

**A REVIEW OF THE IMPLEMENTATION OF THE DISCIPLINE POLICY IN
SELECTED SECONDARY SCHOOLS OF CENTRAL EAST EDUCATION
DIVISION: A CONTEXT OF HUMAN RIGHTS IN MALAWI**

MASTER OF EDUCATION (POLICY PLANNING AND LEADERSHIP) THESIS

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UNIVERSITY OF MALAWI

CHANCELLOR COLLEGE

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partial fulfillment for the degree of Master of Education (Policy, Planning and
Leadership)**

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June 2009

DECLARATION

I the undersigned hereby declare that this thesis is my own original work which has not been submitted to any other institution for similar purposes. Where other people's work has been used acknowledgements have been made.

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DEDICATION

I dedicate this study to my wife Lizzie and my four sons Daniel, Nathan, Wongani and Kondwani for their patience, support and encouragements during the whole period of my study.

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Many people and offices contributed to this study. Above all, I feel greatly indebted to the Ministry of Education for the financial assistance and moral support to have completed this study.

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ABSTRACT

Under what conditions will discipline policy in education be successfully implemented in Malawian secondary schools in the context of human rights and good governance? A study of some selected secondary schools in Central East Education Division allows us explore that question. Different stakeholders have been involved to provide valuable information to the study included are the school authorities, officials from Ministry of Education both at divisional offices and headquarters, teachers and students themselves. Other relevant stakeholders dealing with settling disputes and restoring justice were also drawn into the study included were the courts, ombudsman and human rights institutions.

Information about this implementation of the discipline policy has come from interviews, questionnaires, focus group discussions, observation and several documentaries found in schools and other relevant institutions. Using purposeful sampling for selecting research sites and stratified sampling for the participants, 30 students and 10 teachers responded to a questionnaire from each of the four sampled secondary schools namely Kasungu, Dowa, Nkhotakota and Salima while 10 students and two (a head teacher and a deputy head teacher) participated in the focus group discussions and the interview processes respectively.

The study has found out that there still exist more challenges in implementing the discipline policy in the schools studied despite the fact that the head teachers have been trained to streamline human rights in decision making as they administer schools.

The findings drawn from this study will help to illustrate a model of implementation of education policies that can be used for planning, managing or evaluating by different stakeholders intending to embark on policy formulation, implementation and evaluation.

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LIST OF ACRONYMS AND ABBREVIATIONS

ADC	Appointment and Disciplinary Committee
CEED	Central East Education Division
CO	Clerical Officer
CWED	Central West Education Division
DCP	Democracy Consolidation Programme
EDM	Education Division Manager
FPE	Free Primary Education
GER	Gross Enrolment Rate
GoM	Government of Malawi
MGDS	Malawi Growth and Development Strategy
MOE	Ministry of Education
MOEST	Ministry of Education, Science and Technology
MPSR	Malawi Public Service Commission Regulations
NER	Net Enrolment Rate
NESP	National Education Strategic Plan
PO	Professional Officer
SEED	South East Education Division
SHED	Shire Highlands Education Division
SWED	South West Education Division
OPC	Office of the President and Cabinet
TSC	Teaching Service Commission
TSR	Teaching Service Regulations
TUM	Teachers' Union of Malawi
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund

Chapter 1

INTRODUCTION

1.0 Chapter Overview

This chapter provides an overall introduction to the whole problem. It begins by providing the general background to the problem area, before stating the problem statement itself which has influenced the conduct of the study. The chapter further examines the research questions and the significance of the project. It concludes by stating the overall outline of the whole study.

1.1 Background to the Study

In the early 1990s, Malawi embarked on a process of major political change from a one-party dictatorship system that had been in place for almost thirty years to a multiparty democracy. The adoption of this democratic system of government brought with it new challenges for Malawians, including that of ensuring that government, citizens and other sections of society adapt to working on the basis of democratic principles. Since then, it has become increasingly clear that all sectors of the population must integrate the concept of human rights into the laws, policies and practices as centre stage to the values and principles of this dispensation (Democracy Consolidation Programme, 2004).

The Government of Malawi (GoM) approved the Malawi Growth and Development Strategy (MGDS) as a comprehensive strategic framework guiding development in all sectors in 2006. One such development is in the area of good governance (GoM, 2006).

Education, being one of the key sectors, it is important to entrench these values and policies that reflect this acquired democratic dispensation. If the values of democracy, governance and human rights are to become an integral part of Malawian culture, it is important that Malawians embrace them from the early stages when young men and women are in their educational institutions. According to the Malawi Growth and Development Strategy (MGDS), education is regarded as a catalyst for socio-economic development, industrial growth and an instrument for empowering the poor, the weak and the voiceless. Education is viewed to enhance group solidarity, national consciousness and tolerance of diversity (GoM, 2006)

With the goals set out in the MGDS as targets, the Ministry of Education, Science and Technology (MOEST) has developed the National Education Sector Plan (NESP), a ten year strategic plan with a 3-year and annual implementation plans (UNICEF and UNDP, 2008). In this document of the National Education Sector Plan (NESP) 2008-2017, the Ministry of Education has articulated that education policies, from a human rights perspective, should seek to institutionalize control in students of their own change through increased participation in educational matters affecting them in order to take action in dialogue and mutual understating of issues around quality teaching and learning in schools. These policies should aim to give a voice to voiceless right holders, like students to express themselves and be heard in modes that are indigenous and authentic to them. This inclusive decision making is a human right for all individuals and is enshrined as Bill of Rights in the Constitution of the Republic of Malawi (GoM, 1994).

Education in Malawi follows a colonial legacy of an 8-4-4 elitist system of focusing on theory and examinations. Primary education lasts eight years, after which pupils take the Primary School Leaving Certificate of Education (PSLCE) examinations to gain admittance into the secondary education. After two years of secondary education, students write the Junior Certificate of Education (JCE) examinations in order to move up to senior classes. The successful completion of the last two years of senior secondary education, marked by passing the Malawi School Certificate of Education (MSCE) examinations makes a candidate eligible for admission to tertiary levels of education such as university education, teacher training and technical education (Link for Education Governance, 2008).

Following recent major reviews of the education sector notably the Joint Sector Reviews and the Joint Country Programme Reviews (JCPRs), the Government of Malawi identified the main challenges that education policies must address. These policies above all, should seek to enable duty bearers to listen generatively to the opinions of all right holders as this is in the spirit of promoting quality, democratic environment, participation, accountability and institutional governance (MOEST, 2008). In order to effectively achieve this goal, sparked by the recognition of the limitations of centralized systems, education management in Malawi had to devolve down to the structures of Education Division and District Manager's offices.

There are six Education Division Managers' offices namely **Northern Education Division** comprising districts of Chitipa, Karonga, Rumphi, Mzimba, Nkhata Bay and Likoma; **Central East Education Division** comprising districts of Kasungu, Dowa, Ntchisi, Nkhotakota and Salima; **Central West Education Division** comprising districts of Lilongwe, Dedza, Ntcheu and Mchinji; **South East Education Division** comprising districts of Zomba, Mangochi, Balaka and Machinga; **South West Education Division** comprising districts of Blantyre, Mwanza, Neno, Chikwawa and Nsanje; and **Shire Highlands Education Division** comprising districts of Chiradzulu, Mulanje and Thyolo. According to the Draft Devolution Guidelines of Education Services in Malawi, these education division offices have been mandated to act as "extended arms" of the Ministry, responsible for the dissemination of the Ministry's policies and strategies, administration and coordination of education services and related matters (MOEST, 2008).

In 1994, the government declared the introduction of Free Primary Education (FPE) in Malawi with the objective of increasing access to primary education, eliminating inequalities in enrolment, building a strong socio-economic base within society and enhancing civic education on the social and economic benefits of education at the community level (Ministry of Education and UNICEF, 1998). This advent of FPE in 1994 saw an increase in the gross enrolment rates (GER) by approximately 40 percent and net enrolment rate (NER) by 25 percent (Castro-Leal, 1996).

Since then, Malawi has experienced major changes in the Education sector over the years and in particular the secondary education as those who enrolled in primary school have since graduated to secondary education. This in turn has created pressure to secondary education management and mainly in terms of discipline for both students and teachers.

As a result of rampant cases of indiscipline, the Ministry of Education, Science and Technology commissioned a study into secondary school discipline conducted by Kuthemba-Mwale, Hauya and Tizifa (1996) which revealed that anecdotal evidence indicated that there had been an increase in cases of indiscipline amongst students and teachers in secondary schools in Malawi. The frequency of occurrence of these discipline cases and the rate at which they repeated their occurrence coupled with several judicial reviews at the High Court and Ombudsman seemed to question the effectiveness of the handling procedures of indiscipline cases in schools as a result of the advent of human rights entrenched in the Malawi's supreme law of the land (Kuthemba-Mwale, Hauya and Tizifa, 1996).

Section 13 of the Constitution of the Republic of Malawi enumerates principles of national policy that guide and regulate the formulation and implementation of any policies in Malawi. One of these principles relevant to the Education Sector outlined by this section of the Constitution is that the state shall actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation that are aimed at a number of specific goals, including the provision of:

adequate resources for the education sector and development of programmes in order to eliminate illiteracy in Malawi, making primary school education free to all citizens of Malawi, offering better access to higher learning and continuing education and promoting national goals such as unity and the elimination of political, religious, racial and ethnic intolerance (Section 13 of the Constitution of Malawi, 1994).

This section therefore makes it imperative that policy makers, administrators and other stakeholders in the Education sector must undertake a comprehensive review of the current domestic education laws, policies and practices in order to make them consistent with the demands of the human rights dispensation. This means therefore, that all education laws and policies must be consistent with the Constitution. Since the Constitution has supremacy over all other laws and policies, the Education sector is obliged to make and implement laws and policies in line with this supreme law of the land. This clearly means that any education policy or law whether at its formulation or implementation stage must therefore, not be in conflict with the human rights that the Constitution guarantees (Chapter IV of the Constitution of Malawi, 1994).

According to a Circular letter issued to all secondary schools in the country and other stakeholders on Policy Guidelines on Secondary Education in Malawi by the Ministry of Education Science and Technology (MOEST) dated 1st March, 2000, a number of policy initiatives were communicated reflecting some major changes which had occurred in the Education sector. Among the many policy changes stipulated in this circular relating to secondary education in Malawi, in particular are those to do with the rapid expansion of building of Day Secondary Schools, conversion of Distance Education Centres to Community Day Secondary Schools and emerging issues like human rights and other related democratic principles. Particular policies cited in this Policy Guidelines are Policy on Girls Enrolment which should drift to 50:50 ratio in secondary school selection; Selection Policy into Government Secondary Schools should be done within 10Km radius and those selected should be selected as day scholars; and the Policy on Discipline in secondary school so as to maintain tranquility and move in line with the demands of human rights and other related democratic principles in Malawian Secondary Schools (MOEST, 2000).

Against this background, the Ministry of Education with assistance from Inter-Ministerial Committee on Human Rights and Democracy through Democracy Consolidation Programme (DCP) embarked on a capacity building for school authorities on issues of Democracy, Good Governance, Human Rights and Conflict Resolution in 2005. The purpose of such an exercise was to equip selected secondary school head teachers with sufficient and systematic knowledge of the content and legal basis of the values and principles of liberal democracy as they administer and manage their institutions.

However, not many head teachers were trained and those trained from selected secondary schools have since left school management let alone the problem of resource constraints to train fellow head teachers (Democracy Consolidation Programme, 2004).

1.2 Statement of the Problem

Recent circular issued by the Ministry of Education Science and Technology on school discipline quoting incidents of indiscipline in Rumphu, Robert Laws, Chaminade and Dowa Secondary Schools indicates that there is a problem of increased cases of indiscipline among students and teachers in secondary schools to the effect that there has been sometimes a disruption in teaching and learning, quality time meant for teaching and learning has been wasted in settling the indiscipline cases and more seriously some innocent students have been affected due to closure of their schools as a result of the indiscipline of other students (MOEST, 2008).

A study conducted by Kuthemba-Mwale, Hauya and Tizifa (1996) on discipline in Malawian secondary schools revealed that there had been an increase in cases of indiscipline amongst students and teachers in secondary schools in Malawi since the adoption of democratic principles which came with the new Constitution of Malawi enshrining the Bill of Rights in 1994. The frequency of occurrence of these disciplinary cases and the rate at which they repeated their occurrence coupled with several judicial reviews at the High Court and Ombudsman seem to question the effectiveness of the handling procedures schools give them.

The study however did not establish the main causes for the failure of these schools to effectively handle these indiscipline cases let alone the challenges school authorities meet in striking a balance between the promotion and protection of human rights and that of school administration and management (Kuthemba-Mwale, Hauya and Tizifa, 1996).

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As part of the initiatives to harmonize handling procedures of indiscipline cases in secondary schools, in 2000, the Ministry of Education, Science and Technology (MOEST) issued Policy Guidelines on Secondary Education in Malawi where a number of policy initiatives were communicated reflecting some major changes which had occurred in the Education sector. Amongst these policies is the Discipline Policy in Secondary schools of Malawi (MOEST, 2000). In 2005, the Ministry of Education, Science and Technology conducted country wide trainings for all head teachers on issues of Democracy, Good Governance, Human Rights and Conflict Resolution in order to provide head teachers with sufficient and systematic knowledge of the content and legal basis of the values and principles of liberal democracy as they administer and manage their institutions (DCP, 2004)

Despite all these efforts by the Ministry of Education, Science and Technology and other stakeholders, there still is an increased rate of indiscipline cases being reported and others not even reported in schools and other institutions in recent years as evidenced by several documented cases (High Court, 2002). One of the cases of individuals who had sought remedy from the courts or other institutions includes the case of: *Mchawi v Minister of Education Science and Technology* (Civil cause No. 82 of 1997).

The case involved a man who was dismissed from his job as a secondary school teacher by the Minister of Education on the grounds that he had made what the Minister considered to be disrespectful remark about the President. The teacher successfully challenged his dismissal in the High Court on the grounds that the Minister had acted *ultra vires*, meaning, outside the legal limits of his powers.

Other related cases decided by the courts include: the power of schools to expel pupils for indiscipline (*Chioza v Board of Governors of Marymount Secondary School*, Civil cause No. 254 of 1996); the need for clear evidence of alleged indiscipline by students (*Kachere v Attorney General and Principal of Lilongwe TTC*, Misc. Application No.47 of 1996); and labour rights of members of staff of educational institutions (*Chihana v Council of the University of Malawi*, Civil cause No. 20 of 1992

1.3 Purpose of the Study

The main purpose of this study is to single out the main opportunities and challenges in the implementation of the Discipline Policy in the Malawian Secondary Schools so as to establish whether it is possible to strike a balance between promoting and protecting human rights and that of administering and managing schools in a manner that students comply with the norms that govern the school. Specifically, the study would like to establish whether the Discipline Policy has effectively been communicated to and accurately been understood by students, teachers and head teachers; requires a human rights audit to stand the test of time; receives adequate student-teacher- head teacher participation during the implementation process and; whether it affects other areas of school administration and management in the school set up.

1.4 Research questions

Research abounds on the topic of implementing educational policy. Much of it, however, focuses on either the process of policy formation or on the effects of policy change, not on the process of implementation especially at school level or communities (Wolf, Lang, Mount and Van Belle-Prouty, 1999). This being a study which investigates the opportunities and challenges in mainstreaming human rights at school level as authorities implement the discipline policy in secondary schools, is guided by a set of research questions. These research questions act as guidelines to elicit information and these questions are as follows:

- Do school authorities and students know the Policy Guidelines on Discipline in Secondary Schools as issued by the Ministry of Education?
- Are Rules and Regulations depicting Policy Guidelines on Discipline in Secondary Schools made available to all students?
- What channels of communication are used to communicate these school rules and regulations to students in a school set up?
- What procedures are followed in handling disciplinary cases in schools?
- Has there been human rights audit of education policy documents currently used in schools?

1.5 Significance of the Study

The formulation and implementation of educational policies and the administration and management of educational institutions happen in particular political, economic and social contexts. In Malawi, this context is shaped by a constitutional order founded on the values of democratic governance, including the protection of human rights. If educational policies in the Education sector are to be implemented in a manner that is consistent with the prevailing constitutional order, there is need to mainstream human rights in all its legal and policy documents. This study therefore will be of great importance to several stakeholders both in the Education sector and others.

In the first place, the findings from this study will help head teachers of secondary schools and other authorities to discharge their duties and responsibilities in a manner that is consistent with the prevailing constitutional order. This knowledge of implementation of discipline policy at school level in the context of human rights will assist these authorities to base their approach to handling of teachers, students, parents, other stakeholders and members of the general public in a manner that will promote the values of participation, accountability, transparency and human rights. Once these principles and their limits are adequately appreciated, they will clear all the mystery that democracy and human rights undermine discipline and administration of schools in the country.

Secondly, as a resource material, students will come to understand that human rights come with responsibilities which entail that the enjoyment of every human right has certain limits. This will make every student to be held responsible for every breach of a norm. Discipline in this case, will be enforced firmly and fairly without bias as punishments given to these students will be suitable and relevant to the offence committed while taking into account the health, age or sex of the student.

Thirdly, this study will assist the managers and policy makers as a wake-up call at the Ministry of Education Headquarters to conduct human rights audit of all education laws and policies so as to be consistent with the Constitution. This will call for a reform process for all the educational laws and policies which are in conflict with the human rights that the Constitution guarantees. Furthermore, the knowledge drawn from this study will assist these education managers in their approach to dealing with discipline cases referred to them for a final decision after school authorities have made recommendations to them.

Lastly, this study as valuable resource material, will act as institutional framework for securing governance and human rights in a form of civic education by both national and international institutions. National institutions that enforce human rights are established by laws made by Parliament and are funded by taxpayers. These institutions include the courts, the Malawi Human Rights Commission and other related human rights groups, the Ombudsman and the National Compensation Tribunal. International institutions include International Governmental Organizations like the United Nations and International Non-Governmental Organizations like Amnesty International and Human Right Watch.

1.6 Definition of Terms

Backward mapping: This is a bottom-up approach to policy implementation where the implementation starts from the grass root to top levels of decision making.

Bullying: This is using one's strength or power to frighten or hurt those who are weaker.

Drunkenness: This is drinking intoxicating alcohol or being found in beer drinking places or mere possession of a bottle of beer whether with or without beer inside it.

Human Rights: Entitlements that all human beings should have regardless of age, sex, nationality, race, religion, political belief, and language.

Gross Enrolment Rate: This is a ratio of the total primary school student enrolment divided by the 6-11 age-group in the society multiplied by 100.

Net Enrolment Rate: This is a ratio of students aged 6-11 divided by the 6-11 age group in the society multiplied by 100.

Policy: This is an explicit or implicit single decision or a group of decisions which may set out directions for guiding future decision, initiate or retard action or guide implementation of previous decisions.

Policy instrument: This is an authoritative measure with which governments can use to influence society and economy to change the lives of their citizens for example using the law.

Rebellious behaviour: This is a deviant act which includes riots, demonstrations, strikes, boycotts, without using proper channels.

Teasing: This is the making fun of, playfully or unkindly and to worry or annoy with a question.

Truancy: This is the staying away from school without permission.

1.7 Outline of the Study

Having given the background to the study, a brief outline of the whole study will be important at this point in time. Chapter two discusses the conceptual framework of the implementation of discipline policy in the context of human rights as regards to what the literature is saying. Rationale for mainstreaming human rights in the implementation of discipline policy in the secondary education has further been discussed as reviewed from the studies conducted nationally and internationally. Chapter three gives an overview of the research design and methodology used in this study. Chapter four highlights the results from the field, analyses and discusses these findings in a manner where inferences can be made. Chapter five summarizes the central arguments raised and gives a conclusion to the study. Included in this chapter are the recommendations which the study puts forward.

1.8 Conclusion

Chapter one has generally introduced the study by highlighting the background, statement of the problem, research questions, and significance of the study. It has outlined the chapters of the study. The following chapter discusses the conceptual framework of the implementation of discipline policy in schools in the context of the prevailing advent of human rights both nationally and globally as revealed in the literature.

Chapter 2

REVIEW OF RELATED LITERATURE

2.0 Chapter Overview

This chapter starts with a theoretical discussion of the concept of discipline policy in education as it is implemented in the context of human rights. The chapter further presents the importance of maintaining discipline in schools, the nature of indiscipline occurrences and how these indiscipline occurrences are managed in secondary schools as reviewed from the studies done both nationally and internationally with the aim of establishing the gaps where this current study intends to add knowledge. While research abounds on the topic of indiscipline in secondary schools, most of it has been done outside Malawi. Studies on this topic in Malawian secondary schools are extremely rare. So far the most recent studies in this area are those done by Chazema (2007), Malunga et al (2000) and Kuthemba – Mwale et al (1996). The literature of this study therefore has been substantiated by a combination of studies done in Malawi with those done outside Malawi and in particular from the western world.

2.1 Conceptual Framework

This study is informed by a consensus theory of Durkheimian view, which presents a human being as being restrained from unfettered pursuit of his /her own self-interest by his/her association with, and by the restrictions which arise from, the collective value system of society.

Accepting this school of thought in which individual wills and volitions are seen as being subordinate in the interest of the general good, guides this study to explain behavioural notions of individuals involved as being victims of poor socialization, of their being ignorant of the 'common good' or of their not understanding that their welfare depends upon the successful development of the collective interest. The theory further guides the study to explain the phenomenon of social change, which according to the consensus theorists tends to be seen as a process of gradual adaptation (Meighan, 1981). The discipline policy and the related legislation as norms of a school system act as premises of social order resulting from a general agreement of values which outweigh all possible or actual differences of opinion and interest herein referred to as 'common good.'

2.2 Towards a Definition of Education Policies

Most studies on public policy are now popular in describing everything that the government does as policy to the extent that they prefer describing the concept rather than defining it (Dye, 2002; Wolf, Lang, Mount and Van Belle- Prouty, 1999).

Haddad (1995) however, attempts to define policy as an explicit or implicit single decision or a group of decisions which may set out directions for guiding future decision, initiate or retard action or guide implementation of previous decisions. Stated most simply, policy is defined as the sum of government activities, whether pursued directly or through agents as long as those activities have an influence on the lives of the citizens (Peters, 1999).

Furthermore, Reimers and McGinn (1997) extend the concept of policy to education. They define an educational policy as “the goals for the education system and the actions that should be taken to achieve them (Reimers and McGinn, 1997, p29).” This definition therefore, is in line with the reasons why schools are established in any country. Schools are established to produce knowledgeable and skilled students so as to enable them become useful citizens. Equally, schools are also there to produce pupils with character acceptable in the society they exist in. Thus, education should inculcate acceptable moral and ethical behaviour. For these objectives to be achieved, discipline is a prerequisite, and discipline is generally defined as the training, especially of the mind and character, to produce self-control and habits of obedience (Farrant, 1980).

Training students to produce changed behaviour is a slow process that requires patience and guidance in form of a policy on part of the trainers. Teachers as trainers and main stakeholders in implementing this acceptable code of conduct need to realize the weight of their responsibility since the children they are training spend the most important part of their lives in secondary schools.

During their secondary education, students are in the most crucial stage of human development called adolescence. During this stage, there are a number of tremendous changes that take place in different developmental dimensions ranging from physical, social, vocational, emotional, moral to psychological. Most of these changes cause feelings of awkwardness and anxiety in adolescents.

An adolescent tries to establish his or her identity in the society; he or she tries to find out who he or she is, what he or she stands for, and where and how he or she fits in that particular society. At the same time, he or she tries to find out how to share intimacy and form relationships; as a result relationships increase in intensity and not in number. It is, therefore, not strange that peers exert a lot of influence especially on aggressiveness as well as pro-social behaviour of the adolescent (Farrant, 1980). Furthermore, the young and tender age of students at secondary school level, makes them even more open to pressures coming from commercialized entertainment, publicity and traditionally upheld beliefs. Most significantly, the advent of democracy in Malawi in the early 1990s brought with it some misconceptions about issues such as human rights (DCP, 2004). Such misconceptions about human rights and democracy have presented new challenges in coping with discipline in schools.

The Ministry of Education in Malawi produced a Handbook of Secondary Administration containing a number of rules and regulations for all secondary schools in the country. In addition, the same Ministry issues general directions through circulars sent to schools on the norms to be followed and the penalties to be given if the norms are breached (MOE, 1980). One such circular was issued on 1st March 2000 on Policy Guidelines on Discipline in Secondary Schools (MOE, 2000). In order to maintain discipline in secondary schools, the Ministry Education in Malawi came up with a discipline policy which detailed the offences that require internal corrective measures and the types of these corrective measures; offences that require suspension and offences that require exclusion from school (see Appendix 1).

2.3 Implementation of the Education Policies

The nature of policies constructed and adopted depends on the political and socioeconomic environment prevailing in that country (Hartwell, 1994). Policies are usually as a result of the interaction of such background factors like the desires and decisions of those who make policies. Policy environments therefore include those of political ideology, participation, economy, leadership and diversity of the society (Peters, 1999). These environments can also be potential for blockage and delay in policy implementation.

Governments in the world use a number of means or instruments to make their citizens comply and accept a given policy. A policy instrument is an authoritative measure with which governments can use to influence society and economy to change the lives of their citizens (Peters, 1999). Among the many instruments which the governments use, include law, services, money, taxes and moral suasion. Using these various instruments, governments distribute burdens and benefits at their disposal to their citizens.

The most fundamental of these benefits conferred to the citizens produced by the law are the rights (Wade and Bradley, 1985). Such laws are usually constitutional in nature and are central in defining the position of citizens in society. This follows therefore that an understanding of the rights and responsibilities conferred to these citizens is very important.

2.4 Human Rights as They Relate to Discipline Policy in Schools

A human right is first and foremost, a right, and a right is defined as an entitlement. When a person is entitled to a thing, it means that he or she **can demand it**. A right is different from a privilege, because if a person has a privilege to have something, it simply means that the person **may have it**. A person's privilege can be withdrawn if the person giving the privilege decides to withdraw it. In that case, the person whose privilege is withdrawn cannot do anything about the withdrawal. On the other hand, if a person has a right, it cannot be withdrawn arbitrarily, and if it is withdrawn the person who had the right has to be **compensated** (DCP, 2004).

In general, a person can enjoy particular rights if he or she fulfills the conditions attached to the exercise of the right. A few examples may help explain this point:

- A person has a right to become a village head **only if** he or she is a member of the family from which village heads are chosen.
- A person has the right to receive wages, **only if** he or she has done some work.
- A person has the right to vote at the convention of a political party, **only if** he or she is a member of that party.
- A person has the right to drive a car on the road **only if** he or she has a valid driving licence.

Human rights are different from all other types of rights because a person does not need to fulfill any condition in order for him or her to have human rights. Every person has human rights from the moment he or she is born.

A person does not have human rights because he or she belongs to a particular class or group of people but only by virtue of being a human being. Human rights are part of human. As long as a person is alive, he or she has human rights. Human rights are not given to anyone by government or any other body or person. Everyone is born with human rights. The duty of government and others is simply to promote, protect and enforce them. Human rights are classified into different types based on either the definitions or their history. Classification helps to explain the different ways in which rights are enforced. It also helps to show the different historical stages through which human rights protection has developed over the years.

Classifying human rights based on definition, the rights are grouped into civil and political; economic, social and cultural; and solidarity rights. In the historical classification, the rights are classified into first, second and third generation rights. The various classifications also reflect differences among states on whether certain rights are human rights or not.

Classification by definition puts human rights into three groups depending on their nature. **Civil rights** are defined as rights that belong to every inhabitant of the country, and are not related to the organization or administration of government. They include the rights to marriage, free expression, free association and equality before the law.

For their part, **political rights** are rights that facilitate direct and indirect participation in the establishment or administration of government by individuals. They include the right to vote and the right to compete for election to public office.

Economic, social and cultural rights relate to survival and livelihood. They include rights such as the right to economic activity, education, health and food. There is disagreement about whether these are enforceable rights or mere hopes. Those who argue that the only genuine human rights are civil and political rights base their claim partly on the perception that it is impossible for everyone to enjoy rights such as, for example, the right to economic activity, the right to education, the right to good health or the right to food because no state has the resources to guarantee everyone's economic activity, education, health or food (DCP, 2004).

This argument is, however, based on misunderstanding of the nature of economic, social, and cultural rights. This part of their definition is best summed up by the International Covenant on Economic, Social and Cultural Rights, which does not require states bound by it to ensure immediate provision of the goods or services in question. It merely requires states to take steps in maximizing their available resources with the aim of progressively or step-by-step achieving the full realization of the rights.

Solidarity rights relate to benefits that are enjoyed collectively by members of the community. They are also known as **group rights**. Examples of group rights include the right to self-determination, the right to development as well as the right to a clean and sustainable environment.

Classification by history puts human rights on the basis of their history. In this approach, rights are classified into: **first, second** and **third** generation rights.

This classification reflects the fact that the recognition of different human rights has been in stages. It does not mean that some rights are more important than others. All rights are equally important. The earliest human rights to be recognized and given legal protection were civil and political rights. As a result they have come to be known as **first generation rights**. The recognition of these rights was followed by debates about whether social, economic and cultural rights were indeed human rights. After much international disagreement on the question, some countries, particularly from the developing world, recognized economic, social and cultural rights as human rights that deserved the same protection as civil and economic rights. Because their recognition came after that of civil and political rights, economic, social and cultural rights came to be called **second generation rights**. Last to be recognized were solidarity rights. Because their recognition came after that of the first and second generation rights, solidarity rights are also called **third generation rights** (DCP, 2004).

The main solidarity rights that are recognized in international and domestic laws are: the rights to self-determination, the right to development and the right to a clean and sustainable environment (Universal Declaration of Human Rights, 1948).

An understanding of human rights in education is therefore critical as it places the student the teacher and the high-ranking public official in their right perspective as regards the management and administration of education and the content of the syllabi that apply to schools. A good example is Section 43 of the Education Act; the section gives the Minister of Education powers to close a school where it is found that any instruction being imparted to any student is considered prejudicial to peace, good order or good government (Education Act, 1964). It is very clear that the ministerial powers in this section are set in very wide terms with the attendant danger of infringing a number of human rights, including those to academic freedom and education. The right to academic freedom and the right to education entail liberty to teach and discuss educational matters without interference, even from high-ranking public officials.

Whilst it is conceded that this right is not absolute and can be limited, the wide powers given to the minister and the absence of a clear definition on what would amount to instruction prejudicial to peace, good order or good government is detrimental to the right to academic freedom. Such a wide power cannot be reasonable and therefore does not meet the criteria for accepting limitations to human rights set out in *section 44(2)* of the Constitution which state the High Court may declare a limitation of a human right to be valid only if it is: prescribed by law, reasonable, recognized in international human rights standards, and necessary in an open and democratic society (Constitution of Malawi, 1994).

Against this understanding therefore, there is a great need to circumscribe the powers of the minister more strictly and clearly if the right of teachers and pupils to academic freedom is to be effectively protected. In addition, there is also a need to conduct human rights audit of all legal and policy documents relating to education and in particular those dealing with disciplining teachers and students.

2.5 Human Rights Audit of Some Education Policy Documents

Education policy or law must not be in conflict with the Constitution let alone the human rights with which it guarantees. *Section 20* of the Malawi Constitution prescribes discrimination of persons and in any form and that all persons are guaranteed equal and effective protection against discrimination on grounds of race, colour, nationality, ethnic or social origin, disability, birth or other states. This constitutional right to equality is closely linked to the right to dignity. It is based on the idea that every person possesses equal dignity. *Section 23(1)* of the Constitution reinforces the principle of non-discrimination by providing that all children regardless of the circumstances of their birth are entitled to equal treatment before the law.

It may be argued that the restriction of the right to education to citizens, therefore, contradicts the guarantee of the right to non-discrimination which applies to every person. Furthermore, it is a requirement of the Convention on the Rights of a Child, to which Malawi is a signatory, that all children have guaranteed access to education regardless of their legal status or their parents.

(a) Free Primary Education Policy in Malawi

The main take-off point of Malawi's Free Primary Education policy reform was the 'World Conference on Education For All' which was held in Jomtien, Thailand in March 1990. Delegates from 155 countries including Malawi attended the conference and eventually adopted the World Declaration on Education for All. The Declaration represents an international consensus that basic education for all is a right and must be given the highest priority. The declaration among other issues specifically called for: universalizing access and promoting equity, particularly for girls; and enhancing the environment for learning (MOE & UNICEF, 1998). This prompted the newly elected UDF-led Government of Malawi to introduce Free Primary Education (FPE) to all Malawian children with effect from October 1994. The implementation of this FPE policy was to fulfill an electoral pledge of the ruling party's campaign strategy (Chimombo, 1999).

This country's policy of Free Primary Education in as far as it excludes non-citizens is inconsistent with the right to equality, dignity and rights of children. It is therefore obligatory to have this policy revised to include non-citizens.

(b) The Handbook of Secondary School Administration

The Handbook of Secondary School Administration outlines the administrative structure and processes of secondary schools in Malawi. It mainly highlights the roles of several authorities at school, for example head teachers and boarding masters (MOE, 1980).

This handbook among other issues, spells out authoritatively a framework of school rules and regulations from where the sampled schools only copied this framework and have made it as school rules of their own schools. There is also in this handbook, a procedure of handling indiscipline cases in schools which is biased in nature by lacking the offender the right to be heard. This procedure contravenes *Section 43* of the Constitution of the Republic of Malawi. In general terms, going through the text of this handbook, it is clear that human rights issues are not clearly articulated. There is therefore a need to incorporate human rights at the various aspects of secondary school administration.

(c) Discipline Policy

Based on the policy statement from Government Circular on Policy Guidelines on Secondary Education in Malawi (MOE, 2000), the Discipline Policy categorizes norms according to the punishment that is meted out when a breach of a norm occurs. The seriousness of the punishment given for a breach of a norm determines the importance of the norm and places it on top of the hierarchy. In relation to the outside system of norms, the norms of the school fall below those laid down in the law. As already indicated, the highest form of law is the Constitution. Basing on this Discipline Policy, the school authorities are supposed to formulate school rules and regulations. The challenge for those who formulate school rules and regulations is, therefore, to ensure that the regulation or rule that they make does not violate the Constitution. By extension, this means that the regulations and rules must not contradict the Constitution's guarantees of human rights.

2.6 Importance of Maintaining Discipline in Schools

Schools are established to achieve certain objectives. Among the many objectives, schools are there to produce students with character acceptable in the society they exist. For this to happen, discipline is a prerequisite and discipline has generally been defined as the training, especially of the mind and character, to produce self control and habits of obedience. This concept of discipline has further been defined as the practice of training people to obey rules and orders and punishing them if they do not comply to issued instructions (Farrant, 1980).

Disciplinary action as a behavioural control technique is necessary when self-discipline breaks down. Effective discipline can eliminate wastage of quality time in any organization. This follows therefore, that indiscipline problems existing in the secondary schools can negatively affect the students' quality learning time and environment. If there is breakdown of discipline in the school, there exist interruptions of lessons for the students, disruptions of teachers and members of staff cause loss of instructional time and learning time of all students (Gaustad, 1991). Wilson (1991), Kouinin (1977) and Cleug (1977) agree to the sentiment that students need to be disciplined in school if they are to achieve maximum quality education. They contend further by asserting that undisciplined pupils do not have a focus or a sense of direction to plan their daily activities and thus do not adequately utilize the time frame needed to impact their learning. A study done in United States of America in six middle schools in Charleston, South Carolina, calculated that students lost 7,932 instructional days as in-school and out-of- school suspensions in a single academic year (Gaustad, 1991).

2.8 The Nature of Indiscipline Occurrences in Schools

Schools, as arena where students acquire knowledge and skills, have become at times breeding places of misconduct involving violent or criminal behaviour (Gaustad, 1991). According to Henson (1974), indiscipline in schools is a major problem which has become common and very serious to deserve time in the curriculum for discussion by the pupils and teachers. Discipline nowadays has become a big issue in schools in that good discipline is no longer equated to quietness and obedience. This is evidenced as students of today are more active and more knowledgeable and less submissive to teachers' demands or requests that are questionable or without purpose. The students' opinions and teachers' lack of respect of their opinions has been regarded as a violation of the students' rights and often times they react to such (Henson, 1974, Cleug, 1977 and Gaustad, 1991). Indiscipline in school is also seen when students challenge teachers' authority; stealing; truancy; untidiness in school work, dress and habit; and late coming to school and lessons (Farrant, 1980). These are some of the examples which illustrate the nature and extent of indiscipline occurrences outside Malawi, an indication that the problem of indiscipline in schools is a global phenomenon.

In Malawi, Kuthemba-Mwale, Hauya and Tizifa (1996), studied indiscipline in the Malawian secondary school context. The main aim of their study was to determine and describe the impact of the problem on school life and school property, the students' life and society in general. The study sought views from 356 respondents comprising of 19 head teachers, one school proprietor, 10 boarding masters/mistresses, 98 teachers, 115 pupils, 30 cooks, 10 matrons, 23 support staff, 32 parents/guardians, and 18 politicians.

The sample of the study was systematically drawn from various secondary schools which included both government and private secondary schools in all the three regions across the country. Basing on such a sample, the findings of such a study can easily be generalized. In addition, the study draws its strength by sampling various parties which included were the students, head teachers, teachers, parents/guardians, proprietors and politicians. The findings of this study done by Kuthemba -Mwale et al (1996) indicated that indiscipline cases in Malawian secondary schools have been in the increase since democracy was ushered in Malawi, citing misunderstanding, misconception, and misrepresentation of the newly gained political pluralism – especially human rights, freedom, and democracy as the root causes of indiscipline in schools. Students’ reaction to student-teacher communication, the quality and quantity of school facilities, quality of teachers, the media sending mixed signals which affect the students’ behaviour and the inefficiency of the Ministry of Education in carrying out its policies were cited in the study as the major cause of the problem.

Kuthemba-Mwale et al (1996) established that the impact of the problem of indiscipline in school is seen in the destruction of school material and the general school appearance thereby seriously affecting the teaching and learning process; the schools have become unsafe places for both students and teachers; there has been a mistrust between teachers and students in schools which in turn has affected teaching and learning and management of the school at large; and society seems to have lost trust in schools as custodians and facilitators of good habits and ethical principles.

A related study on this subject of discipline in Malawian secondary schools was conducted as an inquiry into 1999 MSCE examination results. The poor performance of students in this examination created deep concern in that the result indicated that out of 45,416 students who sat for the examination only 6,207 had passed representing 13.7% pass rate (Malunga et al 2000). Because of such a pass rate, the State President of Malawi announced the formation of a 15-member commission of inquiry in to these examination results. The Commission sought the views from 82 respondents comprising 10 politicians, 3 Ministry of Education officials, 8 Education Division's personnel, 4 Teaching Service Commissioners, 2 Teachers' Union of Malawi personnel, one Episcopal Conference of Malawi personnel, one National Library Service personnel, 2 administrators of associations, and one Faith Based Organization personnel. Included in this sample, were also 4 deans of colleges, heads of departments of colleges, one Voluntary Service Organization official, and 6 registrars and principals of colleges, 4 district education officers, 4 Malawi Institute Education personnel and one private secondary proprietor.

The results of this inquiry indicated that the reason for poor performance in MSCE examination is a result of indiscipline in schools among other factors. Some other factors relate to characteristics of students, teachers and the learning environment. High on the characteristics of students, the inquiry found out that indiscipline in school was a major contributing factor to the compromised standards of education and a major cause of a rapid decline in students' performance at MSCE Examinations.

Although the study did not quantify the magnitude of such cases, let alone how they affect performance, findings of this study were not biased towards certain parties as there was a cross-section of various players to the study. The findings of the study can therefore be trusted upon and generalized.

A more recent study was conducted by Chazema (2007) on pupils' indiscipline in secondary schools of Zomba. The study sought views from head teachers, students, teachers and parents/guardians from selected secondary schools in the Municipality of Zomba. The finding of study further confirmed that there is still an increase of indiscipline cases in secondary schools. The study among other issues established that some structures like discipline committees in schools which are used for handling discipline at school level exist only on paper but their effectiveness and convening are in an adhoc manner (Chazema, 2007).

These studies done in Malawi and outside Malawi on the subject of discipline are an indication that discipline in school is a serious issue. Effective discipline therefore can promote quality teaching and learning in schools. The next and last part of the literature review will indicate what the documents issued by the Ministry of Education in Malawi stipulate as to how discipline should be managed in secondary schools of the country. It is this discipline management or handling in the schools that entails how discipline policy must be implemented so that the rights and freedoms of the people being disciplined are not violated.

2.9 Handling of Teachers' Discipline in Secondary Schools

Disciplining members of teaching staff as in any employment set up is one of the fundamental ways of running any organization or institution. Disciplinary action as a behavioural control technique is necessary when self-discipline breaks down. Effective discipline can eliminate ineffective employee behaviour. An employee should be disciplined when he or she chooses to break the rules. Staff discipline is corrective action taken by authorities when an employee does not abide by organizational rules and standards (Employment Act, 1997). Records from Teachers Union of Malawi (TUM) indicate that Malawi has about 45,000 primary school teachers and the number of secondary school teachers is between 4,000 and 5,000 (TUM, 2002). It is expected that all these teachers, as any other employee, have to adhere to rules and standards governing their employment. Since the government of Malawi employs the said teachers, they are part of the civil service and therefore, are expected to conform and follow rules governing employment in the civil service. The main document that contains rules and regulations concerning people employed in the civil service is called Malawi Public Service Regulations (MPSR). Apart from the stated MPSR there are also rules and regulations that are passed from time to time within the civil service concerning conduct and behaviour of employees.

In some cases, disciplinary matters are regulated through circulars among civil servants which usually originate from the Office of the President and Cabinet (OPC) or the Department of Human Resource Management and Development. Circulars usually

explain new conditions, regulations and standards that civil servants are to follow on particular issues and have to be in line with the MPSR.

Teachers, as professionals, are also required to look at other legislation, regulations and policies that relate to their conduct and behaviour in the course of employment as civil servants and as teachers. Norms that guide the discipline of teachers include:

(i) The Education Act

The Education Act (Chapter 30:01 of Laws of Malawi) acts as guidance on issues of education in Malawi. The Act sets down norms of discipline only to a limited extent, restricting itself to issues of registration of teachers, authority to teach in Malawi, qualification and requirements for registration, licence to teach, teaching without authority or licence, removal of a name of a teacher from the register, offences relating to national examinations offences relating to teachers, evidence of entries in registers and other records. Section 57, for example, provides that:

Any person who

- (a) not being the holder of an authority to teach or licence to teach issued under this part, teachers or insists in teaching in any school;*
- (b) employs or engages as a teacher any person who is not the holder of an authority to teach or licence to teach issued under this act;*
- (c) being a person licenced to teach under this Act, teachers or insists in teaching otherwise than in accordance with the conditions stated on this licence;*
- (d) employs or engages such person as referred to in the immediately preceding paragraph to teach or to assist in teaching otherwise than in accordance with the conditions (Education Act, 1964).*

The Education Act of 1964 is currently however going under review to reflect the new democratic dispensation the country has acquired. As the review process is not finalized yet the schools and indeed the country are using the 1964 version.

(ii) Malawi Public Service Regulations

Teachers in government schools are public servants as such they are subjected to the Malawi Public Service Regulations (MPSR). The MPSR is divided into five books. Book one contains rules and regulations of the civil service in general. The book contains rules and regulations governing vacancies, appointments, training, increments, efficiency bars, civil service law examination, promotions, transfers, postings, secondments, loans, termination of appointments, gazetting notifications. The book further includes norms concerning overtime and duty allowance like policy, hourly overtime, commuted overtime and authorized overtime. Issues of holidays and leave like annual holidays, holiday grants, sick leave, unpaid leave, leave for participation of sports, unauthorized absence are also provided for. Regulations concerning institutional housing, non-institutional housing, uniforms and protective clothing, advance of salary generally, educational housing, emergency advances, bicycle mileage allowances, house to office allowances, transport and baggage allowances, subsistence allowances for traveling in and outside Malawi, subsistence allowances for courses, hospitality allowances, special allowances, local transfer allowances, acting allowances special allowances and terminal benefits are all provided in this MPSR, book one.

Book Two contains regulations for temporary employees in the service. These regulations cover issues concerning appointments, termination, misconduct, grades and salaries,

advances, allowances, overtime and duty allowance, hours of attendance, holiday period and holiday grant, sick leave, unpaid leave, additional terms and condition on issues concerning students.

Book Three has regulations concerning industrial class employees in the civil service. Regulations in this book cover issues concerning employment, termination, misconduct, grades, salaries, advances, allowances, overtime, hours of attendance, leave and additional terms and conditions.

Book Four provides rules and regulations for foreign service and deals with matters concerning annual holidays, local leave, passages, accommodation, medical attention, responsibility allowance, foreign service allowance, representation allowance, entertainment allowance, children allowance, outfit allowance, baggage allowance, transfer grant, subsistence allowance, education allowance, clothing allowance, debts and motor advances. If one is appointed in the Foreign Service and would like to know the conditions of service he or she will be subjected to, he or she will have to read book four of the MPSR.

Book Five is the last book in the MPSR and this last book provides rules and regulations for people employed in the civil service as expatriates. Like other books, in this one are detailed rules and regulations governing expatriates only and these are such rules as those governing the appointments, assessment of salaries, grades and salaries, compensation, pensions, terminal gratuities, local leave, vocational leave, passages, education visit,

baggage, housing and rent, medical attention, sick leave, advances, acting and charge allowances, education allowance, traveling allowances, subsistence allowances, detention allowances, house to office mileage allowances, local transfer allowances, hospitality allowances, initial outfit allowances and courses for instruction which will include fees and allowances while executing their duties in Malawi (MPSR, 1991).

What the MPSR say on staff discipline

MPSR has expounded a great deal of areas where a civil servant will be disciplined if he or she is found to be breaking rules and regulations. In fact, Chapter Two of the MPSR enumerates 26 areas considered as misconduct of which if any civil servant is guilty of any one of these is to be disciplined. In establishing that a civil servant has broken rules and regulations, the MPSR stipulates that an investigation has to be instituted and upon proven guilty; warnings have to be issued before a final decision of dismissal can be taken (MPSR, 1991). It is worthwhile pointing out here that the current MPSR in use is outdated. It was last revised in 1991. This means that the norms it sets down do not take into account the Constitution which was passed in 1994. More particularly, in setting down the acts of misconduct, the MPSR does not provide adequate protection for human rights.

(iii) The Government Teaching Service Regulations, 2001

Government Teaching Service Regulations (TSR) is the key document that sets down norms that relate specifically to teachers' discipline. The TSR addresses a wide range of issues concerning teachers ranging from recruitment, vacancies, appointments, salary scales, retirement and abolition of office and death of an employee to termination benefits and gratuity. A critical look at the grounds of misconduct in the TSR reveals that most of the provisions have been taken from MPSR. In this case the TSR is not very much different from MPSR. Indeed the TSR should not be different from MPSR because they all regulate the conduct of civil servants only that the TSR focuses more on teachers (Teaching Service Regulations, 2001).

2.9 Handling of Students' Discipline in Secondary Schools

Students' disciplinary procedures are guided by school rules and regulations. These norms or rules set by each school govern the behaviour of its students. If these rules and regulations are not obeyed in schools, there is bound to be indiscipline and disorderliness which will result in disturbance of learning process.

The Education Act Cap. 30:01, emphasizing the need for students to follow rules, clearly stipulates in section 62(1) that,

“Every pupil, on entry to any school shall undertake to obey all rules and orders which are given by the head teacher of such school and which conform to the general directions of the Minister” (Education Act, 1964)

Thus, a student is taken to have accepted the rules of a particular school upon entry to that school and is also deemed to have pledged obedience to the rules and orders given by the Head teacher or any person to whom the Head teacher delegates his or her authority like other staff members and prefects or class monitors.

The Handbook of Secondary School Administration produced by the Ministry of Education contains a number of general rules and regulations for all secondary schools in Malawi (MOE, 1980).

The Ministry of Education also issues general directions through circulars sent to schools on the norms to be followed and penalties to be given if the norms are breached. It is then the responsibility of those in authority of each school to make detailed rules and regulations suitable to the locality of their school. The common norms found in the Handbook of Secondary Administration adopted by schools include the listed below:

- All pupils shall show courtesy and respect to all teachers, non-teaching staff, visitors and to each other in speech as well as action.
- All pupils must attend all scheduled school programmes and must be punctual.
- All pupils must be neat and tidy. They must wear school uniform and must not keep long unkempt hair nor wear a beard. Further, no jewellery is allowed, for example rings, necklace, bracelets, earrings, chains, etc.
- Truancy is not permitted and pupils should not be found outside the class (or outside school boundaries if it is a boarding school) without permission, and silence should be generally observed.
- There should be no defiance of authority by any pupil.

- Fighting, quarrelling and use of obscene or abusive languages are not allowed.
- Pupils should not instigate or take part in rebellious behaviour.
- Teasing, Bullying, Mocking or Harassment of other pupils is prohibited.
- Beer drinking and using or mere possessing harmful or hallucinating drugs including smoking Indian hemp or tobacco are prohibited.
- Stealing or vandalism of school property is not permitted.
- Pupils should not indulge in indecent or immoral behaviour.
- Sexual relationships are not allowed. A girl found pregnant is suspended from school as well as the boy responsible for the pregnancy. Abortions are prohibited.

2.10 Dealing with Students' Indiscipline Cases

Discipline is an integral part of the learning process. Therefore the procedure which is followed in handling disciplinary cases has got implications, either positive or negative on the maintenance of discipline in the school. On top of defined school rules, there should be a defined procedure to be followed when handling pupil discipline and this ensures consistency and fairness (DCP, 2004). It is an instinctive feeling in every reasonable human being that it is unfair to draw conclusions basing on impartial stories without hearing the party concerned in the cases and to be biased or prejudice. A decision made without bias and with proper consideration of the views of the pupil affected, will not only be more acceptable by the pupil but will also conform to the supreme law of the land (Constitution of Malawi, 1994).

In 2000, the Ministry of Education issued a circular to act as guidelines to be adhered to by all head teachers in all secondary schools when processing disciplinary cases (MOE, 2000) and these guidelines are listed as follows:

- All cases of indiscipline must be investigated thoroughly before a decision is made.
- The accused student must be accorded opportunity to be heard by both the head teacher and the school Disciplinary committee.
- Besides verbal explanation, the accused student is accorded the right to submit a written report or statement which he or she must sign.
- Witnesses in any discipline case must also submit written statement which must be signed.
- The Head teacher must finally submit a comprehensive report with recommendations on each case.
- The following documents must be attached to the Head teacher final report on submission to the appropriate authority:-
 1. the accused pupil's written report
 2. the Disciplinary Committee's/School Committee's report
 3. witnesses' report and any other relevant documents
- All discipline cases warranting rustication from school up to a maximum period of two weeks must be reported to the Education Division Office.

- All discipline cases warranting suspension up to a maximum period of six weeks must be reported to the Education Office with copies to the Ministry of Education Head Office.
- Any cases deserving exclusion from school must be reported to the Ministry of Education with copies to the Division Office.

It should be noted that this circular was issued to assist head teachers effectively implement the Discipline Policy in schools. It was issued after realizing that the Ministry of Education had lost several cases and in the process paid a lot of money as compensations as a result of adhering to processes and strategies in schools not consistent with the prevailing constitutional order (DCP, 2004).

2.11 Conclusion

This chapter has presented a theoretical discussion of discipline policy in Malawian secondary schools as reviewed in the literature. It has further looked at the nature and importance of discipline in schools as evidenced in the empirical studies done in Malawi and those done on global perspective. The chapter has concluded by reviewing the relevant documents on discipline management used and available in Malawian secondary schools. The next chapter will present a detailed discussion of design and research methodology for the study.

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Chapter 3

RESEARCH DESIGN AND METHODOLOGY

3.0 Chapter Overview

In the previous chapter, the study has reviewed related literature on discipline policies in schools globally as well as in Malawi with regard to the advent of human rights. This chapter presents the research design, research sites and the methodology used to elicit valuable information used in the study. The discussion has centred on the following themes: sampling techniques, population of interest, data collection, management and analysis, ethical consideration and trust worthiness of the study

3.1 Research Design

The overall approach that has guided this research project is that of qualitative heuristic design. In contemplating a methodology, it was clear from a pre-research review of the scholarly literature and preliminary inquiry based upon conversations with a range of head teachers, teachers and some students from different schools, that a qualitative framework was apposite. The potential of phenomenological method emerged because of its perceived capacity to process authentically the subjective and the value-laden data collected from a small, purposeful, non-representative sample group as it is in this research project. According to Cresswell (2004), there are two conceptual propositions supporting phenomenological method within qualitative research design. The first is that the reality of a set of human experiences will be uncovered through the detailed yet subjective descriptions provided by people being studied and second, that “establishing the truth of things”(Moustakas, 1994, p.57) begins with the researcher’s perception.

The researcher is able to rely upon “intuition, imagination and universal structures to obtain a picture” (Cresswell, 2004, p.52) of the experiences under study. I was therefore attracted by the possibility that having been a Head teacher in different secondary schools in Malawi for more than ten years could be used authentically to enhance the significance of this research project. The fact that a researcher may have shared with the respondents certain experiences within the ambit of proposed research objectives is extolled in the literature as being potentially of heightened significance to the data (Crotty, 1996; Schultz, 1994) but this is entirely governed by the success with which a researcher designs and applies procedures for the operation of epoche and bracketing. To understand both these concepts, the structural relationship between a researcher and the research respondents, merits explanation.

The relationship was in this place very important at the beginning of this phenomenological enquiry. The challenge for me as a researcher was to allow the voices of the participants to emerge authentically as I tried to understand what essentially the participants meant in their personal accounts as I collected data. This placed upon me as the researcher, the obligation to separate any past knowledge or experience I might have had in the management of secondary schools in Malawi. It was left upon me to legitimize that experience by connecting it interpretatively to the meanings of the participants. Such a connected relationship was only made possible by understanding the concepts of epoche and bracketing.

The literature has generally treated bracketing and epoche as interchangeable or synonymous. Accordingly within qualitative research, epoche can reasonably be interpreted as highlighting a particular period when significant events occur in the experiences of a researcher, but any impact from the memory of which need to be put aside during data collection. It therefore contains connotations of continuity and sequence, as opposed to the single act or episode of bracketing which would occur at or immediately prior to data interpretation (Gearing, 2004).

In this particular study, bracketing a researcher's experiences in order to allow the voice of the participants to be heard was done by creating a Feelings Audit which was adopted prior to data collection and before analysis of the research interviews. In order to do this, I maintained a research journal as an ongoing record of the ideas and impressions during transcription which I performed myself, unwillingly to allow any other individual to stand between me and the data. The Feelings Audit helped me to tie down potential feelings for any bias that might impinge upon the research areas (Lukiv, 2004). This created Feelings Audit reflected the stark reality of what makes phenomenological enquiry authentic: with all of my personal dispositions and values, as the researcher, I was at the centre of interpretative process. The audit was taken to each research interview to assist me in some personal reflection. It was not shared with the respondents. Its major purpose was to facilitate epoche by persistently reminding me of items where consciously I had to set aside any value judgments of items of data contributed by the respondents head teachers.

3.2 Research Sites

This study has confined itself to one Education Division, the Central East Education Division (CEED) out of all the six Educational divisions due to cost efficacies and time line required to complete the study. In particular, the study has purposively sampled four schools namely: Salima, Dowa, Nkhotakota, and Kasungu Secondary Schools.

These schools have been selected as a result of their standing history of being district secondary schools which came into existence in the 1950s. With such understanding, it is assumed that they have an archive of information on issues of discipline management.

3.3 Target Audience

It is hoped that the evaluation results shall be relevant to four groups of audience.

Firstly, the information will be important to managers and administrators in education (directors, policy makers, education managers and planners) in the Ministry of Education because the mandate to initiate adjustments in the procedural design lies within their jurisdiction. Secondly, the other group of audience is the government arm of judiciary (courts and Ombudsman) and the interest groups mainly human rights groups.

These groups have a great interest in seeing that the ideals of human rights and democracy are upheld in the country. The information from the study will give them the intricacies of education management in a modern society. As such, the information will enrich their decision-making machinery in determining discipline cases referred to them.

Thirdly, the evaluation results will be of great importance to donors in the Education sector. As donors, they would like to improve the quality of education in the country where teaching and learning should be as effective as possible.

The information will assist in the assessment of how much time is wasted in dispute settlement in schools by both teachers and students as opposed to teaching and learning. Both teachers and students spend valuable time in conflict resolution in schools which could have been effectively spent on the core business of teaching and learning.

Lastly, the information from the evaluation results will be of use to key implementers (head teachers, teachers, students and parents/guardians) who may wish to know if their concerns or complaints have been taken on board.

3.4 Sampling Technique

The main sampling technique adopted in both selecting the schools and participants in data collection was purposeful and random sampling respectively. Purposeful sampling is a dominant strategy in a qualitative research because it seeks information-rich cases which can be studied in-depth (Patton, 1990). In this case, the reason for choosing purposeful sampling was that members would be selected on the basis of their ability to provide the needed information. All the four head teachers and their deputies participated in the study. These authorities play a crucial role in their administrative powers in school, a resource which is valuable in policy implementation. Using the concept of ‘Backward mapping’ in policy implementation, the information from head teachers, teachers and students in school led the researcher to interview Desk Officer responsible for secondary schools at the Education Division Office and Desk Officer at the Ministry of Education Headquarters.

These officials receive and forward discipline cases from and to appropriate authorities. Backward mapping in policy implementation is a ‘bottom–up’ approach in policy implementation where policy should start from the grass root - the communities or schools before involving the top officials (Elmore, 1980).

Stratified random sampling was used to select thirty students in each of the four schools involved. Of these thirty students, twenty were involved in answering the questionnaire while ten were involved in a Focus Group Discussion. The administration of a questionnaire involved ten teachers in these four schools.

The intense involvement of participants to the study is not aimed at generalizing the results of the findings. It is believed however, that in the final analysis lessons learned from the study can help improve the subsequent implementation of similar policies. Rossman and Rallis (2003) agree to the fact that the standard of generalizability is not part of the qualitative research vocabulary but what is learned in one study can still be useful for other settings.

3.5 Data Collection

Data in this research has been gathered over a period of time rather than in one-short manner and specifically 9 calendar months was dedicated to this exercise so as to gain trustworthiness of this research project (Rossman and Rallis, 2003). The major primary data collection devices were semi-structured interviews with the head teachers, Focus Group Discussion with students, Observation and Questionnaire for teachers and students and Document Analysis at the Ministry Headquarters, Education Division and schools.

The semi-structured interview with each Head teacher had questions fitting either the main, probe or follow-up categories described by Rubin and Rubin (1995). The main and probe questions were asked at face-to-face interviews with follow-up questions or member-checking devices (Punch, 2004) being conducted by telephone correspondence. As indicated in this afore going discussion, it has clearly been demonstrated that this particular research project has employed multiple methods of data collection to allow 'Triangulation'. Triangulation in most cases increases the trustworthiness of the research (Cresswell, 2004).

These multiple methods of data collection (interviews, questionnaires, observation, focus group discussion and document analysis) have been employed to inform the raised research questions in Chapter 1. In turn, the emergent findings from these methods helped me during data analysis as information displayed was aggregated into themes which this research project has addressed in Chapter 4 of Results and Discussion of Findings. Colleagues and lecturers, as community of practice, evaluated these methods and offered constructive criticism before I took them for pre-testing to Lunzu and Blantyre Secondary Schools to further strengthen them and make some corrections where necessary. Below is a detailed procedure of how each method of data collection was employed:

3.5.1 Interviews

Qualitative semi- structured interviews through responding to open-ended questions were conducted to gather data from Head teachers and in some cases, Deputy Head teachers from the four sampled secondary schools. To allow consistency in these interviews, a careful interview guide was designed based largely on the work of Wengraf (2001).

Such a particular interview guide which was designed for this study was provided for in Appendix 2. These interviews targeted Head teachers because in a school set up these officers are administrators of the schools and their deputies are chairpersons of discipline committees. The two desk officers at the Education Division Office and at the Ministry of Education Headquarters are referral points of disciplinary cases before they are referred further for decision-making by higher authorities at the Ministry of Education Headquarters. According to Gay (1976), the administration of semi-structured in-depth interview with open-ended responses to questions provides the qualitative researcher with quotations, which are main source of raw data. Quotations from participants reveal participants' level of emotions, the way they have organized the world, their thoughts about what is happening, their experiences and their basic perceptions (Patton, 1990). The task for the qualitative researcher in this case therefore, is to provide a framework within which people can respond in a way that represents accurately and thoroughly their view point about the program. Furthermore, these semi-structured interviews ensure good use of limited interview time and also help to keep interviews well-focused (Creswell, 2004). The interview data was tape recorded in addition to transcribing it in form of written notes. Such interviews were based on issues of policy substance, communication, support, opportunities and challenges in the implementation of the discipline policy in their respective schools.

3.5.2 Focus Group Discussion

Focus Group Discussion was used to get an in-depth analysis of the implementation of the Discipline Policy in the schools from the participants. Creswell (2004) states that focus groups act as key informants who would give specialized information. In this case, the Focus Group Discussion randomly selected students which included five students from junior section and five from senior section of the secondary school. This choice was made to give a balanced view of how implementation of the discipline policy in secondary schools affects students across both junior and senior sections of the schools. Question guidelines were prepared in advance in order to save time and make the discussion more focused (see Appendix 3). In addition to all these factors, the choice of the venue considered confidentiality, exclusion from disturbances and conducive environment where relaxed interaction was ensured. During this session, a high sense of integrity was demonstrated in that I did not take sides neither did I express my opinion to avoid influencing members to the discussion. These sessions of Focus Group Discussions were both tape recorded and transcribed in form of written notes so as to maintain accuracy of the collected data.

3.5.3 Observation

Observation of a discipline committee meeting in session was done at one school despite that prior arrangements were made with all schools. The intention was to do the observation at all the schools in order to have a fair view of how both teachers and students would be subjected to policy implementation in the context of a natural setting at school level during discipline committee meetings.

Observation can lead to deeper understanding than interviews alone, because it provides knowledge of the context in which events occur, and may enable the researcher to see things that participants themselves are not aware of, or they are unwilling to discuss (Patton, 1990). With this in mind, this method of data collection was used to get more insights of technical issues involved in the implementation of the Discipline Policy in a natural setting such as the right to be heard and the right to call for witnesses to the case. An observation guide was developed to act as a guide in the field (see Appendix 4). I planned to make one or two observation sessions per school so that I get a good overview of the implementation of the Discipline Policy in the context of Human Rights.

3.5.4 Questionnaires

In practice, open-ended qualitative interview can be combined with more close-ended, structured interview formats. Usually, the open-ended qualitative interviews help to determine the appropriate questions and categories for closed-ended, structured interviews formats (Creswell, 2004). As in-depth interviews were conducted with head teachers, deputy head teachers and desk officers responsible for secondary school affairs, a quantitative, structured questionnaire was administered to teachers and students because the sample was considered big for qualitative interviewing. The questionnaires for teachers and students were developed and then administered to all ten teachers and twenty students in a school for all the selected schools (see Appendix 5). These questionnaires provided quantitative data describing characteristics such as age, occupation, background and attitude of the teachers and pupils towards the Discipline Policy in schools. Such information was obtained to complement data collected using other methods of data collection as already mentioned.

3.5.5 Document Analysis

A qualitative study of some discipline policy related documents was carried out to triangulate the collected data. The documents analyzed included minutes of discipline committee meetings from the School Discipline File. The aim was to assess whether technical issues like natural justice; the right to be heard; sufficient details of charge and reasons for decisions as stipulated in *Section 43 (b)* of the Constitution of Malawi were taken into account. Some qualitative information was obtained from circulars issued by government on discipline management in schools. Related information was further sought from a catalogue of cases referred to High Court and Ombudsman at the Education Office and the Ministry of Education Headquarters

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3.6 Data Analysis

Data analysis in this study was done as a continuous process throughout. Rossman and Rallis (2003: 271) allude to the fact that in a qualitative research data analysis is an ongoing operation, and that “throughout a study you are describing, analyzing and interpreting data, although different activities may be more focused and instrumental at various times.” Qualitative non-numerical data from the interviews, observation, focus group discussion and related documents was analyzed manually.

Analysis of texts from interviews, observations and focus group discussions began the time I started fieldwork because at each school I tape recorded the interviews and the focus group discussions. Thereafter, I engaged in transcribing the interviews, observations and the focus group discussions.

The emerging themes and insights were then recorded in a diary. In some instances, follow up questions for open – ended interviews were made as stated in the previous sections to clarify certain issues.

After transcribing the interviews, observations and focus group discussions, the reorganized data was read over and over again to familiarize myself with data. This led me to describing trends and determining meaning for the results of these interviews, observations and focus group discussions. At the end of rereading the findings, data was grouped into themes. At this stage coding was done to reduce the data. In coding, words or phrases illustrating one concept were circled and arrows pointing to supporting data were shown. To illustrate this in form of steps how qualitative data was analyzed: first, I had to reread the data notes full of details; second, mentally repackaged these details into organizing ideas; third, constructed new ideas from notes on the subjective meanings or organize the ideas from my point of view as a researcher; fourth, looked at relationships among ideas and then I had to put them into sets on the basis of logical similarity; fifth, organized them into larger groups by comparing and contrasting the sets of ideas; and lastly, reorganized these ideas and linked the groups together to formulate themes. This process made me build from specifics in the notes to overall set of logical relationships.

As a way of activating bracketing in this phenomenological study, at this stage of data analysis, each interview transcript was read repeatedly. I flagged items in terms of their relevance to the general areas canvassed by the interview questions, including the probe and follow-up questions. Textual references which also seemed objectively part of my own remembered experiences albeit within different circumstances and with different

emotional characteristics were also flagged. The flagged items constituted a preliminary list for clustering into topics of significance following the research questions. The common ideas or themes which surrounded the areas of knowledge of the policy, communication to and in school, involvement of stakeholders and appeals and referral of students' cases, were then re-assessed and subsequently identified and clustered by coding them together as major contextual issues. No judgments were yet being made about the characteristics, source or personal consequences of the thoughts and feelings identified as common to the Head teachers' leadership experiences. As part of reaffirming the personal discipline which this entailed, I frequently consulted the Feelings Audit but this was simply to remind myself of where potential for subjective influence or personal bias lay. No formal recording or interpreting of those influences occurred at this stage. I remained alert not to allow my own professional experiences to contaminate the distinctive voice of any of the participants in the research project.

A qualitative analysis of discipline files and other related documents was carried out using policy guidelines as stipulated in the Discipline Policy. The analysis identified whether procedures followed in the schools as reflected in the documents were in line with the demands of the policy guidelines in implementation. The analysis further identified the technical issues followed and not followed in determining discipline cases at school level.

The data in the questionnaire that indicated attitude of the respondents was tabulated representing policy variables of knowledge and content of the policy, communication to and in schools and involvement of relevant stakeholders during implementation of the Discipline Policy in the sampled schools.

3.7 Ethical Consideration

The study sought relevant permission from the authorities. Letters to seek permission to conduct the study were sent to appropriate authorities (Ministry of Education and Education Division Manager (CEED)). Schools to be involved in the piloting of the instruments as well as those to be involved in the main study were consulted in advance after getting consent from their immediate reporting authorities.

Consent was also sought from all participants to the study so that they can spare their valuable time for the in-depth interviews, Focus group Discussions and observation. Participants were assured that the data that was collected was going to be used for academic purpose and no names were required unless a situation arose to do so. And in this matter, the participants were asked to give their consent.

3.8 Trustworthiness of the Research

A question of trust in a qualitative research has been a protracted debate between quantitative and qualitative approaches. Researchers who adopt a positivist, quantitative approach wonder how qualitative research can be objective or unbiased as result of bracketing and epoche mainly in a phenomenological study like the present project study.

Rossmann and Rallis (2003) defend the researchers using qualitative approach in that there is a great volume of detailed written notes, quotes, paraphrasing, and counts which form an organization of the authenticity of sources. Besides a detailed verbatim description of the evidence, it is the way evidence is presented. In a qualitative approach, not all detailed notes in a report are presented but rather spinned in a web of interlocking details that provide sufficient texture and detail for the reader to trust and have a sense of immediacy (Cresswell, 2004). Furthermore, in qualitative research, it is impossible to completely eliminate bias resulting from the effect of the researcher.

Recognizing this human factor does not mean that a qualitative researcher arbitrary interjects personal opinions or selects evidence to support personal prejudices. Instead, a researcher's presence takes advantage of personal insight; feelings and perspective as a human being to understand the social life under study (Gearing, 2004). In order to minimize this bias, the researcher needs to be on guard against the influence of prior beliefs or assumptions when doing research. In this respect, the researcher tells the readers how data has been gathered and how he/she sees the evidence.

3.9 Conclusion

This chapter has covered the research design and methodology adopted. In the first instance, it started by examining the overall research design, methodology and sampling techniques before concluding the chapter by looking at the data collection methods and the way qualitative and quantitative data had been analyzed. The next chapter presents an analysis and discussion of the results of the findings in the study.

Chapter 4

RESULTS AND DISCUSSION OF STUDY FINDINGS

4.0 Chapter Overview

The previous chapter provided the research design and the methodology of data collection and analysis which the study has used. This chapter gives an analysis and discussion of the results of the findings in the study using qualitative paradigm. This analysis and discussion has been based on the data drawn from all techniques of data collection employed in the study namely interviews, focus group discussion, observation, questionnaire and document analysis. These results and discussions are presented in four parts namely: knowledge of and content of the policy, communication of the policy to and in schools, policy implementation and involvement of relevant stakeholders to the policy implementation.

4.1 Demographic characteristics of the participants

The results presented in this study are based on the findings from the four sampled secondary schools of Dowa, Kasungu, Nkhotakota and Salima. The participants to the study in each school were 30 students who responded to the questionnaire and 10 students who participated in the focus group discussion; 10 teachers participated in responding to the questionnaire while a head teacher or deputy head teacher was interviewed from each school. In total for all the 4 schools 120 students responded to a questionnaire; 40 students participated in a focus group discussion; 40 teachers responded to a questionnaire and a total of 4 head/deputy teachers were interviewed.

In addition, a desk officer responsible for Secondary School Education from the Education Division Manager's office and from Ministry of Education Headquarters was interviewed to triangulate the data from head offices to and from schools. In total 2 desk officers (secondary) participated in the study.

Table 1: Participants to the study in each research site by instrument

Instrument	Dowa	Kasungu	Nkhotakota	Salima
Focus Group Discussion	10	10	10	10
Questionnaire to students	30	30	30	30
Questionnaire to teachers	10	10	10	10
Interviews to Head teacher	1	1	1	1
Interviews to 2 Desk officers				

It should be noted that in the ensuing discussion the above mentioned schools have been labeled A, B, C and D in order to facilitate their concealed identification in line with ethical consideration as mentioned earlier.

4.2 Knowledge of the Discipline Policy in schools

A study of rules and regulations of the four sampled schools indicated that they did not differ much from one school to the other. The common rules and regulations, of which most of them are found in the Handbook for Secondary School Administration (MOE, 1980) were in schools A and C pinned on the students' notice boards for all students to constantly refer to them in case they are forgotten.

As discussed earlier on, mere copying of the school rules and regulations from the Handbook of Secondary School Administration (1980) means that most of these rules and regulations have not been made in the spirit of promotion and protection of the human rights. Since this document was published in 1980 as toolkit for Secondary School Administration, the Handbook for Secondary School Administration (1980) document has not been human rights audited so as to reflect the demands of the new political dispensation of the country.

The Education Act Cap. 30:01 emphasizes in an authoritative manner the need for students to follow rules and regulations in schools whether made in the spirit of promotion and protection of human rights or not, as clearly stipulated in section 62(1):

“Every pupil, on entry to any school.... Shall undertake to obey all rules and orders which are given by the head teacher of such a school and which conform with the general directions of the Minister.”

Thus, a student is taken to have accepted the rules of a particular school upon entry to the school and is also deemed to have pledged obedience to the rules and orders given by the Head teacher or any person to whom the Head teacher delegates his or her authority like staff members and prefects or class monitors. In this case therefore, it means that students in all the 4 sampled schools are obliged to follow following the school rules and regulations of their respective schools whose genesis are from the document that has not been human rights audited to stand the test of democratic dispensation.

In –depth interviews conducted with head teachers and their deputies as well as the outcome from the focus group discussions done to students revealed that students know the discipline policy by way of subscribing to the school rules and regulations posted on school notice boards. In school B for example, each student was given a copy of school rules and regulations with penalties for a breach of any of the rules and regulations duly signed by both the student and the parent/guardian. Although in this school, there was no copy posted on the notice board for students to constantly refer to these rules and regulations, the practice of making both students and guardians sign is evidence enough that they have accepted and pledged obedience to the rules of the school. However, this trend can and has created a spirit of blind following of school rules and regulations without questioning their legitimacy as both parties sign at their homes mainly during holiday times only to carry back to school the signed copy when another term begins.

The making of these rules and regulations according to what the Discipline Policy guidelines outline, is an indication that schools have the knowledge of the discipline policy. However, in schools A, C, and D the making of these school rules have not been consultative at all as revealed during the focus group discussion. The school rules were just handed over to students and pinned on the notice boards for schools A and C, meaning that they were just given copies of these school rules with no room for them to comment if they agree with them or not. It was only in school B that the students were asked to submit contributions to their prefects so that school authorities can make school rules and regulations. Despite offering an olive branch to students to give submissions, the making of these norms still remained in the hands of the school authorities.

It was further revealed that although such a chance was offered to students, not even one student submitted a contribution thereby making the consultation process a pseudo in nature. Coupled with this, the made copies of these school rules and regulations in all the sampled schools had terms which were very difficult for students to understand and needed some definitions. Of the four sampled schools, only school D tried to include few key definitions in its rules and regulation. These definitions were made by those who formulated the school rules and read to students by their respective form teachers namely:

- Teasing : making fun of, playfully or unkindly and to worry or annoy with a question.
- Bullying : using one's strength or power to frighten or hurt those who are weaker.
- Truancy : staying away from school without permission.
- Rebellious behaviour: includes riots, demonstrations, strikes, boycotts, without using proper channels.
- Drunkenness: being found in beer drinking places or mere possession of a bottle of beer whether with or without beer inside it.

In the other schools, key terms in the rules and regulations have just become part of the ordinary language in the school system so much that every person assumes everyone knows exactly what the rules and regulations mean. But living by this assumption that everyone including students understands which acts amount to a breach of a norm is not acceptable in a democratic society where one is supposed to fully understand what norms govern them.

In the interest of human rights of students and teachers, it is important that all head teachers, teachers and students know the meaning of the various terms in regulations and rules of their schools. Such a common understanding must also be shared across schools to avoid double standards of treatment of students. Furthermore, the norms as observed in all the sampled schools have not been categorized according to the punishment that is meted out when a breach of a norm has occurs as stipulated in the Discipline Policy Guidelines to schools. The seriousness of the punishment given for a breach of a norm determines the importance of the norm and places it on top of the hierarchy (see Appendix 1).

4.3 Communication of the Policy to and in School

The formulation of a Discipline policy and indeed the making of school rules and regulations is only a first step towards the achievement of discipline in schools. It does not make sense to make rules and regulations without making them known to the people for whom they are made for. The next step is to make them available to the teachers and students who are directly involved in implementing such rules. The Constitution of Malawi which is the supreme law of the land even emphasizes on the importance of making information available to all stakeholders as is provided in section 37 as follows:

“Every person shall have the right to access to information held by the State or any of its organ at any level of Government in so far as much information is required for the exercise of his/her rights.”

School rules and regulations generally act as guidelines for the exercise of some rights by students hence they need to have as much information about the regulations and rules as possible. Relevant circulars in the form of documents and indeed the policy guidelines on discipline in schools and how disciplinary cases should be handled should be sent to schools and indeed be made available for relevant stakeholders to use them.

4.3.1 Structure of Communication

In Malawi, most education policies are generated by the Ministry of Education although some directions may be issued from time to time by the Educational Division Offices. In either case, communication generally flows from the top down to schools. While communication should ravel in both directions, in practice, according to the Desk Officer at Central East Education Division, relatively little information from schools makes its way back through the system. As one Deputy Head teacher said, *“The circulars are just sent out. The ministry feels as if they have sent out policy. No communication goes back up to them.”*

Officially, policy is communicated by written circular from the Ministry to the divisional offices from there to head teachers, who are responsible for communicating the information to the teachers and the students. For teachers, once the head teacher has received a circular he/she places it in the circulation file for all teachers to read and sign confirming that they have read it. For students, communication of policy issues from circulars is mainly done at assembly times which in the sampled schools, are conducted once a week. This hierarchical chain of communication is followed much of the time.

Table 2 below illustrates how different schools became aware of the discipline policy based on the respondents of 40 students in each school to the questionnaire administered on them and those who participated in the Focus Group Discussion. It should be noted that others heard it from more than one source.

Table 2: Means of becoming aware of the Discipline Policy

School	Radio	Assembly time	Word of mouth
Dowa	12	21	34
Kasungu	16	16	20
Nkhotakota	15	12	19
Salima	17	14	20
Total	60	40	75

Word of mouth was the most common means by which participants became aware of a policy, followed by Radio programmes. In most cases communication to schools of policy issues is done through circulars sent to schools where the schools in turn communicate to students at the time of assembly. All students are gathered to hear recent announcements from school authorities and yet in the table are listed to be the least of all the means of policy communication which has been known in schools. Focus group discussion with the students and interviews with head teachers revealed that assembly time is usually short and done only once a week where teachers usually take turns in leading these assemblies. Some of these teachers deliver messages at assembly times without an element of seriousness of the same is lost in the process.

Concerning radio programmes, Plan International Malawi's 'TIMVENI-Mau a Mwana mMalawi' was the most mentioned as effective means of policy communication as it is where different policies concerning rights of children in Malawi might be repeated a number of times. This was a more common means of learning policies than news bulletins where policy pronouncements were only newsworthy at the time when they were first announced.

At the school level, the discipline policy has further been manifested in terms of school rules and regulations. These rules and regulations should also be made aware to those for which they are made for and different methods of communication have been employed.

Only two of the sampled secondary schools displayed their school rules and regulations on the notice boards in an attempt to make the school rules and regulations available to all students and teachers in the school. Yet in school D, there is a tendency of reading their school rules and regulations to all students during assembly at the beginning of each first term. Interviews with school authorities further revealed that the communication of these rules is done only once and at this school they announce these rules at the third assembly in first term with an assumption that all students are present in the school. Once these rules are read, the beginners especially form ones and new students are given copies of these rules and regulations to sign and countersigned by their parents/guardians as witnesses. One major problem is that the signed copies of the school norms take too long to be countersigned by parents/guardians as the sampled schools are all boarding schools where students reside at the school. Students are left with these copies to carry to their homes at the end of the term and bring them in the next term.

Head teachers further reported that some of the signed copies of school rules were misplaced by students in the process. Without signed copies, a student can easily challenge the school authority that he/she was given the school rules and regulations of the school. In schools A, B and C the head teachers and class teachers further read the school rules to beginners only in their respective classes and then made them sign as evidence that they have read and understood the school rules and regulations. Signed copies are filed and kept in the office of the Deputy Head teacher's office to be referred to whenever there is a serious breach of these school rules and regulations. It should be noted that focus group discussions with students in all the sampled schools revealed that signing of these rules by both students and parents/guardians did not guarantee that students had understood their school rules and regulations unless definitions of some terms were explained as was attempted in school D.

4.3.2 Communication to whom

Simply checking who knew of policies, irrespective of what they knew about them, indicated some large communication gaps. Some gaps occurred because policymakers decided to limit their communication on a need-to-be basis. The idea that everyone should know as much as possible about policy changes is uncommon, especially when knowledge could lead to greater power or a larger share of resources. Even when teachers, students and community members had heard about policies, little effort had been directed towards explaining the policy changes to them, why the policy had been created, or how to implement it, meant that their understanding of the policy was minimal.

Table 3 demonstrates how a failure in the communication of a policy to some parts of the school system leads to high numbers of those who receive different punishment as a result of the breach of the rules and regulations. The figures show students on different punishments are taken from one of the 4 sampled schools as extracted from punishment books and other related documents for a period from 2004 to 2006.

Table 3: Number of students receiving different types of punishment from 2004 - 2006 in all the 4 sampled schools

Punishment meted	2004	2005	2006
Internal	476	521	536
Rustication	46	61	78
Suspension	21	46	52
Expulsion	4	2	5

Source: Discipline files and documents at schools, division office and MOEST Headquarters

Table 3 further illustrates that there was an increase in the trend of disciplinary cases in the 4 sampled schools over the period from 2004 to 2006. However, it was also noted in some instances that teachers could not record names of those students given internal punishment. This was mainly found in school D of the sampled schools. Consequently, as indicated in the table above, there was a high number of those students who received internal punishment, rustication, suspended and expelled from school in 2006 because the Education Division Office took a bold stand of suspending 52 students who were ring

leaders in a demonstration and vandalizing of school property where they protested over poor diet in the school which in turn made 5 students excluded from school meaning such students should not be admitted to any government school.

4.3.3 Discipline Policy and Penalties Enshrined

In its policy documents, the Ministry lays down penalties which can be imposed when a student breaches a school norm. For minor breaches there are internal corrective measures which are administered and these are:

- **Counseling**

Most schools counsel their students when they commit a minor offence for the first time. If it is for the second time some schools conduct counseling in the presence of parents and guardians.

In depth interviews, observation and focus group discussions revealed that very little time was given to guidance and counseling students in all the sampled schools. This was further evidenced as lack of timetabling the time for counseling let alone seeking counseling services from other stakeholder. School authorities concluded that students break school rules just as an act of deviance aimed at giving problems to the teachers. In general, it was found out that in almost all the sampled schools counseling and guidance services received very little attention as such were not maximized in use.

- **Warning**

The student is given verbal warning if it is for the first time but if it for the second time a written warning is given to the student and a copy to the parent/guardian.

In school C, an observation was made during a disciplinary committee meeting, in which a student committed a minor offence of not using a footpath in between class and he crossed on the well watered grass garden. The disciplinary committee meeting recommended for rustication to the head teacher instead of mere warning as it was the first offence. The head teacher indeed rusticated the student for two weeks. The school authorities defended this action as a means of teaching other students a lesson never to trespass. Such a phenomenon was not observed in the other schools. Although this was a one off case, but the observation revealed some unfairness in how a whole disciplinary committee can make a student a victim of a serious punishment as a result of emotive decision.

- **Rustication**

If counseling and warning fail and the student offends again, the school resorts to rustication for a period of a week or two. If the student is rusticated for a maximum period of two weeks, he or she should be reported to the Education Division Office.

All the sampled schools use this type of punishment. In Table 3 above 78 students were rusticated in one year. School authorities like this punishment because it allows students go to their homes and bring their parents/guardians. Students do not like this type of punishment because they believe it makes them lose quality learning time the time they are at their homes. This is a violation of the right to education and it is would be justifiable to use this type of punishment only when other avenues have failed.

- **Withdrawal of privileges**

This involves denying a student from the privilege of going out of the school bounds for a certain period or for whole term. This type of corrective measure should not however amount to violation of human rights mostly when its use is not checked.

For example, unreasonable period of detention might amount to violation of the right to freedom of movement. School authorities should use this with great caution as right to freedom of movement can easily be challenged in a court of law. In all the sampled schools not one was mentioned to exercise this type of punishment.

- **Suspension**

Some serious offences deserve suspension from school for a minimum period of three weeks to a maximum period of six weeks. When a pupil is suspended for the maximum of six weeks he or she should be reported to the Division Office with copies to the Ministry Headquarters. Suspension must be justified otherwise it amounts to a violation of the right to education.

In one school, some students who were on suspension for a period of four weeks, ended up serving a suspension of six and others even seven or more weeks as communication from Education Division Manager's office delayed in reinstating the students back to their schools. An interview with the Desk Officer at the divisional office revealed that some head teachers would deliberately delay in sending suspension letters to their offices as a way of further punishing these students who according to these head teachers said were perpetual offenders to them. One head teacher even said: *'if I had powers to completely remove such a student I would have done to this boy (pointing at one boy) who at one time called me names and openly defied my authority. When the discipline committee recommended that he be suspended, I sent him out of the school with a letter to his parents but deliberately delayed in sending one to the divisional office. When their parents came to enquire when their ward was expected back in school, I only told them we are all waiting from divisional office and yet I did not send the letter to the divisional office. Students these days are very difficult to manage'*

- **Expulsion**

This is administered to most serious offences as they attract complete removal from school and such cases must be reported directly to the Ministry Headquarters with copies to the Division Office. This most serious offence must only be imposed where there is no alternative. If it is imposed unreasonably, it would amount to violation of the right to education and the right of every child not to be treated in a manner that hampers his or her development as guaranteed under *Section 23* of the Constitution.

4.4 Involvement of relevant stakeholders

Successful policy implementation and its outcomes should recognize the key role of stakeholders. A stakeholder is defined as an individual or group that makes difference or that can affect or be affected by the achievement of the organization's objectives (Haddad, 1995). Implementation of the discipline policy in schools mainly revolves around the procedure in handling disciplinary cases. The procedure which is followed in handling disciplinary cases has got implications, either positive or negative on the maintenance of discipline in the school. Improper handling of disciplinary cases will infringe the rights of those affected and hence they will seek redress to relevant stakeholders mainly institutions. The notable institutions to which redress can be sought include the courts, the Human Rights Commission, the Ombudsman and the National Compensation Tribunal. An interview with one head teacher in the sampled schools revealed that students and their parents who seek legal intervention in a school discipline matter are regarded as troublesome likely to undermine the authority of the head teacher.

It is treated as common feeling in every reasonable human being that it is unfair to draw conclusions basing on impartial stories without hearing the party concerned in the case and to be biased. *Section 43* of the constitution makes provision for rules of fair procedure when making a disciplinary decision. There are two rules and these are the decision should be made without bias and granting the offender the right to be heard.

It is fundamental that those who sit in disciplinary cases should make their decisions without prejudice. A decision made without bias and with proper consideration of the views of the student affected, will not only be more acceptable by the pupil but will conform to the supreme law of the land.

It is equally fundamental to a just decision that the student should be heard by stating his or her side of the story, whether orally and/or in written form. The right also requires that the student should know and understand the case against him or her.

The student is entitled to know and understand not only part of the allegations but also sufficient details of the breach he or she has committed. This will be easier if there are defined school rules and regulations already in place.

An observation was made of a discipline committee meeting sitting in one school where the committee was hearing a case involving a student who was found out of the school bounds without permission. The accused student was sitting alone in the committee meeting in front of four members of the teaching staff. Despite the fact that the student insisted that he did not go out of bounds, the teachers concluded the case by saying that all of them sitting there could not make mistake and just fabricate the story.

In the end the student was given internal punishment of digging a rubbish pit for the school and not to attend classes until the punishment is finished.

After the meeting, the Deputy Head teacher remarked,

- *‘students these days are fond of cheating and they think teachers can just waste their time listening to them as if they do not have anything to do. Can teachers just hate them? They were once students you know.’*
- *‘human rights have made our administration very difficult and students think they can do anything and not apprehended – no, not at our school here! We do not tolerate nonsense.’*

Such a mindset from the school authorities infringes on the principles of natural justice where ‘the right to be heard’ has been denied as sitting and listening carefully to a student’s case can not just be a waste of time much as they were also like the accused student during their days. The right to be heard requires that adequate notice and sufficient details of the charge should be given before an allowance of cross-examination of witness during the judgment is done. When all is done, reasons for the decision should be furnished in writing to the student as such administrative action affects his or her known rights, freedoms, legitimate expectations or interests. This is also a recommendation from the Discipline Policy Guidelines document issued by the Ministry of Education Science and Technology where the right to be heard is prerequisite.

All cases of indiscipline are supposed to be thoroughly investigated by independent team or persons who can present such findings to a committee which will hear the case.

Investigation helps in finding out the facts of the story thereby enabling the disciplinary committee to make unbiased and impartial decision.

During the hearing of a case, the accused student must be accorded the opportunity to be heard and besides verbal explanation the student must be accorded the right to submit a written report which he/she must sign in conformity with *section 43* of the Constitution because they give the pupil an opportunity to explain his or her side of the story to those who will be involved in the determination. During the oral presentation he may feel intimidated or threatened by the presence of some staff members or witnesses hence the requirement of an additional written report will cater for this anomaly.

A written and signed report in form of minutes is also important for the higher authorities thus the Divisional and Ministry of Education Officials to know the pupil's side of the story. Failure to accord the pupil the right to be heard may invalidate the decision made against the pupil when it comes for judicial review.

The head teacher should always act in a calm manner and should take into account serious consideration about the composition of the committee. The composition should be in tandem with the rules of fair procedure. Non-observance of the rule against bias may lead to invalidation of the decision made during judicial review. Therefore, any person who might be thought or thinks he will, or she will be prejudiced or biased should not be chosen or else he or she should recuse himself or herself.

During the processing of a disciplinary case human rights related to the norm that has been breached should be borne a mind by whoever is involved in the decision making.

The Bill of Rights in Chapter IV of the Constitution is a compilation of human rights norms that pupils follow hence when enforcing such norms, rights which are guaranteed by the supreme law of land should not be violated.

4.5 Appeals and Reviews on Students' Discipline

Documents kept at the Central East Education Division and those at the Ministry of Education Headquarters containing cases of students who had sought redress from other relevant institutions revealed that in almost all cases documented in 2006, the challenge resulted in the exercise of discretionary power invested in school managers and administrators. In these cases, the school managers or administrators either exceeded legal limits of their exercise of the discretionary power or they had abdicated their powers. Yet in some cases, the decision-maker might have abused their powers or conducted the disciplinary case that violated the rules of natural justice.

Checking the documents at the Ministry of Education Science and Technology, there was an interesting case determined by the Ombudsman of a student by the name of a student X depicting an abuse of power by a decision-maker. This student who reported late for school at the material date, the teacher on duty gave the student an inhuman punishment of removing human faeces from one of the classrooms using bare hands. The parents having learnt of this, sought redress from the Ombudsman on the matter on behalf of the student. In his determination, the Ombudsman ruled against the school and in particular the teacher on the grounds of unreasonableness and acting in an improper purpose and bad faith. In return, the teacher was asked to pay for damages caused.

The number of students' indiscipline cases determined by school authorities to institutions the courts, Ombudsman and other institutions indicates that there is a realization that students are aware that a victim of administrative injustice can seek remedy where his/her rights have been infringed. Table 4 below indicates the number of such referred cases in 2006.

Table 4: Number of students who have sought redress from relevant institutions in 2006 from all schools in Malawi

Institution	Students
Courts	8
Ombudsman	10
Malawi Human Rights Commission	2
TOTAL	20

Source: Ministry of Education Headquarters

The figures indicated in the table 4 show that there are more cases referred to Ombudsman than to the courts and Human Rights Commission in Malawi. Some of these cases are not yet determined but the six cases which have been determined have been ruled against the Ministry of Education. A critical analysis of these rulings has shown that the blame has been placed on improper procedure of decision making by the decision makers. It was established in one way or the other that the school authorities exercised the discretionary power beyond its legal limits, or had abdicated it, or abused it or exercised it in a manner that violates the rules natural justice.

In either way, these figures indicate a positive situation in terms of democracy, good governance, human rights and conflict resolution in the sampled schools and in particular the Ministry of Education as a whole.

Teachers and students are suffering in silence although there is still as there is need to have a continued capacity building of all stakeholders in this area of democracy, good governance, human rights and conflict resolution. However, it should be noted that further attitudinal studies can be conducted in the area of democracy, governance and human rights in the school systems to establish whether the failure to administer schools effectively in line with the new dispensation is a result of attitude on both teachers and students in a school.

4.6 Conclusion

This chapter has discussed and analyzed the results of the data collected from the field study. The discussion of these results has centred on four broad themes namely knowledge of and content of the policy, communication of the policy to and in schools, implementation and involvement of relevant stakeholders. Related discussion has been made on teachers' discipline and how victims of a decision have sought redress from other institutions. The next chapter presents a summary of the results and their related factors.

Chapter 5

SUMMARY, CONCLUSION AND IMPLICATIONS

5.0 Chapter Overview

The previous chapter discussed and analyzed the results of data collected from the field study. This chapter presents a summary of the results of the study. It also offers a discussion of the factors that have affected the results, the theoretical, practical and research implications of these results. The practical implications of the study are discussed in a way of making recommendations on how discipline policy in secondary schools might be implemented in the context of human rights.

5.1 Summary of the Study

This study has examined human rights in the school context using data collected from the field trips made to the sampled schools of Dowa, Kasungu, Nkhotakota and Salima Secondary Schools. In outlining the content of the Discipline Policy in schools, the study has discussed and analyzed the practical challenges that the implementation of the policy poses for school managers and administrators in the context of human rights. Answering to the problem statement of the study of whether school administrators and managers can effectively manage and maintain discipline in their schools, the study has shown that it is possible to strike a balance between the promotion and protection of human rights, on the one hand, and school administration and management, on the other.

The theoretical discussion during the literature review showed that studies in the area of discipline in schools and the successful implementation of their related policies is as a result of the participation of a wide range of stakeholders. The literature has further illustrated the importance of the school discipline policy which demands each school to have clearly defined rules and regulations. This facilitates consistency in decision-making thereby ensuring equal treatment throughout strategies and processes in school. In addition, school rules and regulations are easily enforced if the students know why such rules and regulations are required. It has been noted that studies conducted nationally as well as globally on the topic both agree that discipline in schools should be enforced firmly and fairly without bias. As a result punishments given to students should be suitable and relevant to the offence committed, the health, age or sex of the student to be punished.

The findings and results discussed in Chapter 4 have indicated that many participants to this research project knew the discipline policy in practice as translated into school rules and regulations. Therefore, schools need to have clearly defined rules and regulations, and also penalties for their breaches of offences. Students should not be punished without having understood the offence they have committed. The discussion bemoaned the poor communication to and within the schools regarding the discipline policy. Furthermore, the study has also examined other themes like opposition to policy implementation herein examined as part of the political process of groups ‘winning or losing’ a struggle and the involvement of relevant stakeholders like the courts and other institutions.

5.2 General Conclusion of the study

Education and its administration do not happen in a vacuum. The formulation and implementation of educational policies and the administration and management of educational institutions happen in particular political, economic and social contexts. In Malawi, this context is shaped mainly by a constitutional order founded on the values of democratic governance, including the protection of human rights. If head teachers and other managers of secondary schools are to discharge their responsibilities in a manner that is consistent with the prevailing constitutional order, they must base their approach to the handling of teachers, students, parents, other stakeholders and members of the general public on the values of participation, accountability, transparency and human rights. If these principles and their limits are adequately appreciated, there would be no misconception that democracy and human rights undermine discipline and administration in the country.

5.3 Implications of the study

The study has identified several practical implications suggested here as recommendations. They are provided below, first as general issues and then as specific recommendation to the effective implementation of the discipline policy.

5.3.1 General recommendations

- **Consultation with stakeholders.** Policy statements should be drafted in consultation with all stakeholders, especially those at the grassroots level who are either responsible for implementing the policy or affected by it. Consultation may prevent some of the difficulties that have been encountered with existing policies.
- **Human rights audit of legal and policy documents.** All education laws and policies must be consistent with the Constitution. The Constitution itself states that any law or policy that is inconsistent with it is in fact invalid to the extent of the inconsistency. Any education policy or law must therefore not be in conflict with human rights that the Constitution guarantees.
- **Periodic review and study of the effects of policies.** Policies need to be studied periodically at the school level. While they may produce the main effects for which they were intended, they may also produce negative effects that could be remedied and modified for better overall effect.
- **Identification and education of target audiences.** Several of the policies affect varied audiences, not just school staff. When the other audiences are not informed accurately of the meaning of policies, they may undermine their positive effects. Consequently, it is important to identify the other groups involved – parents, students, politicians and others and plan ways to

communicate an understanding of policies to them: for example through PTAs, local meetings, school assemblies , radio and other means.

- **Routine reminders to various target audiences.** One time announcement of a policy is not enough to guarantee that everyone understands and remembers it. As time goes by, misunderstandings become ingrained and implemented as though they were the original intent of the policy. Where it is appropriate, policy reminders should be given at the beginning of each school year, in training materials for teachers and administrators, in reference materials for schools, and in discussions throughout the year on radio programmes.
- **Develop policy reference manual for schools.** Many schools do not receive written circulars of the policy either due to distances from the source or other communication barriers and they therefore have nothing to refer to for accurate information. It is recommended that a policy booklet be developed containing policies and this booklet be reviewed from time to time as new policies come by or existing policies reviewed.
- **Support for policy communication channels.** Support should be provided for radio broadcasts and other related programmes on TV and other media which air and discuss policies. Such programmes appear to be the most common way policies are communicated at present to school officials.

5.3.2 Specific Discipline Policy Recommendations

This study suggests some important recommendations that need to be considered in the existing policy statements which the Ministry of Education, Science and Technology can use in preparing new policy statements.

- **Method of stating the policy.** To avoid confusion and to permit stakeholders to interpret the policy clearly even in exceptional circumstances, it is recommended that the policy should be stated explicitly. An example could be to start with the statement of the guiding principle (result) which the policy is intending to support; recommended procedure of implementation and common interpretations consistent with the policy. The Handbook of Secondary School Administration gives common norms where schools adapt to their situation. This has caused misrepresentation as the adaptation has eroded the human rights touch from their school rules and regulations. It is recommended therefore that the terms in the norms be clearly defined for easy adaptation.
- **Handling of disciplinary cases.** The procedure for handling disciplinary cases involving teachers' discipline has to be improved. If there are allegations against a teacher, there is need that the issue should be properly investigated. Then proper charges have to be formulated stating clearly what the teacher is accused of. The teacher should be given an opportunity to answer the charges, respond to disciplinary allegations, bring witnesses and therefore defend himself or herself on the allegations. If this is done, then fair administrative action will be achieved consistent with the prevailing laws of the country.

- Ensure that disciplinary committees in schools are effective and responsible for handling students' disciplinary cases so that principles of natural justice are upheld. This committee should ensure that the offending student is given the right to be heard where adequate notice, sufficient details of the charge, cross-examination of witnesses and reason for the decision is provided. Let the committee guard itself from the rule of bias and that there should be no vested interest by the decision-maker when passing administrative judgments.
- **Capacity building of relevant stakeholders to policy.** Since the adoption of a democratic system of government in Malawi, there have been a lot of challenges in ensuring that citizens and every other section of society must work on the basis of these democratic principles. One reason why head teachers may either undermine these principles resulting into poor discipline management in schools is due to lack of systematic knowledge of the content and legal basis of the values and principles of liberal democracy. Capacity building in this area is therefore recommended. In doing this there should be stakeholder analysis and well tailored programme of orientation.

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APPENDICES

APPENDIX 1

DISCIPLINE POLICY

According to the Government Circular on Policy Guidelines on Secondary Education in Malawi issued on 1st March 2000 states the Discipline Policy as follows:

Breaches for less important norms only require internal corrective measures and such norms are as follows:

- (i) Truancy
- (ii) Out of bounds
- (iii) Occasional absence from classes
- (iv) Petty theft
- (v) Quarrelling with other students
- (vi) Reporting late for school activities

Then there are serious offences which require suspension but if they are more serious may warrant exclusion from school. The less serious offences which only require suspension are as below:

- (i) Habitual committing of offences requiring internal corrective measures
- (ii) Use of obscene language
- (iii) Indecent behaviour like kissing, being found in pairs in the dark
- (iv) Staying overnight without permission

The more serious offences which warrant suspension followed by a recommendation for exclusion are as stated below:

- (i) Habitual committing offences warranting suspension that is, after committing offences twice in one's school life, the third time should warrant exclusion
- (ii) Immoral behaviour like Lesbianism, homosexuality
- (iii) Smoking of Indian hemp or found in possession of it, or use of hallucinating drugs
- (iv) Bullying and teasing
- (v) Defying authority openly
- (vi) Theft of a serious nature and theft of school property
- (vii) Vandalism like damage of school property
- (viii) Instigating rebellious behaviour like riots, strikes and boycotts
- (ix) Taking part in rebellious behaviour
- (x) Carrying out an abortion
- (xi) Drunkenness

APPENDIX 2

INTERVIEW GUIDE FOR HEAD TEACHERS IN SECONDARY SCHOOLS

IMPLEMENTATION OF DISCIPLINE POLICY IN SECONDARY SCHOOLS OF MALAWI

INTRODUCTORY REMARKS

I am currently conducting an academic research in 4 of the secondary schools in Central East Education Division which will qualify me to an award of a Master in Education Degree at Chancellor College. The research is looking at ‘The Implementation of Discipline Policy Reform in Secondary Schools in Malawi.’ Your school is one of the four schools selected in the research. The information from this research will help policy makers, managers and administrators in the practice of educational management.

I would value your contribution to this process. I would be very grateful if you could spare some minutes to answer to my few questions.

Your answers will fully be confidential and I would encourage you to express your opinions freely.

Thank you for your cooperation.

(1) Substance of the policy

- (a) What is the policy on discipline in secondary schools?
- (b) How did you come to know about this policy?
- (c) Have you ever been trained in issues of discipline management in schools?
If yes, describe the content of the training? If no, how did you know about discipline management in schools?
- (d) Do you know of any current procedures in handling discipline in secondary schools?

(2) Communication of policy

- (a) How are you communicated of the policy issues in your school?
- (b) What means of communication do you use in communicating policy issues to teachers as well as students?
- (c) In your opinion, what would have been the best way to communicate issues of policy to schools, teachers and students?
- (d) Can you comment on the roles of Ministry of Education Headquarters, Education Division and District Education Offices in policy communication?

(3) Policy Reform Implementation

- (a) What is your role as chairperson of discipline committee, in the enforcement discipline in this school?
- (b) When a teacher has committed an act of misconduct, how do you go about resolving it?
- (c) When a student has committed an offence, how do you go about resolving the offence?
- (d) With the advent of human rights, are there any opportunities or challenges in discipline management in schools? Explain.

INTERVIEW GUIDES FOR DESK OFFICERS AT THE EDUCATION DIVISION
OFFICE AND MINISTRY OF EDUCATION HEADQUARTERS.

1. Communication of the policy

- (a) How do you communicate policy issues to schools?
- (b) What type of discipline cases are reported to you from schools/divisions?
- (c) How do you determine discipline cases reported to you from schools/divisions?
- (d) What type of discipline cases are reported to High Court or Ombudsman?
- (e) What role do you play when discipline cases are reported to the High Court or Ombudsman?
- (f) Do have recent discipline cases reported to High Court or Ombudsman and what has been their determination?

2. Implementation of the policy reform

- (a) What is your general assessment of discipline policy reform implementation in schools?
- (b) Suggest any possible ways for effective policy reform implementation in schools with the advent of human rights?
- (c) What are the commonest opportunities and challenges in the discipline policy reform implementation in schools?

APPENDIX 3

FOCUS GROUP DISCUSSION GUIDE FOR STUDENTS IN SECONDARY SCHOOLS

IMPLEMENTATION OF DISCIPLINE POLICY IN SECONDARY SCHOOLS OF MALAWI

WELCOME REMARKS

Let me welcome all of you to this discussion. Our discussion will be based on the enforcement of discipline in our school. I am currently conducting a survey on how discipline is enforced in secondary schools and your school is one of the selected schools in the survey. The purpose of this study is purely academic.

I would very much value your contribution to this process. I would be grateful if you could spare some minutes to fully involve yourself into this discussion.

Your contributions and views will be fully confidential and I would encourage you to express your opinions freely. No names will be recorded in this discussion.

Thank you for your cooperation.

(1) Substance of the policy

- (a) When one of the students has broken the school rules and regulations, what happens?
- (b) What happens when you have been summoned to a discipline committee meeting?
- (c) Do you know any guiding rules regarding the enforcement of discipline in your school?
- (d) What do you think of such guidelines?

(2) Communication of policies issues to students

- (a) How are you communicated of discipline guidelines in your school?
- (b) What is your view of such mechanism of communication?
- (c) Are all students aware of the discipline guidelines in this school?
- (d) What role do school administrators play in communicating procedures of discipline enforcement?

(3) Implementation of the Discipline Policy

- (a) How are you as students affected with the discipline policy guidelines?
- (b) Can you suggest alternatives of how best discipline can be enforced in schools?
- (c) Do the guidelines reflect the demands of human rights of students? How?
- (d) Are there any general comments on how schools generally enforce discipline?

APPENDIX 4

OBSERVATION GUIDE FOR A SESSION OF DISCIPLINE COMMITTEE MEETING

IMPLEMENTATION OF DISCIPLINE POLICY IN SECONDARY SCHOOLS OF MALAWI

ITEM	TICK	REMARK
A ENVIRONMENT 1 Choice of the environment • Relaxed, free exchange of views • Allowance to summon witnesses • Confidential • Allowing to take notes by both • Emotions free 2. Setting • In the office, classroom , building • Only teachers attend the meeting • Ventilation and hygiene		
B. NATURAL JUSTICE • Right to be heard • Adequate notice • Sufficient details of charge • Reasons for decision • Rule against bias		
C. REMEDIES • Internal administrative appeals • Judicial remedies • Ombudsman • Malawi Human Rights Commission		

APPENDIX 5

QUESTIONNAIRE FOR TEACHERS

IMPLEMENTATION OF DISCIPLINE POLICY IN SECONDARY SCHOOLS OF MALAWI

INSTRUCTIONS:

Dear Teacher,

I am currently conducting a research in selected secondary schools of Central East Education Division to look at the implementation of discipline policy reform and the effect this has on school management. Your school is one of the 4 schools selected in this research. The research is pure for academic purposes which will lead me to an award of a Master in Education degree at Chancellor College.

I would value your contribution to this process. I would be very grateful if you could spare some minutes to complete this questionnaire.

Your answers will be fully confidential and I would encourage you to express your opinions freely. As such, please make sure that you do NOT write your name anywhere on this questionnaire.

Please ensure that you answer every question. If you have any difficulties, ask for assistance.

Thank for your cooperation.

A. TEACHER PERSONAL INFORMATION

1. What gender are you? (Tick the box next to the correct answer below)

01 Female		02 Male	
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2. How old are you? ----- years

3. What is your highest academic qualification (Tick the box next to the correct answer below)

Qualification	Please a tick	Code
MSCE		01
Diploma		02
Degree or above		03
Other		04

4 (a) Do you have a teaching qualification? (Tick the box next to the correct answer)

01. Yes (go to 4b)		02. NO (go to 4c)	
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4(b) If YES, indicate which teaching qualification you have by ticking the correct box below.

Qualification	Please a tick here	Code
B.ED or above		01
Dip. Ed		02
PT3/PT2/PT1		03

4(c) If you are not qualified, indicate your status by ticking the correct box below

Qualification	Please a tick here	Code
BSc/BA/ BSOC or above		04
Diploma		05
Other (specify)		06

5. What is your professional grade? (Tick the box next to the correct answer below)

Grade	Please a tick here	Code
F		01
G		02
H		03
I		04
J		05
K		06

6. How long have you been teaching? (Tick the box next to the correct answer below)

Number of years of teaching	Please a tick here	Code
Less than one year		01
1-5 years		02
6-10 years		03
11-20 years		04
21-30 years		05
Above 30 years		06

7. How long have you been teaching at his school? (Tick the box next to the correct answer below)

Number of years of teaching	Please a tick	Code
Less than 1 year		01
1-5 years		02
6-10 years		03
11-20 years		04
21-30 years		05
Above 30 years		06

B. TEACHERS' WORKLOAD AND RESPONSIBILITIES

8. Which class (es) do you teach? -----

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9. According to you school timetable, how many periods are you expected to teach per week? ----- periods per week.

10. Have there been times when you have been unable to teach a class because you have been attending a discipline problem in the school? (For example attending to a discipline committee meeting? (Tick the box next to the correct answer below)

01 Yes		02 No	
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If YES, specify why that was happening or what happened? If NO, specify the reasons why you are not being involved in discipline management in the school?

11. What other responsibilities do you hold in the co-curricular activities of the school? (i)-----

(ii)-----

(iii)-----

12. How relevant are the above mentioned responsibilities to discipline management in the school?-----

C. COMMUNICATION AND INVOLVEMENT IN THE POLICY

13. Please indicate how you agree or disagree with all the following statements about how policy issues are communicated and how involved your with issues of and in particular the Discipline Policy Reform.

Statement	Strongly Agree	Agree	Disagree	Strongly Disagree
At this school, all teachers know the current Discipline Policy Reform				
At this school, the current discipline policy has effectively been communicated to all teachers and students.				
All teachers have access to circulars from the Ministry/ Division offices containing policy issues				
At staff meetings, issues of policy are sometimes communicated to all teachers				
At assemblies, issues of policy are sometimes communicated to all students				
All teachers have been trained in issues of democracy, human rights and conflict resolution as related to discipline management at this school				
When an issue of indiscipline among students, all teachers are involved in resolving the case				
When resolving students' indiscipline cases, students are informed and prepare for their cases				
New information and prompt changes are quickly communicated to all teachers and students by the school administrators				

D. DISCIPLINE POLICY REFORM IMPLEMENTATION

14. Please indicate how you agree or disagree with all the following statements about how the Discipline Policy Reform is being implemented at school level.

Statement	Strongly Agree	Agree	Disagree	Strongly Disagree
Discipline cases for teachers are handled separately from those of students				
Before a disciplinary hearing, teachers are given chance to be heard				
Action taken against teachers on issues of discipline, reasons in writing are furnished to them				
Disciplinary decisions taken on teachers are determined basing on their code of conduct as stipulated in MPSR and TSC regulations				
Students' discipline is handled using school discipline committee				
Students are given chance to be heard				
Students can call witnesses to testify for them both verbally and written				
Students are given chance to appeal against their ruling to other authorities				
Cases of indiscipline are settled consistently without favouring others				
Cases of indiscipline are reported promptly to relevant authorities for their final decision				
Teachers as well as students are innocent until proved guilty				

E. TEACHERS' ATTITUDE TOWARDS THE DISCIPLINE POLICY REFORM

14. Please indicate how you agree or disagree with all the following statements about the attitudes of teachers concerning the Discipline Policy Reform in school.

Statement	Strongly Agree	Agree	Disagree	Strongly Disagree
With the advent of human rights, schools have become difficult to manage				
Students have been given too much power in the current Discipline Policy Reform				
Teachers have been given too much power in the current Discipline Policy Reform				
With the current Discipline Policy Reform, schools have become difficult to manage				
The current Discipline Policy Reform in school has come without our adequate preparation as teachers in school				
There is need for training both teachers and students in issues of human rights as a way of smooth implementation of the policy				
There is a lot of resistance from administrators and teachers about this policy				
Teachers do not favor this policy				
This school can do without this policy				

THANK YOU VERY MUCH !!!!

APPENDIX 6

QUESTIONNAIRE FOR STUDENTS

A. STUDENT PERSONAL INFORMATION

4. What gender are you? (Tick the box next to the correct answer below)

01 Female		02 Male	
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5. How old are you? ----- years

6. In which form are you? -----

7. How long have been at this school? -----

8. How far is the school from your home or the place you live? -----

6(a) Have you been transferred in the last one or two years? (Tick the box next to the correct answer below)

01 Yes		02 No	
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6(b) If you answered YES, then please explain the reason(s) for the transfer (use the space provided below).
