguard and strengthen democracy. Institutions subject to Chapter 9 are answerable to the National Assembly. On the recommendation of the National Assembly, the State President appoints or dismisses the heads of the Chapter 9 Institutions. The alternative option might be to designate an independent organization with no relation to the government as having the authority to deal with fraud and corruption. If not, the issue with law enforcement as envisioned may result from the State acting as both a player and a referee simultaneously.

#### *4.1.4 Economic Hardships and Performance-Based Compensation of Employees*

Jaakson, Johannsen, Pedersen, Vadi, Ashyrov, Reino, and Sööt (2019) refer to economic hardships as another root cause for fraud and corruption, particularly in so far as it relates to private-to-private organisations. There are two dimensions involved in this economic hardship. The first is that the employees of a particular organisation will do everything they can to receive the preferential treatment of another organisation that their organisation does business with. Various pharmacies for instance will rely on one supplier organisation for pharmaceutical supplies. When that supplier organisation has a limited supply of a particular item, it will reserve that item for that one pharmacy it prefers over others. In order to enjoy this kind of treatment, the employees of the receiving organisation will resort to corrupt measures, including bribery, to win the preferential treatment of the supplier organisation. This happens when organizations also set aggressively high-performance targets for their employees. The second dimension relates to the way the employees are compensated. Performance-related-compensation can lead to fraud and corruption. In cases like these, the amount that the employees receive as remuneration is based on the level of performance that the employees are able to demonstrate. Again, in this case, organisations set high performance targets for employees. Employees, in circumstances like these, become so exhausted from having to double or triple their efforts to meet the set targets that they resort to bribing. In this regard; they resort to bribing so as to solicit preferential treatment from the clients or suppliers. It's a situation that creates an environment in which employees are inevitably tempted to cheat. This is precisely because exhaustion reduces an individual's self-control, which is necessary if one wants to resist temptation to act dishonestly. Employees tend to feel that in order to receive the highest remuneration possible, they have no choice but to breach the ethical standards set by the organisation. The discovery of fraud might have a detrimental domino effect on the organisations. Organizations may experience a public boycott, shareholders leaving, creditors suing the company, and media attention after an initial eruption of fraud issues, all of which could endanger its reputation and image (Awalluddin, Nooriani, & Maznorbalia, 2022)

The above is a comprehensive review of literature on the issue of flaws in the Legal Framework regulating the appointment of principals in schools. There seems to be flaws in the laws and policies regulating the appointment of principals in schools. The flaws lead to people involved in the appointment processes committing acts of fraud and corruption. Reasons for these acts include the Four Elements of the Fraud Diamond Theory as explained above, Moral Degeneration and Deterioration in Ethical Standards, Flawed Legal Systems and Lack of Accountability, as well as Economic Hardships and Performance-Based Compensation of Employees.

Given the glaringly high rate of fraud and corruption around the appointment processes for candidates into positions of principals in schools, it seems that something different needs to be done to curb the situation. Studies conducted show that SGBs do not have the necessary capacity to manage the appointment processes efficiently; and free of fraud and corruption. This is mainly because of the literacy levels of the parent component in the SGB which are too low. The recommendation in this regard is that the prerogative to select candidates for appointment should be taken away from the



SGBs. This should be done through amendments in the laws regulating the appointment of principals in schools. The law should be amended to give these powers to independent panels composed of educationists who have no personal interests in appointment issues of principals in schools. Circuit Managers, in their capacity as line managers for school principals, should constitute parts of those independent panels. Cadre deployment should be done away with; and this must be legislated. Alternatively, the law should be amended to allow the election into the SGBs parents who do not necessarily have learners in the school in communities where they are. This will make it possible for parents from the ranks of the educated elite to be elected into the SGBs, in which case the necessary capacity will be ensured. From the ranks of these parents the possibility is that there will be people who are educated enough to be able to understand what professional capacities the candidates should possess to be appointed as school principals.

Above all, only suitably qualified candidates must be appointed as principals. This will in turn ensure the effective management of virtually everything in schools by principals. A recommendation is also made to the effect that both Circuit Managers and principals should be subjected to extensive training on leadership. Candidates for appointment as principals should, in terms of the law, undergo competency tests before their subsequent appointment. This measure will ensure that the candidates appointed as principals fully meet the requirements for such appointments.

## **5. RECOMMENDATIONS**

It is recommended that circuit managers should form part of the interview and selection of school principals in school. Literate parents should be elected into the School Governing Body and to form part of the panel. The laws governing the schools should be amended to include circuit managers in the panel of appointing principals in schools. Law should be amended to allow the election into the SGBs those parents who do not necessarily have learners in the school in communities. The cadre deployment policy should be scrapped in the appointment of school principals.

## **6. CONCLUSION**

The paper contributes to a conscious and purposeful formulation, adoption and implementation of policies that ensure the appointment of only competent candidates as principals of schools. Such appointments will be based on merit rather than cadre deployment and other ulterior motives. This will lead to both efficiency and effectiveness in the manner schools are run in so far as leadership and management is concerned. School functionality and learner performance will also be greatly enhanced. There will also be a remarkable reduction on the levels crime in the appointment of school principals in South Africa; including incidents of nepotism, bribery, fraud and corruption. Studies that have been conducted indicate in no uncertain terms that the SGBs in general do not have the requisite capacity to manage the appointment processes of principals in schools. This is precisely because the majority of SGBs, particularly the parent component thereof, are not educated. They have no idea what competencies the prospective appointees should possess. These competencies include their capacity to manage Interpersonal Relations, ability to exercise leadership, knowledge of the Curriculum Statement that the principal must deliver on, the Methodology of Delivering that curriculum Statement, Project Management, Conflict management and other responsibilities of the principal. One recommendation that stands out from this study therefore, is that appointment processes must be managed by Independent Panels. Such panels must be made up of Education Specialists with no personal interests in the appointments concerned. The other recommendation is that the Department of Basic Education (DBE) should come up with Accredited Leadership Courses that all teachers aspiring to be school principals must go through. This will assist the DBE to know which candidates have the requisite qualities, and which candidates do not have, even before the selection processes are

rolled out for a particular post. All these recommendations must be promulgated into law, so that the necessary amendments are made in the relevant Acts, SASA or Employment of Educators Act, Act no. 76 of 1998 (EEA) as the case may be.

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