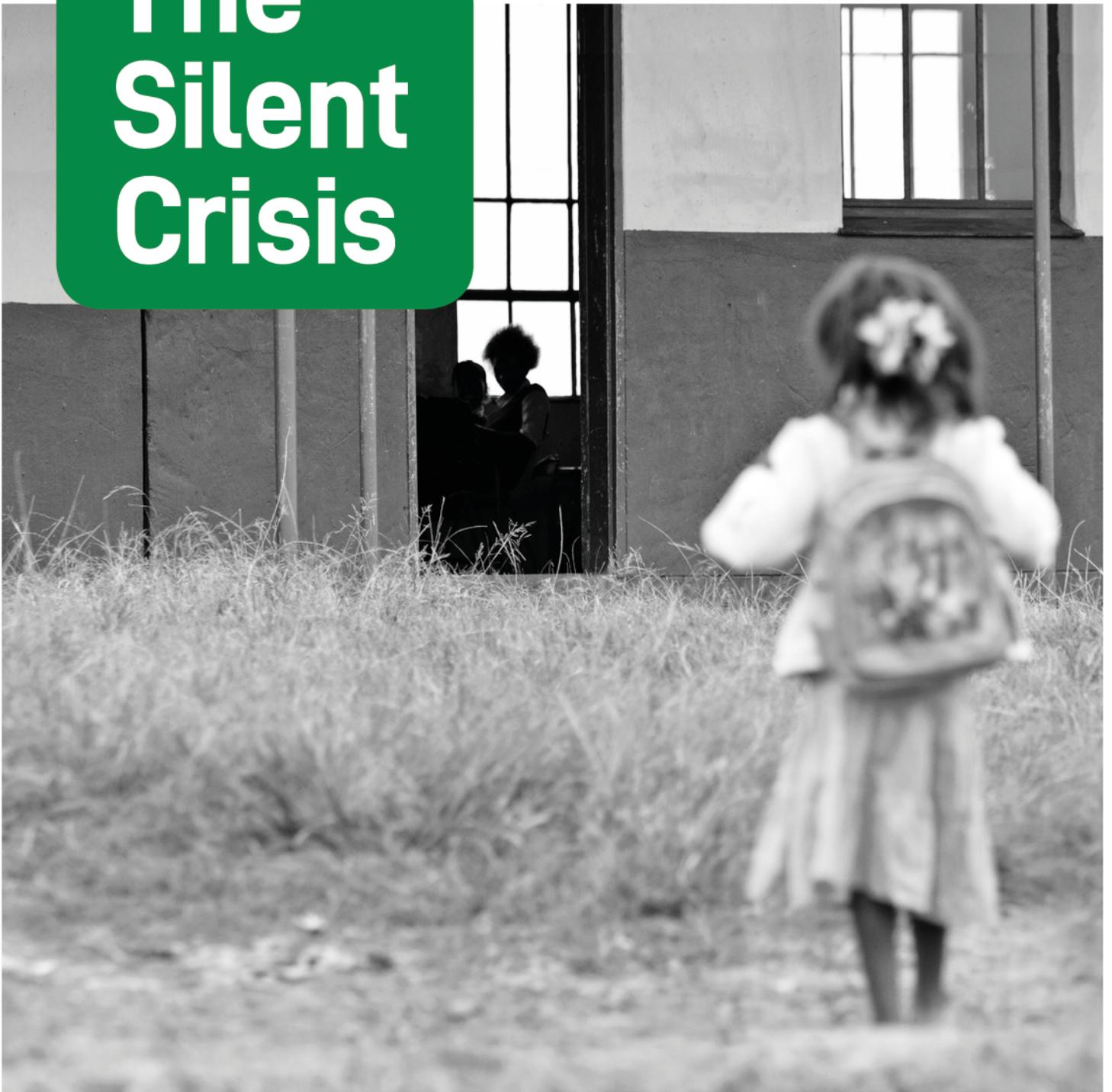


The Silent Crisis



THREE

**The forgotten
story of state
capture
in education**



About CDE

The Centre for Development and Enterprise (CDE), an independent policy research and advocacy organisation, is South Africa's leading development think tank. Since its establishment in 1995, CDE has been gathering evidence, generating innovative policy recommendations, and consulting widely on issues critical to economic growth, employment and democratic consolidation. By examining South African and international experience, CDE formulates practical policy proposals outlining ways in which South Africa can tackle major social and economic challenges.

CDE has a special focus on the role of business and markets in development. CDE disseminates its research and proposals to a national audience of policymakers, opinion formers and the wider public through printed and digital publications, which receive extensive media coverage. Our track record of successful engagement enables CDE to bring together experts and stakeholders to debate the policy implications of research findings.

Series Editor: Ann Bernstein

This report was written by CDE research director Dr Stefan Schirmer and policy analyst Rehan Visser.

Photo credit: A young South African girl stands outside of school, nervous to enter on her first day of class, by Getty Images

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The Silent Crisis

The failure to meaningfully transform South Africa's dysfunctional schooling system, despite significant public expenditure, is the quiet crisis and disaster of the democratic era. Tragically, while some reform measures in the 2000s proved successful, these gains did not last and have now been reversed during Covid. South Africa remains at the bottom of all international tables on learning outcomes: reading, maths, science. As a result, the majority of poor, mainly black, children in South Africa still do not receive the education they need to escape poverty. This is a national emergency that must be addressed.

In this series of reports, CDE identifies the root cause of this failure and makes the case for fundamental, systemwide reform that focuses on improving the quality of learning in the classroom. South Africa needs a President committed to education reform as a priority and a Minister and team of education leaders who can design and implement an effective reform agenda. This will require decisions that disrupt the status quo and those who benefit from the current dysfunction. It will also require all those South Africans who will benefit from and care about a much more effective and more equal education system of good quality, to mobilise in favour of reform.

This report is one of five in a CDE series on diagnosis, priorities and recommendations for basic education reform.

- ONE: South Africa's failing education system
- TWO: What's wrong with our education system?
- **THREE: The forgotten story of state capture in education**
- FOUR: Lessons for education reformers
- FIVE: Time to fix South Africa's schools

List of acronyms in this series

ANA	Annual National Assessment
CAPS	Curriculum and Assessment Policy Statement
DAS	Development Appraisal System
EE	Equal Education
EGRS	Early Grade Reading Study
FET	Further Education and Training
HLO	Harmonised Learning Outcomes
IQMS	Integrated Quality Management System
MPAT	Management Performance Assessment Tool
NAPTOSA	National Professional Teachers' Organisation of South Africa
NECT	National Education Collaboration Trust
NEEDU	National Education Evaluation and Development Unit
NEIMS	National Education Infrastructure Management System
NIAF	National Integrated Assessment Framework
NIDS-CRAM	National Income Dynamics Study – Coronavirus Rapid Mobile Survey
NSNP	National School Nutrition Programme
PEU	Professional Educators' Union
PILO	Programme to Improve Learning Outcomes
PIRLS	Progress in International Reading Literacy Study
PISA	Program for International Student Assessment
SACE	South African Council for Educators
SACMEQ	Southern and Eastern Africa Consortium for Monitoring Educational Quality
SADC	Southern African Development Community
SEA	Schools Evaluation Authority
SNTE	Sindicato Nacional de Trabajadores de la Educación
TIMSS	Trends in International Mathematics and Science Study
UNE	Unión Nacional de Educadores

The forgotten story of state capture in education

Introduction

Sir Michael Barber, one of the world's leading advocates for 'whole system reform' in education, has emphasised the importance of reforming the bureaucracies that manage the school principals and teachers whose job it is to educate learners. He argues that

To bring about a big radical reform, whether it is in education or any other area, you also need to change the government department at the heart of it. Unless the bureaucracies that lead these reforms can reform themselves, it will be very difficult for them to bring about system reform at the scale and pace that is required.¹

South Africa's Department of Basic Education (DBE), led by minister Angie Motshekga and director general Hubert Mweli, is at the heart of a large and complex system (see Report TWO). Widespread corruption prevents a system from providing the support and accountability needed for effective teaching by facilitating incompetence and misdirecting incentives. Thus, when corruption rears its ugly head, we need leaders to enact decisive counter measures.

"It is an open secret in teaching that if you want a promotion post, you have to pay"

The issue of corruption in education came to the fore almost 10 years ago, when reports about it emerged in the press during 2014. Minister Motshekga subsequently set up a ministerial task team (MTT) to investigate and identify corruption in the education system. This occurred long before the State Capture Commission of Inquiry (hereafter the 'Zondo Commission'). Unfortunately, the MTT's findings of widespread corruption and institutional capture by the country's largest teacher union, the South African Democratic Teachers Union (SADTU), have largely been forgotten by the public and ignored by government. In spite of the DBE leadership initially taking this issue seriously and promising to do something about it, words did not translate into action.

This report outlines the initial allegations of corruption and malfeasance and the minister of basic education's response. It sets out the core findings of the 'Jobs for Cash' report with respect to corruption and cadre deployment across the basic education system, and then lists the main recommendations. It then makes the case for the vital importance of implementing the report's core recommendations as a matter of urgency. This would represent a big step towards reforming the education bureaucracies that are holding South Africa back from improving the levels of learning in our schools. This should be the first step in a wider reform programme aimed at transforming the way the system delivers education to the majority of learners.

The 'Jobs for Cash' scandal

We have known about pervasive corruption throughout the education sector for nearly a decade. A 2013 report by the National Education Evaluation and Development Unit (NEEDU) assessing rural literacy found that there was extensive union involvement in corrupt processes relating to teacher hiring and promotion. This proved controversial with union stakeholders, and the report's release was delayed until 2015, only after widespread media reports of the same phenomenon.²

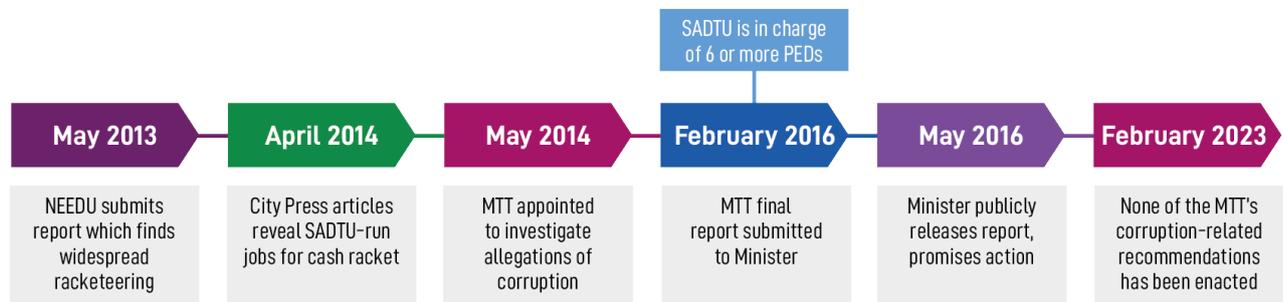
“SADTU is in de facto charge of the management, administration and priorities of education” in “six and possibly more of the nine provinces”

In April 2014, City Press journalists revealed that a jobs-for-cash racket was being run by members of the country's largest teacher union, SADTU. Principal and deputy principal positions were routinely sold for between R30,000 and R45,000 in KwaZulu-Natal, while investigations of similar transgressions were underway in Limpopo and North West. Sitting principals, the reporters revealed, had been violently ousted from their posts and threatened with death, and then replaced by candidates who admitted securing their positions by paying SADTU officials. These officials would coerce members of school governing bodies (SGBs) – violently in some cases – to

select their preferred candidate. Alternatively, SADTU members would coordinate to get favoured individuals onto the SGB to ensure those who paid for positions could land them. Jobs, it was reported, were routinely secured by offering up money, sex or goats. There were also accounts of kidnapping and, in one instance, murder.³

These astonishing revelations sparked significant public interest. In a series of follow-up articles, it was revealed that the scandal was a nationwide problem. A Durban principal recounted how she was driven out of her profession by death threats at the gates of the school where she worked. She was told by fellow teachers that her deputy paid to get her job. "It's an open secret in teaching," she stated, "that if you want a promotion post, you have to pay."⁴

The 'Jobs for Cash' scandal – A timeline



Although initially downplaying reports of the scandal, minister Motshekga then appeared to take decisive action by appointing a task team to investigate the allegations. Established in May 2014, the MTT was mandated to probe all facets of the allegations in the media regarding alleged irregular appointments of educators and managers, focusing on the role played by union members, provincial education department (PED) officials, SGBs and other organisations or individuals in such appointments. It was also asked to advise the minister

on the appointment and placement policies in the DBE and the PEDs, as well as to refer any activities identified during the investigation that involve criminal offences for disciplinary action. Professor John Volmink, then-chairman of Umalusi, the council that ratifies the annual National Senior Certificate (NSC) results and accredits private education and training providers, was appointed to head the team.

“This blatant exploitation and corruption will not be tolerated... there will be consequences”

The MTT interviewed district managers, teachers and union officials around the country. Forensic members of the team, drawn from Deloitte and the Department of Justice, followed up on specific allegations. The team submitted its 285 page report to the minister on 29 February 2016, who delayed releasing it publicly until 21 May 2016 following sustained pressure from the media, civil society and parents. The MTT report's conclusions were stark: corruption was found to be pervasive across the education system, and large parts of the bureaucracy had been captured.

The MTT's findings

Criminal practices identified by the MTT ran the gamut from petty corruption to murder. The rot was so extensive that a top North West education official reportedly declared that his department has “so many cases of wrongdoing that if he asked the South African Police Service (SAPS) to follow them up, it would amount to closing down the Department”.⁵ The Gauteng Department of Education (GDE) reported that it was aware of corrupt procurement and recruitment processes, including maladministration by SGBs when selecting and appointing teachers to top positions. MEC Panyaza Lesufi admitted that the department was controlled by SADTU and that the purchasing of posts was “endemic”.⁶ The investigators noted that malpractice had become so normalised in the education system that people were living and working in a climate of fear, and that there was a ‘culture of silence’ about wrongdoing.⁷

In addition to a jobs racket, the MTT investigated conflicts of interest that abound in the education system. It identified cadre deployment – what education expert Dr Nick Taylor calls ‘institutionalised nepotism’ – as a major barrier to the effective functioning of the education system. The MTT was clear that “there is no direct link between the buying and selling of posts and cadre deployment”, but it argued persuasively that, “as a form of ‘undue influence’”, cadre deployment “opens the door for the use of ... illegal means to gain advantage” for a particular set of interests – which in practice often included the buying and selling of posts.⁸ The advantages of deploying union cadres to district and provincial offices, or even national leadership positions, is clear: it not only ensures that certain interests can be secured at the expense of other stakeholders, but it opens the system up to “corruption at every stage”.⁹

According to the Zondo Commission, cadre deployment is the practice of appointing loyal “cadres to strategic positions in the state and state employment”, especially in “state institutions and in the civil service”, a practice that it notes differs in kind from “the deployment of public representatives to elected positions in legislative and executive bodies in government”.¹⁰ Only the latter is “the prerogative of the party”.¹¹ Chief Justice Raymond Zondo, in the final report of his commission, explained that

it is unlawful and unconstitutional for a President of this country and any Minister, Deputy Minister or Director-General or other government official, including those in parastatals, to take into account recommendations of the ANC Deployment Committee or any deployment committee or any similar

committee of any other political party in deciding who should be appointed to a position in the public service or in organs of state or parastatals.¹²

In the case of basic education, the MTT expressed grave concern about the "enormous power and influence by a union which seeks to entrench itself repeatedly and inexorably".¹³ As illustrations, the MTT report points to the following facts:

- In the North West Department of Education (NWDOE), 85 percent of senior positions are SADTU 'deployments'. These individuals have been rewarded for service to the union with well paid jobs in the department whether or not there is a vacancy or the individual has the appropriate skills and qualifications. SADTU appears to have saturated school staff, principals, SGBs, circuit and district offices, as well as the head office, with people whose loyalties to their union supersede other considerations.¹⁴
- The National Professional Teachers' Organisation of South Africa (NAPTOSA) in Limpopo alleges that SADTU 'runs' education in that province and unduly uses its power to serve its narrow interests. The Professional Educators Union (PEU) in Limpopo alleges that non-SADTU members are evicted from their posts to make "a vacancy for a member they [SADTU] want in". PEU also alleges that there is undue influence by SADTU over the South African Council for Educators (SACE), where its members make up 90 percent of the Council.¹⁵
- All the non-SADTU unions reporting to the MTT regarded SADTU's access to the selection process as giving it an unfair method to influence particular outcomes. If this does not work, the other unions claimed, SADTU usually found ways to disrupt and/or nullify the results. However, other unions were also implicated, albeit to a far lesser extent, in isolated cases.

"MTT chair Volmink told CDE that, as far as he was aware, not a single recommendation from the report has been implemented and no one who was implicated in wrongdoing has been prosecuted"

These allegations were corroborated by the MTT, which ultimately found that "SADTU is in *de facto* charge of the management, administration and priorities of education" in "six and possibly more of the nine provinces". The report concluded that SADTU thus had "enormous power and influence" over the education system, which was being held hostage to inappropriate political processes.¹⁶ This is a profound conclusion given that perhaps more than half of all basic education personnel in the country, including administrative and managerial staff, as well as teachers in private schools, are SADTU members.¹⁷

How was SADTU able to secure *de facto* managerial and administrative control of "at least" six PEDs? The MTT highlighted the following means it used, among others:

- Deploying cadres "to ensure that high percentages of managers, decision-makers and others with power and influence in education are placed in well-paid positions where they can prioritise the Union's interests";
- Using 'undue influence' throughout various appointment processes "to ensure that its candidates are appointed"
- Incorporating "office-based educators as SADTU members";
- Coercing teachers, principals and departmental officials "to accede to its demands";
- Leveraging its membership of the Congress of South African Trade Unions (COSATU) "to influence

the members of the Tripartite Alliance" (i.e., the ruling African National Congress (ANC) and the South African Communist Party (SACP)).¹⁸

SADTU rejected the findings, insisting that there was no evidence that it had facilitated improper conduct, blaming a few 'rogue elements' for corrupt and criminal behaviour. This was rejected by a South African Council for Educators (SACE) report, which found that the entire union was involved in the scam.¹⁹ SADTU also failed to address the charge of cadre deployment. This is perhaps unsurprising, given that its 2030 Vision document, released in 2010, explicitly calls for it to "influence the established instruments of the state in line with the strategic objectives of SADTU" "through cadre deployment".²⁰

By contrast, the DBE leadership appeared to embrace the findings and seemed determined to act. Following a briefing on the MTT's preliminary findings in December 2015, minister Motshekga promised that the evidence of wrongdoing the MTT report uncovered would be acted upon:

The report indicated that in the majority of provinces some unions run, and to an extent appear to control, government... This blatant exploitation and corruption will not be tolerated... I must say there will be consequences. The police will be contacted and arrests could follow... Merit must be the only determining factor when it comes to appointments, particularly in our schools.²¹

At the public release of the final MTT report in May 2016, the DBE promised that, "The recommendations of the MTT will be implemented to ensure that the system is strengthened for a better-quality education."²² Six months later, in November 2016, minister Motshekga told Parliament's Basic Education Portfolio Committee that the department had 'institutionalised' the recommendations and highlighted the need for provinces to adhere to the requirements and regulations regarding the recruitment of teachers.²³

"People are doing this because they know there will be no action taken against them, [there are] no consequences whatsoever because these criminals are protecting each other"

This raises important questions. What did Volmink and his team recommend? And six years later, have those recommendations been 'institutionalised', as the minister claimed?

The MTT's recommendations: Where are we now?

The MTT made several important recommendations to address both corruption and state capture. These include adopting a zero-tolerance stance on corruption, identifying and reporting corrupt individuals to SAPS for criminal prosecution, protecting whistle-blowers from possible reprisals by creating a specialised division in the department outside of the standard reporting line structure, professionalising the bureaucracy by preventing managers from belonging to the same unions as the teachers they are supposed to supervise, removing the power of SGBs to recommend appointments and renegotiating the observer status unions enjoy in hiring and promoting processes.

There are some who believe that the fact that the minister was prepared to commission such a report and the subsequent publicity it generated must have led to a reduction of corrupt practices. Tellingly, however, MTT chair Volmink told CDE in September 2019 that, as far as he was aware, not a single recommendation from the

“Institutionalised nepotism undermines the use of expertise as the main criterion in the recruitment and promotion of teachers, principals, and system level officials”

report has been implemented and no one who was implicated in wrongdoing has been prosecuted.²⁴ This was confirmed to us again by Dr Volmink in February 2023.

Education experts Dr Nic Spaul and DBE researcher Dr Stephen Taylor maintain that not a single person has been referred for criminal prosecution, nor have any of the MTT’s other corruption-related recommendations been implemented as of July 2022.²⁵ This stands in stark contrast to the minister’s claim in Parliament in November 2016 that the recommendations have been ‘institutionalised’.

The MTT’s recommendations on corruption and cadre deployment

MTT recommendations 2016	Actions required	Actions taken 2022/3
Prosecute the corrupt	Report corrupt educators to SAPS	No known cases reported to SAPS
	Discipline officials who failed in their oversight duties	No evidence of disciplinary action
Protect whistle-blowers	Create a dedicated unit across authorities to investigate and act on all whistle-blowers’ claims	No unit established
Regain control of PEDs	Clearly discern roles and functions of DBE and unions	No legislative action taken
Prevent future employment-related extortion	Remove the power of SGBs to recommend appointments	SGBs still responsible for convening the interview committees for staff appointments ²⁶
	Legally prohibit principals to be appointed without first serving as a head of department or deputy principal ²⁷	No change in policy
	Renegotiate unions’ observer status in recruitment	The DBE rejects this policy recommendation
Remove conflicts of interest	Cease cadre deployment across the whole system	Cadre deployment is still ANC policy and is being defended in court by President Cyril Ramaphosa ²⁸
	Stop school-based and office-based educators from being office-bearers of political parties and school managers from being union leaders	No evidence of action
	Allow the creation of separate unions for office-based educators	No steps taken to facilitate this separation

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The idea that corruption must have abated in the education sector is also contradicted by the findings of Corruption Watch (CW). In July 2019, it stated that the PEDs in Limpopo and the Eastern Cape, both fingered by the MTT as being run by SADTU, stymied its investigations into corruption claims.²⁹ In 2022, CW released a new report, Sound the Alarm, which reviewed allegations of corruption in the education sector over the previous decade. CW revealed that education was in the top three areas in which complaints of corruption are

reported by the public. The most prevalent type of corruption complaints in schools (from 3,667 reports) are: misappropriation of resources (45 percent), maladministration (17 percent), abuse of authority, including the victimisation of whistle-blowers (15 percent), employment irregularities, which includes 'sextortion', bribery for jobs and flouting of recruitment processes (12 percent) and procurement irregularities (11 percent). The "primary culprits" are reportedly "persons holding positions of influence, for example, principals and SGB members". According to CW, the former "recruit persons with whom they have close relations to mainly administrative posts".³⁰ The evidence is clear that corruption and other forms of criminality continue to plague South Africa's education system.

At the release of CW's 2022 report, SADTU's general secretary Mugwena Maluleke spoke out against employment-related corruption and linked it to accountability deficits in the system. In Maluleke's words, "People are doing this because they know there will be no action taken against them, [there are] no consequences whatsoever because these criminals are protecting each other. SADTU is very much outraged by this type of corruption."³¹ Such strong statements against corruption are important. They need to be supported by changes in policies and enforcement.

CDE supports the right of teachers to form unions. We are opposed to corruption and cadre deployment that undermines effective teaching. We are hopeful that SADTU will support criminal investigations and sanctions for those found guilty of 'jobs for cash', while also reconsidering its commitment to the "unconstitutional and illegal" practice of cadre deployment.

How corruption and state capture compromise learning

The Zondo Commission understands corruption in the public sphere to be "the unlawful exercise of influence over political and administrative decisions, and often the unlawful appropriation of public funds and benefits"; at its core, it represents "the abuse of entrusted power for private gain".³²

State capture is a distinct phenomenon. It is "not just about widespread corruption", although that "may be part of state capture". Rather, state capture "concerns a network of relationships, both inside and outside government, whose objective is to ensure the exercise of undue influence over decision-making in government and organs of the state, for private and unlawful gain".³³ The commission's explanation of how this worked in South Africa's public sector is useful:

State capture in the South African context evolved as a project by which a relatively small group of actors, together with their network of collaborators inside and outside of the state, conspired systematically (criminally and in defiance of the Constitution) to redirect resources from the state for their own gain. This was facilitated by a deliberate effort to exploit or weaken key state institutions and public entities... to a large extent this occurred through strategic appointments and dismissals at public entities and a reorganisation of procurement processes. The process involved the undermining of oversight mechanisms... Moreover, *the subversion of the democratic process which the process of state capture entailed was not simply about extracting resources but was further geared towards securing future power and consequently shaping and gaining control of the political order* (or significant parts of that order) in a manner that was necessarily opaque and intrinsically unconstitutional.³⁴

The same process has clearly taken place in the education bureaucracy, as revealed by the MTT's conclusion that SADTU – a non-state voluntary association – “is in *de facto* charge of the management, administration and priorities of education” in “six and possibly more of the nine provinces”.³⁵ This system of patronage has a profoundly detrimental impact on various aspects of system performance, including a reduction in accountability, a misdirection of the bureaucracy and, ultimately, poor teacher performance and weak learner outcomes. As Dr Nick Taylor, former head of NEEDU, argues, this culture of loyalty-based appointments ensures that competence and merit are severely compromised across the education system:

Institutionalised nepotism undermines the use of expertise as the main criterion in the recruitment and promotion of teachers, principals, and system level officials... This is destructive in two ways. First, it results in inappropriate people being appointed to positions for which they are ill equipped: under these conditions institutional dysfunctionality becomes the norm. Second, and far more important, the distribution of opportunity by patronage signals that expertise is irrelevant and its development and deployment is not the way to get ahead.³⁶

SADTU within the education department

SADTU membership extends deep into the DBE's bureaucracy, including at senior levels. In the words of Professor Thulani Zengele, “There are scores of senior positions within the DBE, including district and school management positions, that have been filled by key SADTU leaders.”⁴⁰ Current minister of basic education Angie Motshekga, who took up the position in 2009, was the National Convenor of Teacher Unity talks that led to the formation of SADTU in 1990. Former director-general of the DBE from 2005 to 2010 (known as the department of education until 2009) Duncan Hindle was elected SADTU President in 2005. At the time of the MTT report's, all the deputy directors general of the DBE were SADTU members, frequently attending union meetings. Based on this fact, the MTT's authors wrote that “it is not improbable ... that schooling throughout South Africa is run by SADTU”.⁴¹

Another important factor in SADTU's “stranglehold” over basic education is that it is one of the largest unions in COSATU, which has enormous influence in the ruling Tripartite Alliance, especially with respect to who gets elected to positions within the ANC. This makes it difficult for the President or the minister to act against them, for party political reasons. The implication is that our political leaders need to be put under pressure from society, including from parents, the media, and education-oriented civic organisations. Organised business and business leaders, too, should use their voices to call for action.

CDE, 2023

Loyalty-based appointments or cadre deployment have a doubly negative effect: they bring people into the bureaucracy who may not be able to do the job; and they create a set of incentives and an institutional culture in which good, capable people are overlooked and become despondent. Consequently, capacity levels go into rapid decline and the system becomes dysfunctional.

If we are to reform the whole system, as is necessary to significantly improve learning outcomes, then we must stop practices that divert resources away from delivering what the system is supposed to deliver. Rooting out corruption and ending cadre deployment are the first steps in this process from which all other reforms flow. If we cannot eradicate these pathologies, incumbent officials who favour the status quo will block attempts to fundamentally reform the education system. This will have real consequences for school performance. As national spokesperson for basic education Elijah Mhlanga put it, "If you don't have a teacher or a principal who got a job on merit, it means we won't be able to achieve what the nation wants out of us."³⁷

"There can be no arguing that South Africa's education system has been 'captured' "

Departmental officials belonging to a teacher union creates a conflict of interest within the system and for the individuals themselves, since their primary task is to ensure that the learners in the system get the best possible instruction rather than the poor education the vast majority currently receive. Such conflicts of interest divert the system's entire focus away from its central purpose and ensure that many of the people appointed are not capable of fulfilling the tasks that their positions require.

To turn the tide the minister of basic education could use the new government policy laid out in the National Framework towards the Professionalisation of the Public Sector, approved by Cabinet in October 2022, to take action against SADTU's cadre deployment practices within the education system. The policy framework explicitly calls for "deployment practices ... to be ditched in favour of a merit-based recruitment and selection system".³⁸ This should be enacted as a matter of urgency.

If we use the Zondo Commission's understanding of state capture, there can be no arguing that South Africa's education system has been 'captured'. SADTU has, through a network of relationships both inside and outside the public system, exercised "undue influence over decision-making in government and organs of the state, for private and unlawful gain". It did this by deploying its members to strategic positions with the education administration, who have promoted the interests of union members over those of learners.

Hold the corrupt accountable and end cadre deployment

President Cyril Ramaphosa has made anti-corruption efforts central to his tenure as leader. We believe that the state capture exposed in the education sector is as important as that in the rest of government, and it needs to be tackled as a matter of urgency.

The groundwork for this has been laid by the MTT report. To start eradicating corruption throughout the basic education bureaucracy and education system, the minister of basic education and education MECs, with the full support of the President, must implement the following recommendations, inspired by the MTT report, which, CDE believes, would make a substantial impact on turning the education system's performance around:

Take a public stand against corruption in the department

The DBE has said that the President's call for an ethical, non-corrupt civil service is a "central concern"; now it needs to act on that.³⁹ The President, DBE leadership, premiers and education MECs, as well as all teacher unions, ought to publicly commit themselves to a zero-tolerance stance on corruption throughout

“Competent education leaders must retake control over the administration and management of the basic education system”

South Africa's education system and take the necessary and speedy action to give meaning to this commitment. The minister must be responsible for regular reporting to Parliament's Basic Education Portfolio Committee that includes clear deadlines for actions to be taken and updates on said actions. Business leaders and civil society representatives must demand that corruption in basic education be tackled, placing pressure on government and monitoring developments to ensure that the implementation of anti-corruption measures actually takes place.

Prosecute criminality

The public needs to know, and education leaders need to recognise, that corruption continues to be rife in the education sector. The DBE and PEDs should act decisively against any implicated individuals. Cases must be opened with the SAPS where criminal wrongdoing has been identified. Progress reports on the status of investigations must regularly be reported to Parliament and the public. Where this does not happen, senior leaders within education departments must be held to account by the premiers (provincially) and the President (nationally) as well as the Parliamentary Portfolio Committee.

Protect whistle-blowers

Without whistle-blower protection, the guilty will rarely be outed, and a culture of accountability will not be established. The DBE should house a specialised division, outside of the standard reporting line structure, that deals appropriately with serious allegations and offences. However, given the dangers faced by whistle-blowers in South Africa, many of whom are targets for assassination, this is not nearly enough. If education leaders are serious about rooting out corruption, they will coordinate with the relevant authorities in the security cluster to ensure the safety of all potential whistle-blowers.

Regain control from SADTU

Competent education leaders must retake control over the administration and management of the basic education system, particularly in those provinces that have been 'captured' by SADTU. People must be appointed on merit, not union membership. Managerial decision-making cannot be held hostage to the vested interests of other organisations or entities. It is therefore imperative that clear distinctions are established between the roles and functions of the education bureaucracy and the concerns of teacher unions and their members.

Legally prohibit cadre deployment

It is important to send a strong signal that there is a fundamental conflict of interest if managers in the education department belong to unions that represent the teachers they are meant to manage. We need to distinguish clearly between the distinct roles of teachers and education managers. Those who are appointed to run the system must be competent managers and fully committed to the tasks required by their job description. Officials cannot serve a dual mandate: while their rights to belong to unions (such as public sector unions) are sacrosanct, they cannot be allowed to represent teacher unions specifically. Teacher unions have the right to organise and operate in the education system, but they should be restricted to teachers only. Parliament should introduce legislation that clarifies the appropriate scope of union membership and party-political office-holding in line with the 2022 National Framework towards the Professionalisation of the Public Sector document and along the lines of the Municipal Systems Amendment Act of 2022, which prohibits high-ranking state officials from holding political office in political parties.

Conclusion: We must tackle corruption and cadre deployment

At the heart of our underperforming education system is a corrupted process of appointments. The system is also plagued with conflicts of interest between teacher unions and education managers. Tackling these pathologies is essential for real reform to take place. If they are not cauterised, then other efforts to improve bureaucratic capacity and teaching standards will fail.

Implementing the important corruption-related MTT recommendations discussed in this report and adapting them to current circumstances has to be a critical priority in shifting our dysfunctional bureaucracy towards higher levels of accountability. In our current circumstances it is unlikely that our political leaders will have the courage to take on this challenge unless they are put under intense pressure to take action.

“The efforts to eradicate corruption and prohibit cadre deployment are the essential first steps in a greater project of systemwide reform”

South Africa urgently needs education reform that addresses the root causes of system dysfunction. The efforts to eradicate corruption and prohibit cadre deployment are the essential first steps in a greater project of systemwide reform.

Next report

In the fourth report in this series we will discuss how reformers can learn and draw inspiration from Latin American countries where systemwide reforms have been successfully implemented. These case studies provide important insights into the opportunities and dynamics of pursuing education system reform in the heavily politicised South African context.

The Silent Crisis

- Report 1: Presents key facts about our uniquely underperforming education system, with a particular focus on our comparative learning failures and the scale of the challenge.
- Report 2: Identifies the root causes of system dysfunction and analyses why we need system reform.
- Report 3: Shows how corruption and cadre deployment by unions undermines the education bureaucracy's ability to deliver learning.
- Report 4: Explores the challenges and opportunities for reform by looking at recent case studies from Latin America and elsewhere.
- Report 5: Summarises CDE findings and set out our priorities for action.

Endnotes

- ¹ Michael Barber, 'The Prospects for Global Education Reform', The College of Teachers' Biennial Lecture (undated), p. 7.
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- ²⁶ In its response to the MTT report, the DBE said that it would develop guidelines for SGB to select competent interview committees. The only evidence we can find of this is in its 2018 report, 'Guidelines for Capacity Building of School Governing Body Members', where it states that "It is very important for SGBs to recommend candidates that are suitable for the job and not chosen because of social status, affiliation or any other reason outside of fair process, equity and the inherent requirements of the post."
- ²⁷ A post level 1 teacher is a very experienced teacher who receives the same salary as a head of department. A post level 2 teacher is a head of department. The current policy effectively allows for a teacher to be appointed as principal on the recommendation of the SGB without having any leadership or managerial qualifications, for example by working as a head of department or deputy principal first.
- ²⁸ The National Framework towards the Professionalisation of the Public Sector, approved by Cabinet on 19 October 2022, states "that deployment practices ought to be ditched in favour of a merit-based recruitment and selection system, which ... [is] key to

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²⁹Kwazi Dlamini, 'Uncooperative Education Depts Stall CW Investigations', *Corruption Watch* (16 May, 2019).

³⁰Corruption Watch, *Sound the Alarm: Corruption in the Educator Sector* (August 2022), p. 3-5.

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³³Raymond Zondo, *Commission of Inquiry into State Capture Report: Part VI, Vol. 2: State Capture Established, President Ramaphosa's Evidence and the Role of the ANC and Parliamentary Oversight*, 24 June 2022, p. 5.

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