A critical examination of the recruitment processes of the South African principals from Rawls perspective: A conceptual argument

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Abstract: School leadership plays a fundamental role in promoting educational outcomes. The success of every school rests squarely on the shoulders of its leader, namely the principal. The main objectives of this study were firstly to examine the allegations surrounding the recruitment processes of principals in South African schools, particularly the selling of posts, further, this study also explored the different functions of role players in these processes and finally, the challenges faced in the recruitment and appointment of principals processes. Using the final report the department of Basic Education (DBE) of 2016 on the investigation of the selling of posts, chapter two of the South African Bill of Rights on equality and fairness and drawing from Rawls theory of social justice as a conceptual tool and the researchers’ personal experience as a teacher and a participant over a number of years in these recruitment processes, it can be argued that the processes of recruiting school principals in the South African education system are in direct violation of the principles of fair equality of opportunity, procedural justice, and the Bill of Rights and subsequently promote unfair and unjust practices. This conclusion is demonstrated by the findings that indicated that there is evidence suggesting that posts

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PUBLIC INTEREST STATEMENT

The recruitment and appointment of principals is critical in the success of every school. This is fundamental in South Africa because benchmark studies conducted by various bodies with an interest in education do not reflect good on South Africa. These studies include amongst others, Trends in International mathematics and Science (TIMSS), Southern and Eastern Africa Consortium for Monitoring Educational Quality (SAMEQ), Progress in International Reading Literacy Study. The state of South African education system is worsened by the allegations related to the selling of posts for principals by key role players, such as the trade unions for teachers, education department and school governing body officials. The purpose of this conceptual study was to examine reports on the allegations of selling of principals’ posts. The examination was conducted through an in-depth evaluation of extant literature, South African constitution through the Bill of Rights and the investigative report 2016 of the Department of Basic Education. This study was underpinned by the theoretical prism of Rawls social justice.
for principals are commercialized. Furthermore, data reveal that the processes of the recruitment and the appointment of principals face unprecedented challenges.

**Subjects:** Educational Research; School Leadership, Management & Administration; Secondary Education

**Keywords:** School leadership; principals; recruitment; social justice; procedural justice; Rawlsian perspective

1. Introduction

There are various barriers that impede recruiting and appointing the right candidate principals in South African schools. Recruiting the right candidate for the job, particularly the school principalship, is not an easy task. Haughton and Balli (2014), contend that principals are critical to the success of the schools they lead. In strengthening this view, Maxwell (2007), Lee and Mao (2020), and Castro (2020) further noted that there is a link between good leadership and organisation productivity. In this current era, finding committed school leadership is a challenge. Literature indicates that there appears to be a dire and growing shortage of school leaders and a declining quality of candidate for school leadership positions (Leithwood et al., 2020; Robinson & Gray, 2019).

Nel et al. (2007) define recruitment as the process of attracting potential job applications from the labour force. To Muscalu (2015) the recruitment of human resources is the process of searching, tracking, identifying and attracting potential candidates with professional characteristics necessary or best match the vacancy. Ash et al. (2013) supported by Leithwood et al. (2004) contend that the function of recruiting and hiring effective principals is an extraordinarily difficult responsibility. It is therefore important for schools to be careful when employing staff (KwaZulu-Natal Department of Education, 2015). A number of factors are cited as impediments to the recruitment of the right principals (Yields, 2010 & Spaull, 2013). The situation is made worse at times by the presence and the influence of teacher trade unions in the recruitment processes. The assertion of interference by trade unionism is demonstrated this way:

*Rogue members of the South African Democratic Teachers’ Union (Sadtu) have captured the KwaZulu-Natal education department, which officials in the Basic Education Minister office indicating that the system is now on the verge of collapse. Investigators appointed by Motshedza to probe the jobs-for-cash racket run by union officials have found that Sadtu members have infiltrated that department and run a complex patronage system. Moreover, Sadtu members have been found to have violated the system in the provincial education departments of Gauteng, North West, Eastern Cape, Mpumalanga and Limpopo (City Press, 2015).*

These practices show that ethical behavior in public service particular in schools is a challenge. Nyukorong (2014, p. 56) notes that “high profile ethical scandals engulfing every sphere of life and profession have gained importance currently.” The assertions of Nyukorong (214) and the reports of the newspapers and also the experience of the researcher as a participant in the recruitment processes prompted this study. Media reports paint a disturbing picture regarding the issue of the recruitment of school principals in South African schools. City Press (2014) and City Press (2015) report that a promotion for cash racket run by members of the South African Democratic Teachers’ Union (Sadtu) has led to scores of illegal appointments of principals across the country. According to these reports, there appears to be a suspicion that there are deliberate plans by some officials from Sadtu who collude with some role players in the education system, such as the school governing body members and the education district officials to ensure that certain identified candidates are recommended for principalship positions. The allegations are that these individuals are charged huge sums of money for these positions and the money is shared amongst the influential members who are part of the process.

The reports continue to allege that this has also led to the murder of some of the candidates who had an interest in these promotions. Nokuthula Khanyile and Naile (2015) noted that fighting for
positions and the killing of incumbent principals is nothing new within the education fraternity and these involve money changing hands for these positions. According to these reports, which were subsequently confirmed by the employer it is alleged that these posts are sold at a cost of R30 000 for either a principal or a deputy principal. The people who pay these huge sums of money are those who have applied and are targeted for these positions. One principal who resigned after serving 20 years confirmed to City Press that it is true that Sadtu is in control of the education system and that Sadtu officials are the ones who get these positions. The candidates who are earmarked for these positions are promised appointment provided that they pay a certain amount that is charged. These earmarked potential candidates are responsible for the payment of these monies. The transactions in most cases are processed through hard cash. These monies are then used to bribe plausible members of the selection committees. This state of affairs makes a case for the researcher to problematize this as chaotic and unethical recruitment and appointment of principals. These practices do not assist the Department of Basic Education (DBE) because study after study indicates that academic performance of schools under the DBE is not satisfactory. According to the report released by the Minister of Basic Education, the South African education system underperforms when compared to other countries particularly in Mathematics and Science (Department of Basic Education, 2014a, 2014b). Taking the report of the DBE (2016) into consideration, the mandate of this paper was to investigate: first, the allegation of unethical recruitment and appointment processes and procedures for principals, second, the functions of different role players and their contributions to these processes and, lastly, the challenges these processes face.

In the main, this investigation analysed in-depth the 2016 final report of the DBE on the selling of posts in addition to the critical reflections of the researcher as having been participating in these processes of the recruitment and appointment of principals. This article locates its argument within the Rawlsian theory of social justice as a conceptual tool because John Rawls believes that institutions such as the DBE are social systems and have the duty to ensure that fair opportunities of recruitment are created. The next sections will explore a number of issues, including the rationale for this study, review of extant literature, the theory underpinning the study, the bill of rights, reflections based on the report of the DBE and finally the researcher’s experience in participating in the recruitment processes.

2. Rationale for the study
Once the issue of the selling of posts was in the public domain, the DBE was faced with enormous criticism from the public and other pressure groups, such as Section 27 and Equal Education. Section 27 and Equal Education are Non-Governmental Organizations which are championing the principles of social justice in education in South Africa. They were worried about these media reports of unethical recruitment of principals, hence the criticism. The department under the Minister of Basic Education decided to establish a task team and not a commission of inquiry since the task team will be able to speed up the process of inquiry. The appointed was captured as follows:

Following allegations in the media that some members of teacher unions and department officials were involved in illegal activities involving the selling of educator posts, the Minister of Basic Education, Mrs Angie Motshekga, held meetings with various stakeholders including Teacher Unions as well as the Associations of School Governing Bodies. Consensus was reached on the need to investigate speedily the allegations and it was thus agreed that a Ministerial Task Team instead of a Commission of Inquiry be established by the Minister to probe these allegations. The basis of the investigation by the Task Team would be to inquire into and report to the Minister on allegations reported in the media regarding the alleged irregular appointment of educators at schools and the role played by any Union or by officials of provincial education departments in these alleged irregular appointments DBE (2016)

Even though most of the allegations as reported in the media pointed to one union which is dominant in the union politics in the education environment, the minister extended the scope of the allegation to all other important role players. It must be indicated that in addition to the task team, individuals with forensic skills were added. These individuals were the forensic auditor and
the forensic investigator. Not much national and international studies focused on the unethical practices relating to the appointment of principals. Most of the studies explore other areas of principal appointment. To this end, this article is critical in that it will provide scholarly reference to the challenges regarding the recruitment of principals in schools. The findings of this study are critical because they will add to the body of knowledge in school leadership and recruitment processes of principal workforce. The findings of this investigation will also challenge education authorities to reconsider policy positions regarding matters related to the recruitment and appointment of principals.

2.1. Theoretical underpinning: A Rawlsian prism
Indisputably, John Rawls theory of social justice has the symbiotic relationship with the discipline of education. To this end, this theory is opposite in this study. Rawls (1971) is viewed as the advocate of social justice and identified a number of principles that define his understanding of justice. In this study, the principles of fairness and equal opportunity for all are applied to build a case that deserving applicants have the right to fair processes regarding the appointment to school leadership positions. Amongst the principles that Rawls identified is the principle of fair equality of opportunities, which is discussed hereunder.

2.2. The principle of fair equality of opportunity
Theories of social justice propose adequate mechanisms used to regulate social arrangements in the fairest way for the benefit of all (Martin, 1999). Rawls (1971) contends that justice is the basic structure of society. Schools as social systems are duty-bound to uphold fair and just recruitment and appointment processes because the theory of social justice is underpinned by principles of fairness, justice and equality of opportunity. Rawls (1971) argues that these principles are to govern the assignment of rights and duties in schools. All potential candidates have the right to contest promotional posts in a fair and just manner. No individual should be treated better than any other. Manipulation and tampering with the appointment processes is in direct contradiction of the theory of social justice.

When processes and procedures in recruitment are manipulated and tampered with by forces that have an unfair advantage over others, this tends to give rise to distrust and resentment that corrodes the ties of civility and ultimately gives rise to suspicion and hostility, thus tempting people to act in ways they would otherwise avoid (Rawls, 1971). Rawls as a proponent of egalitarianism believes in equal opportunity for every citizen. Through his writings, he championed equal opportunities for all in state institutions, schools, families and churches. Rawls argues that for individuals to enjoy equality and fairness of opportunity, first an institution should create an enabling environment where individual liberties can be easily exercised without inhibition. Fair equality of opportunity does not mean that candidates are automatically entitled to the positions they have applied for, but an environment should be created where the recruitment processes are fair and just and the best candidate wins. Only candidates who have the requisite qualifications and are competent should be provided with fair and equal opportunities to contest promotional posts. In supporting this view, Rawls further contends that the fairness principle holds that a person is required to do his or her part as defined by the rules of an institution when the institution is just or fair.

2.3. Conceptualizing procedural justice
The concept of procedural justice is a contested concept in the corridors of state courtrooms. Procedure refers to a plan of action. It is actually described as the gathering of information before appropriate decisions are made (Mizrahi et al., 2020). It is a complex and intricate way of achieving a particular outcome. Andrews and Kacmar (2013) describe procedural justice as the perceived fairness of the policies and procedures in the organisation, and further contend that it reflects employee perceptions of whether organisational policies are applied consistently throughout the organisation and if they are free from bias. Contextualised within the case in point, before an appointment is made, all processes should ensure a level playing field for all and do not favour certain individuals above others. These processes and procedures should not contain loopholes.
The characteristics of the theory of procedural justice are best described in line with six criteria identified by Steensma and Visser (2007):

- The first criterion is consistency: allocation of procedures must be applied consistently across people and over time.
- The bias suppression criterion states that personal self-interest and preconceptions of the allocator are not allowed to play a role.
- The accuracy rule prescribes that decisions should be based on accurate, good information.
- Correctability implies the existence of opportunities to ask for modification of decisions.
- Representativeness means that the concerns of all-important subgroups and individuals are somehow represented in the allocation process.
- Finally, the ethicality rule says that the allocation process must be compatible with high ethical standards.

Taking Leventhal's criteria into consideration, the administrative processes and procedures in appointing principals should not favour any person irrespective of affiliation to any teachers' union or connection with any SGB member or departmental official. All candidates who have an interest in becoming principals should be subjected to the same procedures without any undue influence from any quarter whatsoever. The recruitment processes and procedures should follow high ethical standards and no amount of unethical behaviour should be encouraged. Observing these criteria will result in a fair and just administrative recruitment procedure. Leventhal's criteria are in agreement with Rawls' theory of social justice and at the same time promotes the Bill of Rights regarding fair labour practices. Schools as social institutions have statutory obligations to ensure that justice prevails in all their dealings. Reports on the allegations of unethical recruitment processes promote unjust and unfair practices. Rawls further contends that the basic idea behind procedural justice is to design the social system for a just outcome. He posits that justice is the first virtue of social institutions and also a basic societal structure that lays a foundation for social arrangements.

2.4. Describing the bill of rights from a social justice perspective

South Africa became a democratic state in 1996 and the new constitution was developed and became the supreme law of the country. The Constitution's founding provision clearly promotes human dignity, the achievement of equality and the advancement of human rights and freedoms (Republic of South Africa, 1996a). In the period prior to the new dispensation, South Africa disregarded other citizens even in the workplace particularly the appointment of school leaders. The constitution is divided into chapters and one of the critical sections of it which bears relevance to this study is Chapter 2 which is the Bill of Rights. One of the fundamental values that this Bill cherishes is equality and states everyone is equal before the law and has the right to equal protection and benefit before the law (Republic of South Africa, 1996a, p. 1247)

Tied to this is the right to fair labour practice as the fundamental and foundational statement in the Bill of Rights (Republic of South Africa, 1996a). Manipulation of the recruitment and appointment processes directly negates the mandates of the Constitution, particularly the Bill of Rights. The principle of equality that is enshrined in both the Bill of Rights and Rawls' theory of social justice is undermined. One of the statements in the Bill of Rights is that the state may not unfairly discriminate directly or indirectly against anyone on any grounds (Republic of South Africa, 1996a).

One of the findings in the DBE (2016) report noted that one senior manager conceded that he once engaged in fraudulent appointments as a result of undue influence and pressure from Sadtu. By virtue of his capacity as the senior manager, he represents the state and his involvement in fraudulent practices erodes the principle of fair equality of opportunity and procedural justice which is an exact and accurate reflection of unfair discrimination and injustice. This not only negates Rawls' argument but is equally in opposition to the Bill of Rights. In terms of the
Constitution, everyone has the right to administrative action that is lawful, reasonable and procedurally fair (Republic of South Africa, 1996a).

2.5. Justification for the recruitment of competent school principals
Competent school leadership is critical to effective school functioning. Credible and consistent empirical evidence suggests that there is a correlation between performance and school leadership. Every school is as good or bad as its leader and you do not have great schools without great leaders (Amrein-Beardsley, 2007; Ash et al., 2013). Studies show that schools that are led by effective and visionary principals reflect the characteristics of high-performing organisations. Waters et al. (2004) and Mulford (2003) supported by Weinstein and Munoz (2014) claim that there is a correlation between leadership and school performance and argue that effective principal leadership significantly increases student achievement. The school principal is an accounting officer and is accountable for whatever takes place in the school. Even though he or she can delegate some responsibilities, accountability cannot be delegated. Because of the impact of the principal's leadership on student achievement, superintendents and school boards have a responsibility to employ principals who know how to lead schools in which students consistently achieve high academic standards (Leithwood et al., 2004).

2.6. The role of different stakeholders in the recruitment processes and procedures
The process from recruitment to appointment involves a number of stakeholders, and critical and central in these processes is the employer, which is the DBE. Other key role players are structures such as the SGBs and recognised teacher unions. The discussions that follow explain the role of each and every stakeholder from recruitment to appointment. The provincial education departments are responsible for the identification of posts in their respective departments. Vacant posts are gazetted and advertised in different media including print (newspapers, circulars) and electronic platforms. From there, applications are processed at district level. The processes include sifting applications that meet the minimum requirements. From this phase, applications are distributed to the different schools where posts exist, for shortlisting, interviews and recommendations. In terms of the South African Schools Act (SASA), the SGB is charged with the responsibility of assisting in the recruitment of the teaching staff, including the office of the principal (Republic of South Africa, 1996b). The Act is very clear on the functions of these SGBs; they are not directly responsible for appointments, only being able to recommend the potential candidate to the Head of Department of the Department of Basic Education. In terms of the agreement between the DBE and all officially recognised teacher unions, representatives of these unions are given observer status in all the processes, particularly, in the shortlisting and the interview sessions. The unions have the right to complain or lodge a dispute if they are not happy with the processes.

2.7. Brief overview of the structure of the department of basic education and its relationship with unions
The Department of Basic Education is divided into national and nine provincial departments (Khumalo, 2019). These provincial departments have legislative powers and regulate themselves but are guided by the national dictates. Each province is politically governed by the (Member of Executive Council) MEC and the (Head of Department) HOD is head of administration and professional activities of the department. Then the Department of Education recognises unions that meet requirements. The main unions are SADTU, NAPTOSA and SAOU. SADTU is the largest union in terms of membership subscription. These recognised unions participate in bargaining council where employee issues are discussed. Not only employee matters but also when the employer (Department of Basic Education) table matters that are critical. In these meetings matters that are dealt with include basic conditions of service of employees and also issues related to the staff recruitment and the requirements for appointment of teachers, deputy principals and principals.

3. Methodology
Multiple data collection strategies were used in data collection. The first source of data collection method was an in-depth evaluation of the report form the Department of Education of 2016. The
researcher focused on perceptions of the sampled critical participants who participated in the investigation by the DBE. These included the Member of Executive Committee (MEC), the Provincial Heads of Department (HOD) and officials of major teacher unions. The rationale for including these participants is that the MEC as the political head is responsible for the political administration of the education under his or her purview. The MECs are critical in the sense that they receive briefings from the HOD on a number of matters including appointments in the department. The HODs are responsible for the final decision on the appointment of teachers and in their respective departments. They are the professional and administrative heads of the department. The unions are critical in these studies because they represent the interests of their members. By law they are allocated observer status in the interviews to ensure that the processes are fair and just. In addition to the review of the report of the ministerial task team, I also provided an anecdotal perspective. This perspective is based on my experience as a teacher and the school manager for a period of 24 years. I participated in some of the processes of the recruitment of these school leadership positions. It is important to note that even though I participated in a number of these recruitment processes in my capacity as a teacher and the departmental representative, I did not influence the findings of this study. I did not allow my beliefs and biases to in any way shape the research results. For ethical observation in this study, I used pseudonyms instead of exactly citing the names of the MECs, HODs and the unions so as to provide anonymity to the members. For the purposes of this study, this paper referred to M1, M2, M3, M4 and M5, for HODs it will be H1, H2 and H3. For the unions, the pseudonyms are U1, U2 and U3 because in this study only the opinions of the three unions were factored. I also reviewed documents such as advertisements of principal posts, requirements for the position of principals as stated in Personnel Administrative Measures (PAM) and media reports on the allegations of the selling of posts.

4. Findings of the study

The findings are provided in a number of thematic strands and categorised in reflections from MECs, HODs, and trade unions. From there, the critical reflections from the researcher’s personal experience were explored.

5. Reflections from the perceptions of MECs and HODs

As indicated, in this study, only the views of a sampled number of participants in the report, namely MECs, the HODs and the union officials were analysed. The researcher did not include senior managers because the importance of this investigation and the inclusion of HODs represented senior professional personnel of the DBE and their inclusion provided valuable information to this research. The HODs and MECs views contradicted each other on the issues of the allegations of the selling of posts. According to the report of the task team, six MECs and two HODs were interviewed. According to the report, the M1 did consent that one of the major unions has captured the education system. In supporting this assertion, M1 intimated that “the major union is in charge of education” in his province. The same MEC continued to indicate that there is bullying and the selling of posts in his province and this practice was endemic. M2 posited that there is stability in his province and the departmental authorities are in charge unlike in other provinces. The participants further indicated that they have developed systems that are helping them to ensure that unethical recruitment practices are defeated. Despite this, M2 and H3 reported incidents of nepotism that bedevil the system. Regarding M5, the perception of the participant clearly regarded the teacher unions as the major problem due to lack of discipline. This view clearly indicates that union members are involved in the allegations of the selling of posts.

Despite this, the same MEC indicated that the DBE is in charge of the situation. According to the report, M6 noted that their province does not experience malpractices when it comes to the recruitment of personnel, particularly principals. M6 further praised the unions for helping the department in resolving problems in the education department. In contradicting M1 and M6, M3 maintained that in their province, one of the major unions is wholly in charge of the provincial education system. The same insinuation was echoed by M4 and H1. According to M3 and H2, upon the insurgence of the allegation of the reports, M3 notes that they immediately instituted an investigation and their findings
indicate that there is no evidence of the selling of principal vacancies. It must be emphasised that M3 and H2 did indicate that if such practices do exist, they operate under a very heavy secrecy and in some case under intimidation. This view is against the backdrop of media reports which identified this province as having such malpractices. The allegation was reported by City Press of 2015 this way. “Rogue members of the South African Democratic Teachers’ Union (Sadtu) have captured the KwaZulu-Natal education department, which officials in the Basic Education Minister office indicating that the system is now on the verge of collapse. Investigators appointed by Motshekga to probe the jobs-for-cash racket run by union officials have found that Sadtu members have infiltrated that department and run a complex patronage system”

The findings indicate that there were mixed reactions on the allegations of the selling of vacancies in schools. The perception of some of the officials who participated in the DBE investigation indicates that there is evidence of wrongdoing in the recruitment and appointment processes. However, it must be noted that in the report, it is indicated that the name of one major union “was never mentioned by top officials, thus making that union “the elephant in the room” which is so powerfully present that people try to avoid noticing or making direct reference to it (DBE, 2016). Given the assertions of the above, it can be argued and concluded that there is evidence of the selling of posts.

5.1. Reactions from the teacher trade unions

Teacher trade unionism plays a critical and fundamental part in the education sector. Not only do they have responsibilities to ensure that recruitment processes are fair, but they also have a duty to represent their members on other matters related to their conditions of employment. It must be emphasized that all unions who participated in the enquiry acknowledged that the selling of posts exists (DBE, 2016). In emphasizing this view, the report states “each union made it clear that they deplored the practice of the selling of posts where it exists, that they do not engage in this as unions, and that in addition to the public statements that they have made, they have encouraged their members to bring instances of this to the notice of the task team. Any member of theirs who engaged in such activities would be disciplined” (DBE, 2016). Their views can be summarized as follows: Union 1 called on the exchange of money and other favors for posts “wide spread and under reported”. In the report, their views were further expressed as follows:

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” and “that it had been engaged in combating forms of malpractice since 2006.” In response to media allegations, it has publicly distanced itself from such actions and called upon the ELRC and SACE to conduct enquiries into such practices. (DBE, 2016).

This finding demonstrates that Sadtu as a major teacher union and a major suspect was worried about the reports affecting their members but clearly indicated that they do not promote such acts and if it is true that such practices occur from their members, the law should take its course. The executive director of the Union 2 which also took part in the enquiry alleged that governing bodies are not adequately trained to deal with the appointment processes. It further argued that in most rural areas there are no educated parents and thus the principal is the only one who guides and influences the SGB (DBE, 2016). The perceptions of Union 2 clearly demonstrate that the school governing bodies which are critical in the process of recruitment also contribute towards the challenges of the processes. In terms of South African Schools Act (1998), they are responsible for the recommendation of the candidate after the completion of the process. Their views were supported by Union 3 which also lamented the inadequate education of the parents who are members of the school governing bodies. These sentiments were expressed this way in the report:

In their view, parents from all strata of society are capable of using the SGB system of appointments constructively. The weak area is not the poor or rudimentarily educated parents but the source of irregularities in this regard is located in the District Office (DBE, 2016).
It is clear from the report that the views of the MECs and HODs were contradictory. In some provinces, there was acknowledgement of that the selling of posts is practiced. Some of the provincial representatives did acknowledge that their departments have been captured by the major union, whereas some provinces indicated that the departmental officials are in charge of the processes. In the next section, the thematic strands that follow are as a result of the researchers' personal reflections regarding recruitment processes.

5.2. **Critical personal experience reflections**
As indicated, I have been in the teaching field for a period of 24 years both as the school manager as well as teacher. I served in some of the selection panels both as member and also a departmental representative. As a departmental representative, you are required to provide the detailed report of the proceedings from short listing right to the end of the interview process. My selection in participating in these processes was influenced by my experience as a principal and in my participation, I have observed a number of the challenges which led to the formulation of the following themes which are presented to provide the deeper understanding of the processes of the recruitment of principals in South African schools.

5.3. **Under pitched minimum qualification requirements**
The complex and dynamic nature of the system of education currently requires school leaders to have the requisite qualifications. These qualifying candidates should in addition to a teaching degree, be in possession a management qualification. For schools to be relevant and produce the kind of learners who are responsive to the current economic challenges and become globally competitive, school leadership with robust strategic and visionary character is imperative. This can only be achieved by recruiting school principals suitably qualified for the job. Leithwood et al. (2004) supported by Ash et al. (2013) indicate that there are obstacles that make recruitment of principals difficult. The entry-level qualification in terms of policy is Relevant Equivalent Qualification Value (REQV) 13, which is a diploma equivalent. Holding this entry-level qualification (REQV 13) allows one to be appointed at any post level. Participants in the study, particularly the circuit managers, lamented the current minimum requirements for the appointment of principals.

5.4. **Manipulation of recruitment processes**
One of the findings of the study was that the MEC from Gauteng confirmed that the buying and selling of posts in his province as endemic. This finding was confirmed by the HOD of North West Province where it was indicated that SADTU operates as a conveyor belt for educators to be rewarded with well-paid government jobs in administration and elsewhere. This was corroborated by one of the participants (a provincial head of department) in the report of the DBE (2016) on the selling of posts. He confessed that he had been “tainted by forms of coercion” and once authorised an irregular appointment. He described the techniques used by Sadtu to gain its desired end. A departmental official indicated in the report of the DBE (2016) that there are so many cases of wrongdoing that if he were to ask the South African Police Services to follow them up, it would amount to closing down the department.

5.5. **Permanent acting principals**
One of the challenges raised by respondents was the prolonged period for which acting principals are appointed. Human resource specialists argue that when vacancies are not filled immediately on a permanent basis, this has a negative effect on the stability of the organisation and creates expectations in the acting candidates, who after losing the post make life difficult for new appointees. When these individuals who are acting are not confirmed permanently in those positions, they become demotivated and they then do not cooperate with the appointed candidate. For an example, they can influence teachers to defy the newly appointed principal. In some instances, they can sabotage all the plans of the incumbent. There are instances where some individuals act for more than 12 months.

5.6. **Dispute delaying tactic**
The circuit manager complained about unnecessary disputes lodged by candidates or union officials. They indicated that even in instances where processes were meticulously conducted, certain
individuals delay the process by their disputes. One of the challenges that fuel the dispute and make the integrity of the interview processes questionable is that even though members sign confidentiality clauses, some of the interview outcomes are known before they are officially released by the department. They commented on the negative effect of prolonged processes on the finalisation of the appointment of the recommended candidate. When asked about the causes of these disputes, they cited reasons such as suspicion of interference from the department, union officials and bribery.

5.7. Interviewing independent panels

When the SGB has no adequate capacity to deal with the complexities of the recruitment processes, it has the right to appoint a staff interviewing committee. The circuit manager indicated that in order to address the SGB’s incompetence, independent panels are constituted during the recruitment processes and after processes are completed, all documents are sent back to the SGB for final recommendation. The circuit manager and the deputy governance manager who directly deals with appointments indicated that trouble starts during the recommendation processes at the school level. An incident was quoted where the acting principal was ranked number three by the independent panel and during the recommendation, some members of the SGB (who were in the majority) refused to recommend the best candidate in the interview; they preferred the acting candidate who was ranked number three even if she did not convince the independent interviewing panel. It took the department of education and the SGB 17 meetings to resolve the impasse.

5.8. Qualifications and the experience of the SGB members

This dimension is vital in the sense that participation in the processes of the appointment of the principal by its nature requires academic competence. The circuit manager and the deputy governance manager who is responsible for training the SGBs complained about the low academic level of the majority of SGB members. The office of the principal is very important and as a result, members of the interviewing panel should be academically competent enough to comprehend the dynamic and complex nature of the selection processes. The educational limitation of some panel members compromises the intended aims of the entire process.

The experience of the SGB members is also fundamental in the selection of the right candidate for the job. Experience is a key factor in identifying a competent candidate. In terms of SASA, the term of office of the SGB member is 3 years (Republic of South Africa, 1996b). Respondents, especially the circuit managers and the governance official, indicated that even though some SGB members have experience in serving as SGB members, they however demonstrate inadequate coping skills. They have limited understanding of the processes and are susceptible to manipulation and influence by parties or officials with vested interests. Lack of experience is manifested in inadequate understanding of policy and resolutions that guide the process of recruitment. This does happen even if training is provided to SGB members prior to the interview processes.

5.9. Critical reflections on recruitment processes through the prism of social justice theory

When the system allows incompetent personnel to be considered for appointment as principals, this negates the aspirations of social justice because learners are deprived of the best candidates to lead the schools. Being led by competent and qualified principals helps schools to perform. Tampering with and manipulating the system is unjust to the schools. The challenge that has been reported of delays in the timeous appointment of principals robs schools of stability. This kind of scenario fits the profile of an unjust and unfair exercise that contradicts Rawls’ views. Common sense dictates that once a vacant post exists, processes should be started with the intention to fill the vacant post permanently. The turnaround time should not be extended.

Human resource experts argue that filling a post timeously assists in stabilising the institution, whereas having someone acting for prolonged periods destabilises the organisation. When someone acts indefinitely, colleagues assume that the acting person is strategically prepared for permanent appointment. The impression created might be that they are given opportunities to gain experience and have a grasp and an understanding of how the system operates. These kinds
of practice undermine Rawls’ argument of fair equality of opportunity for all. Delay in filling budgeted vacancies is a perpetuation of social injustice. Delaying the appointments through unreasonable tactics does not benefit learners and undermines the essence of social justice.

One of the findings in the report of the DBE was that many public schools do not have functional governing bodies and persons with the necessary skills to conduct interview processes, especially in deep rural areas. The interview process requires persons with knowledge of curriculum content, management processes and other strategically related matters. Fleisch and Woolman (2008) reason that due to their lack of knowledge, some SGB members are employed in domestic and unskilled careers. This has a negative impact because in most cases, they do not have time to attend training arranged prior to interviews. The involvement of incompetent SGB members affects the recruitment processes negatively and this directly impacts on the educational outcomes. Allowing such practices in the recruitment of critical positions such as school heads amounts to social injustice. Rawls (1971) argues that policies that perpetuate social injustice through unfairness should be repealed. Therefore, SASA should ensure that the responsibility for appointing principals should not be given to individuals with limited knowledge since this has an impact on the school as a social system. For the DBE to turn around schools and convert them into high-performing systems, serious self-reflection on the recruitment and the appointment of principals needs to take place. The findings in this study are in direct collision with the principles embedded both in the Bill of Rights and Rawls’ theory of social justice.

6. Conclusion
This investigation into the appointment of school principals was conducted against the backdrop of reports on the selling of posts in the education system and challenges the South African education system faces. Rawls’ theory of social justice on fair equality of opportunity was used as a lens to argue the case of the allegations of unethical recruitment practices of principals. In addition, The South African constitution’s section on the Bill of Rights, particularly the section dealing with unfair labour practices, was also used to in these arguments of the allegation immoral recruitment practices of principals. In this article, the Bill of Rights and Rawls’ theory of social justice as a conceptual tool was used to illustrate problems in the recruitment processes of principals. The study also focused on the role of different stakeholders in these processes. The Bill of Rights was also used to expose the ills and loopholes in the recruitment system. The report of the DBE and the views of selected informants and the researchers’ personal experiences were explored. It can be concluded from this study that there is evidence from the perceptions of participants that there are unethical practices regarding the selling of posts. This finding was also acknowledged by union officials who participated in the investigation. Secondly, evidence from the experience of the researcher do demonstrate that the processes of the recruitment and appointment of principals face serious challenges.

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