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When a 'ruling alliance' and public sector governance meet: Managing for performance in South African basic education

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Abstract

This paper is one of a series of ESID studies that explore the extent to which the performance of schools can be explained as an outcome of the interactions between, on the one hand, the prevailing political dynamics and, on the other, the characteristics of the prevailing institutional arrangements. The focus of this paper is on the national performance tools in South Africa. When one looks at the arrangements that have been put in place for managing public sector performance since 1994 – across the public service as a whole and specifically within the education sector – they are enormously impressive. But in general these efforts did not translate into strong performance.

This paper explores the hypothesis that the answer to this puzzle can be found in the disconnect between, on the one hand, the technocratic orientation of the performance management systems which were introduced and, on the other, a political environment characterised by strong contestation over policy amongst competing stakeholders in the education sector. It is proposed that policies for managing performance in basic education could best be explained as the outcome of a strategic interaction among three sets of actors – technocratically-oriented public officials in the bureaucracy, teacher labour unions (especially SADTU, as the dominant union), and the ANC in its dual role as the top level of the public sector hierarchy and as the *primus inter pares* within the 'ruling alliance'. In practice, the political strength of organised labour resulted in national policies which, beneath their surface, fell well short of the aspiration of robust performance management.

Keywords: Education, public administration, performance management, New Public Management, political settlements, Whole School Evaluation, integrated quality management system, occupation specific dispensation

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I: Introduction and research approach

Apartheid education was historically designed to provide inferior education for blacks. Prior to 1994 the South Africa education system was characterised by inequality of provision, resourcing, access and quality (Taylor, Fleisch and Shindler, 2008). Since democratisation in 1994, substantial resources have been allocated to basic education in South Africa. So far, however, the results have not matched the resources that have been made available. Historically white, Asian and, to a certain extent, coloured schools have outperformed historical black schools.

The variables that account for this exceptionally poor performance outside the top tiers of the income distribution are many. They include: the apartheid legacy of poverty; illiteracy of pupils; very poor teacher training; apartheid-era curriculum with the specific intent of *not* producing broad-based skills across the work force, large numbers of poor quality institutions – plus some decisions in the first decade of democracy on teacher training and curriculum/pedagogy reform, which unintentionally compounded the weaknesses in these areas. (see Kallaway, 2002; Fiske and Ladd; 2004; Chisholm, 1999; Taylor, Fleisch and Shindler, 2008; Crouch and Vinjevold, 2006; and Spaull, 2013 for a sample of this literature). Each of these variables has strong explanatory power in accounting for the performance failure – but they are ***not*** the focus of the present paper.

This paper is one of a series of studies, funded by the ESID research project,[1] that explore the extent to which the performance of schools can be explained as an outcome of the interactions between, on the one hand, the prevailing political dynamics and, on the other, the characteristics of the prevailing institutional arrangements. Some of the papers focus on the provincial level (specifically the Eastern Cape and Western Cape); others focus on the district and school levels (within the two provinces). (See Annex A for an overview of the overall research design and hypotheses.)

The focus of this paper is on the national level. Specifically, the paper explores the following puzzle. At first sight, when one looks at the arrangements that have been put in place for managing public sector performance since 1994 – across the public service as a whole and specifically within the education sector – they are enormously impressive. Indeed, in the early 2000s, South Africa was hailed as a global leader in the introduction of tools of new public management (Miller, 2005; Cameron 2009; Levin, 2009). But in general, and certainly in the education sector, these efforts did not translate into strong performance.

As Table 1 details, moving below the top tier of schools, the performance of South African basic education is well below that of some other sub-Saharan African countries, notwithstanding per pupil resource expenditures that are five to 10 times as high.

[1] The Effective States and Inclusive Development Research project is a multi-partner effort, led by The University of Manchester, and funded by UK Aid from the UK government.

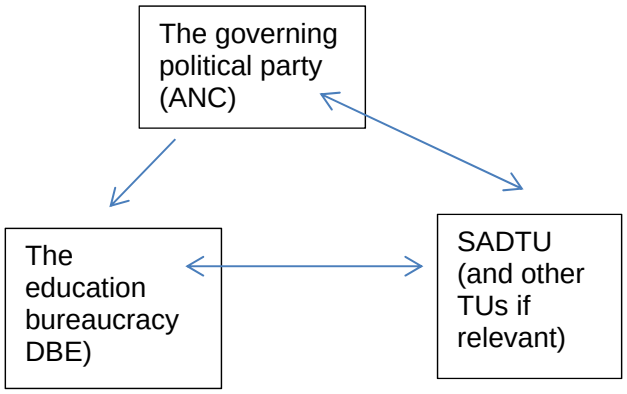
Table 1: Comparative literacy and numeracy across four African countries, 2007

	Reading scores			Mathematics scores		
	Poorest 25%	**Average**	**Richest 25%**	**Poorest 25%**	**Average**	**Richest 25%**
South Africa	435	495	594	453	495	572
Kenya	515	543	593	537	557	593
Zambia	417	434	465	426	435	453
Zimbabwe	480	508	563	495	520	565

Note: Scores for sixth graders on standardised tests conducted by Southern and Eastern African Consortium for Monitoring Educational Quality.

Why is this the case? This paper draws on public administration/education literature in exploring the hypothesis that the answer to this puzzle can be found in the disconnect between, on the one hand, the technocratic orientation of the performance management systems which were introduced and, on the other, a political environment characterised by strong contestation over policy amongst competing stakeholders in the education sector. Notwithstanding the seemingly strong commitment by political leadership to improving public performance, the institutional arrangements in this sector have resulted in efforts to institute robust performance management being heavily watered down. As always, the devil lay in the details, which the paper sets out to explore.

Figure 1: SA's education stakeholder 'triangle'



The ANC has governed South Africa as a 'ruling alliance'. One key partner[2] in this ruling alliance was the Congress of South African Trade Unions (COSATU), and its various affiliates – including, in the education sector, the South African Democratic Teachers Union (SADTU). SADTU actively supported the ANC in the run-up to the 1994 general elections. Some of its most prominent officials stood as ANC MPs, including its president and general secretary (Govender, 1996). SADTU also

[2] The other partner is the South African Communist Party.

requested that all of its regional offices identify potential candidates for the ANC's provincial elections list. It also voted to apply for affiliation to COSATU (Miller, 1993).

The institutional arrangements established for governing the conditions of service in the education sector were both highly centralised and centrally incorporated. As Figure 1 illustrates, the initial intent to introduce performance management in practice has depended on the relative influence of three sets of actors:

- Public officials in the Department of Basic Education (DBE)– within which many champions of performance management were to be found, and who formally take their lead from the Minister of Basic Education and the Cabinet more broadly;
- The union representatives involved in negotiating the conditions of service – both SADTU (the majority union), and other, smaller unions also represented in the negotiating process;
- The ANC in its dual role as the governing political party and the *primus inter pares* within the 'ruling alliance', as well as the shaper of education policy through the DBE bureaucracy.

After the ANC's election into government, SADTU's ability to influence education policy strengthened through securing key positions in the new Department of Education (DoE), the Education Labour Relations Council (ELRC) and the South African Council for Educators (SACE). Thus, both Reg Brijraj, the chief executive officer of SACE, a public entity, and Dhaya Govender, the CEO of the ELRC, are former SADTU officials. Govender (2012) recalls that Thami Mseleku, a former SADTU vice-president, was appointed as political advisor to Education Minister Sibusiso Bhengu in 1994, and later held the position of director-general in the DoE. SADTU leaders Shephard Mdladlana, Randall van den Heever and Ismail Vadi also served as ANC MPs on parliament's Portfolio Committee on Education. In addition, Duncan Hindle, a former SADTU president and also former director-general in the DoE, left little doubt about the strategic importance that an ANC government held for the union, in this interview with Govender (2012):

> We've put our own people in Parliament, in the Department, it's our Minister, our Thami [Mseleku] is advising the Minister ... there was a degree of confidence stemming from the realization that we've finally elected a democratic government, we've got people in Parliament, in the bureaucracies,
>
> and so on ... we knew that our government had our particular view on the issues …

As we shall see, the intentions to introduce robust performance were repeatedly thwarted by the political exigencies of sustaining the 'ruling alliance'.

The paper proceeds as follows. Section II sets the context for the analysis of performance management in education, with an overview of both South Africa's

seeming embrace of performance management, and of the institutional arrangements established for governance of basic education. Section III focuses on performance management in education; it explores in detail what happened en route from the general enunciation of the goals of performance management, to the detailed promulgation of performance measures. Section IV reflects more broadly on the interactions between a country's 'political settlement', its governance arrangements for public service provision, and the observed service provision outcomes.

A central theme of the ESID research programme is that where the political settlement and the governance arrangements are well-aligned, good results can be achieved; but where there is misalignment, the results will be poor. This paper will show that in South Africa there has been a misalignment between the approach to policy at national level for improving basic education, on the one hand, and the realities of the underlying political settlement on the other. The result has been that, for all of their ambitious intent, the national policies may have misdirected attention away from practical options for improving educational performance – and thus complicated, rather than accelerated, South Africa's ability to address effectively the formidable challenges confronting the sector.

II: Setting the stage

This section will set the stage for the paper's analysis of performance management in education, by providing a brief descriptive overview of two key background developments: how a democratic South Africa (seemingly) came to embrace performance management across the entire public sector; and the overall institutional arrangements which were put in place for governance of the public provision of basic education.

Democratic South Africa's seeming embrace of performance management

Table 2 lists some key steps in the establishment of South Africa's performance management system. Why was the South African government so enthusiastic in embracing New Public Management (NPM) reforms? Friedman and Kihato (2004: 142) argue that South Africa, as is often the case in developing countries, adopted fashionable ideas from developed countries, not because they were gullible to the latest trends, but because the fashion seemed to offer local elites a way out of real dilemmas and to provide solutions to real problems. More specifically, the former minister for public service and administration, Geraldine Fraser-Moleketi, stated in a 2008 interview that public service reforms were not influenced by NPM ideology. The government wanted to borrow NPM skills and techniques to modernise the public service without buying into the ideological framework (Cameron, 2009).

Table 2: Some steps in shaping South Africa's national performance management system

Year	Measure
1995	***Labour Relations Act:*** Establishes a public sector co-ordinating bargaining council (PSCBC) for most parts of the public sector
1995	***White Paper on Transformation of the Pubic Service:*** embraces some central tenets of 'new public management'
1998	***Presidential Review Commission of Inquiry on Transformation and Reform in the Public Service:*** deepens commitment to new public management
1997-99	***Public Service Laws Amendment Act, Public Service Regulations and subsequent resolutions in the PSCBC:*** details roll-out of NPM system, including performance contracting
2003	***Senior Management Service Handbook*** *and* ***Performance Management Development System:*** issued by department of public service and administration; lay out framework for performance agreements and assessments of senior staff
2007	***Framework for Managing Programme Performance Information***, issued by National Treasury as a basis for clarifying relationship between budgetary and performance management
2009	***Improving Government Performance,*** report issued by the presidency, as a platform for strengthening performance management at the highest (ministerial) levels
2011	***Management Performance Assessment Tool (MPAT),*** introduced by the department of performance monitoring and evaluation in the presidency, as a flagship tool for improving performance via a structured, evidence-based approach

Transforming the institutional arrangements for basic education

As Table 3 details, within the first three years of South Africa's democratic era, far-reaching measures were promulgated that put in place a comprehensive set of institutional arrangements for the education sector. Looking beyond the specific measures listed in the table, two broad patterns are worthy of note:

- Education was defined in South Africa's intergovernmental system as a shared responsibility – with national government responsible for policy and financing, and implementation delegated to nine provincial governments.
- The terms and conditions of employment of education sector workers were to be negotiated at the national level, in a sector-specific Education Labour Relations Council (ELRC).

As the next section will explore in depth, the last of these turned out to have profound implications for the evolution of performance management within education. It has been pointed out that SADTU successfully lobbied to widen the scope of the ELRC to matters pertaining to teacher performance – all collective agreements in respect of teachers' performance were now negotiated nationally with the unions. SADTU's next target was the inspection system which had existed in all education departments in the apartheid era. Teachers rejected the inspectorate system because it functioned in a coercive manner and enforced compliance with rules and regulations – accountability was geared to the bureaucracy, rather than the education system, with compliance with standard procedures, policy directives and rules (Mosage and Pilane, 2014: 7; De Clerq, 2013). In particular, inspectors were seen as the frontier of apartheid control in black and coloured schools.

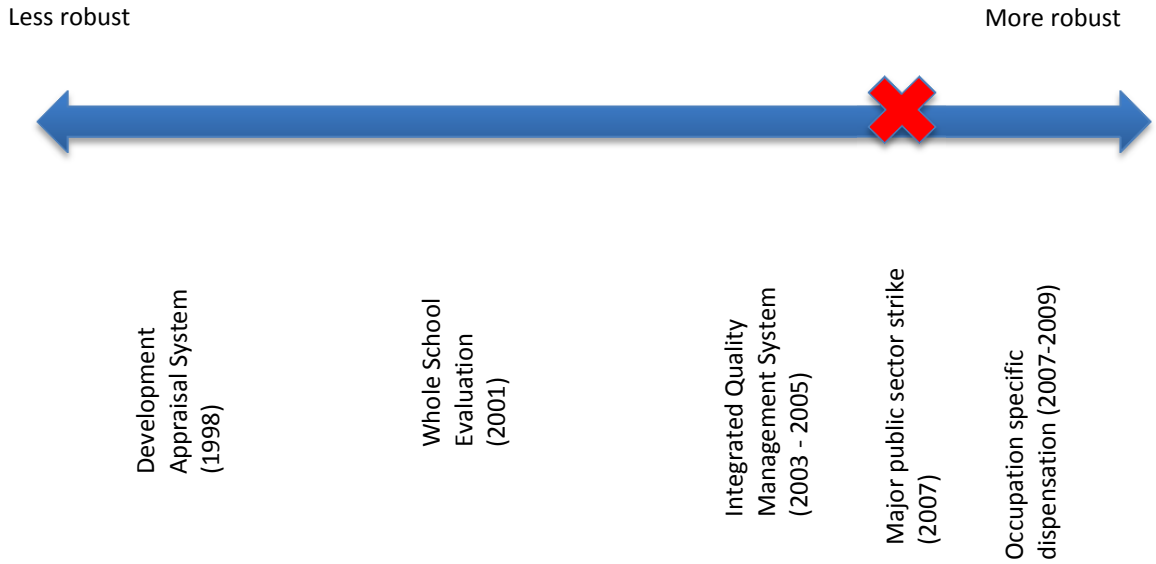
Table 3: Establishing a governance framework for the education sector

1995	***Labour Relations Act:*** Establishes an education labour relations council (ELRC) to manage collective bargaining in the education sector
1996	***National constitution:*** Defines co-responsibility for education between a national-level department of basic education and nine provincial-level departments
1996	***South African Schools Act:*** Details a central role for school governing bodies (SGBs) in school-level governance. SGBs are not involved directly in performance evaluation, but one of their functions is to support the principal, educators and other staff of the school in the performance of their professional functions;
1998	***Employment of Educators Act:*** Deals with appointment, promotion, transfers and other service conditions of educators

III: Performance management in basic education – from vision to practice

As Figure 2 outlines, within a decade after their establishment – and paralleling the broader efforts described in Section II to introduce performance management throughout South Africa's public sector – the new, national-level educational governance institutions promulgated an increasingly robust array of performance management instruments for the sector, resembling a continuum.

Figure 2: Performance management continuum in South Africa's basic education sector



From the start, the influence of SADTU was evident. Consistent with SADTU's preferences, the scope of the ELRC was defined expansively, to include agreements on all issues pertaining to teachers' work (Swartz, 1994; de Clerq, 2013). As a consequence, all collective agreements in respect of teachers' performance were negotiated nationally with the unions. From the start, tensions were evident between the aspirations of technocrats in the department of national (subsequently basic) education and those of the unions. These tensions culminated in a massive strike in 2007 – not only in education, but across the public sector. The next section explores what happened to efforts to introduce performance management into education prior to 2007; the subsequent section considers the far-reaching reforms of the system that were introduced after the strike.

Establishing a performance management platform, 1996-2006

This section considers first the evolution of the negotiated salary structure for teachers (the backdrop to performance management). Thereafter it considers in turn the three performance management measures promulgated successively, as per Table 3, in 1998, 2001 and 2003.

Salary structure for teachers

The transition to democracy in 1994 was followed in short order by a major restructuring of salaries. Teacher salary scales were equalised, so as to bring the salaries of female and non-white teachers in line with those of male white teachers, who had enjoyed a privileged position during apartheid (Hosking, 2000). Salaries thus increased significantly in the mid-1990s for most teachers (Gustafsson and Patel, 2008); or amounted to what Armstrong (2009: 6) referred to as an 'abrupt increase in the unit cost of teachers post-1994'.

As part of this general effort to equalise remuneration, SADTU also bargained for salary compression during the 1990s. This involved advocating disproportionately higher salary increases at the lower end of the scale relative to the higher end. Van der Berg and Burger (2010: 10, 11) explain the motives behind SADTU's salary compression strategy by observing that the organisation supported an effort in 1995 to suspend the use of qualifications and experience-based increments relative to general increases because the latter disproportionately benefited its membership, who were concentrated at lower levels of qualifications and experience, compared to the membership of other unions. The effects of this salary compression are also illustrated in Van der Berg and Burger's (2010: 25) analysis, which, drawing on data between 2000 and 2006, notes that relative earnings of teachers is similar to their private and other public sector counterparts at the age of 22, but are progressively overtaken the longer they remain in the profession, representing a career disincentive. Moreover, the earnings-age profile of teachers is 'flatter' than is the case with private and other public sector workers. As we shall explore further below, in important ways salary compression and performance management turned out to be at odds with one another.

The 1998 development appraisal system

During the apartheid era, performance was managed through an inspection system (which existed across all racially-separate departments). It has been pointed out that teachers rejected the inspectorate system because it functioned in a coercive manner and enforced compliance with rules and regulations.

In response, SADTU and the DBE jointly agreed in 1998 to a new development appraisal system (DAS), to replace the previous fault-finding evaluation of inspectors and school managers. DAS was hailed as a major step in breaking the long-standing impasse between teachers and employers over acceptable evaluation procedures. Instead of linking evaluations to salary determination or working conditions, the plan was to rely heavily on peer evaluation and to focus on professional skill development. DAS is a process for determining how a teacher performs in his/her job and then to establish an appropriate improvement plan. The principle implies that a teacher can only be evaluated once attempts have been made to make him/her more proficient and effective in his/her job. (Fiske and Ladd, 2004: 195; Mosoge and Pilane, 2014: 2-3).

A 2004 study of Fiske and Ladd (ibid.) reported that the early implementation of development appraisal was slow, with teachers having regarded the evaluations as time-consuming and cumbersome. It was pointed out that many of the appraisals were based on casual conversations between teachers rather than classroom observations. Most important, the authors noted, with appraisal having been decoupled from professional advancement, the system was weak.

The 2001 whole school evaluation

The whole school evaluation (WSE) policy was promulgated by the then minister of national education, Kader Asmal, in 2001 (Republic of South Africa, 2001). WSE processes, based on the United Kingdom's OFSTED (Office for Standards in Education), include school self-evaluation, ongoing district-based support, monitoring and development, and external evaluations conducted by the supervisory units. Provision was made for input, social and output indicators which had to be measured. While the policy stated it would not interfere in any way with existing activities and agreements, including the DAS, in practice it shifted attention away from focusing on teacher development towards greater monitoring and control measures over office staff, schools and teachers (De Clercq, 2013).

The WSE policy was promulgated without any consultation with unions. SADTU resisted the introduction of a 'whole school evaluation programme' as 'managerial', 'punitive' and containing 'minimal developmental content for teachers' (SADTU 2009a); it encouraged its members to boycott WSE supervisors and to refuse them access to schools (SADTU, 2002 cited in de Clercq, 2009: 99). Reasons cited for the resistance to the WSE was that it adopted a 'fault finding' approach (de Clercq, 2009: 99); with De Clercq (2013: 43-44) adding in a subsequent article that SADTU's position was that the WSE 'erod[ed] the autonomy of schools and teachers' and conflicted with the teacher-driven spirit of the DAS; amounted to an 'unfairly judgemental inspection system', and failed to take into account underlying causes of poor performance at a school level caused by decades of under-investment and unequal investment by the state. WSE never was implemented on scale, but was superseded by the 2003 IQMS.

The 2003 integrated quality management system

A collective bargaining agreement was reached between managers and the unions in the Education Labour Relations Council (ELRC) (Resolution 8 of 2003) to integrate the existing programmes on quality management in education, into a comprehensive package encompassing the development appraisal system, performance measurement, and the whole school evaluation. This new system was described as a bargained 'compromise' between the state and unions, which combined aspects of previous appraisal systems and which was premised on the principle that 'development had to take place before any summative evaluation' (De Clercq, 2013: 44). Annex B provides further detail on what was included in the IQMS.

The IQMS relied as a first step on self-evaluation by teachers. As Mosoge and Pilane (2014: 9) point out, the teachers are (understandably) reluctant to expose their weaknesses when they complete the performance improvement plans, for fear of losing out on salary progression. The authors conclude that because of this, IQMS completely loses its developmental power. A DBE review of the IQMS found that 'unreliable and invalid' processes were applied to assessing and rating educators; and that this was linked to the involvement of multiple appraisers (including teachers,

departmental heads and principals, peers and district officials) and their potentially 'different interests and agendas' (De Clercq 2008: 13, 14).

Even though it was negotiated collectively, the implementation of the IQMS was met with resistance from teachers who considered this new accountability system to be a 'tough–on-schools' policy aimed at apportioning blame on teachers for the ills of education (Smith and Ngoma-Maema, 2003). SADTU rejected the teacher performance appraisal arrangements, stating that learner performance should not be included as part of appraising educators, and called on the delinking of development appraisal from the IQMS. Indeed, De Clerq (2011 in 2013: 44) reports that poor levels of state support for teacher development 'frustrated unions and teachers so much that they decided to manipulate the IQMS scores to qualify for a bonus'. According to Smith (2013), the reliability of the IQMS has been questioned, due to the vast majority of teachers supposedly 'performing well'. A Department of Education-commissioned report of the IQMS in 2007 pointed to the unreliable and invalid process through which most educators were assessed and given ratings, irrespective of the level of learners' achievements (Class Act, 2007: 10).

A final serious flaw in the IQMS's whole school approach was the absence of any external testing of learner achievement. (Fisk and Ladd 2004: 196-197). During the negotiation process SADTU (and other teacher unions) had raised fundamental objections to national learner targets being included in the IQMS, stating that teachers cannot be held accountable for the performance of learners. In the end, the IQMC agreements reached in the ELRC watered down the IQMS into a weak form of performance management. There was no reference to learners' outcomes. Teachers were not going to be held accountable for the poor performance of pupils.

The continuing challenge of incentivising performance: The case of the 'occupation specific dispensation'

The occupation specific dispensation (OSD) originated from a series of agreements following public sector strikes in 2007. In the years following South Africa's transition to democracy there had been several instances in which salary negotiations between public sector unions and the government had resulted in disputes and industrial action. In 1999 an estimated 400, 000 public employees in 12 unions engaged in strike action over wages and benefits, and again in 2004 around 700, 000 public sector employees went on strike (Banjo and Balkaran, 2009: 120, 121). The 2007 strike was a continuation of a contentious relationship between the state and its employees, which culminated in a 27-day strike by 700, 000 public employees across multiple sectors, supported by 17 unions across all provinces (Banjo and Balkaran, 2009: 120, 121, 129). The strike had a dramatic effect on the government's ability to deliver public services across the country, disrupting health services, border posts, motor vehicle licensing offices, port authorities, deeds offices, immigration services at airports, the payment of social grants, and schooling (Banjo and Balkaran, 2009: 125).

One of the outcomes of the settlement was an agreement by the state to develop a system of differential pay for different levels of achievement, laying the groundwork for occupation-specific conditions of service in which revised salary structures for specific professional occupations would be introduced in order to incentivise performance by attracting and retaining skilled personnel. The OSD proposed by DBE for the education sector was described as the most comprehensive reform proposals for the educator payment system since the widespread changes that took place in the mid-1990s (Gustafsson and Patel, 2008: 5). However, as this section will detail, the OSD that eventually was promulgated in 2009 was very different in its details from the original proposal. As this section will detail, the OSD process thus serves as a case example of the tactical interplay between the state and unions over the terms of performance management.

Initial proposals

A key purpose of introducing an OSD for public sector teachers was to break through what had emerged as a result of salary compression as a poorly incentivised model of career development. The intention was to enhance the attractiveness of a teaching career and enable salary progression, to reward good performance and introduce incentives for experienced and capable teachers to remain in the classroom (Centre for Education Policy Development, 2011: 4). Recognising that such a proposal would be a hard sell to unions such as SADTU, the initiative also comprised a broad salary increase to all teachers and raising the starting salary of newly qualified teachers (ELRC, 2008a: 171).

The OSD proposals made by the DBE included:

- A career pathing model that did not entail automatic increases, but rather systematic increases over pre-determined periods based on specific criteria, such as performance, qualifications, scope of work and experience (ELRC, 2008b: 3(7)).
- Dual career paths where specialists can progress to salary levels equal to or higher than managerial positions (ELRC, 2008b: 3(8)). This career pathing model recognised experience and rewarded performance by making provision for accelerated career progression based on performance, and by developing a specialist career path for teachers who wanted to remain in the classroom rather than assume management positions.
- The inclusion of learner performance with due regard to the socio-economic context of the institutions, as a basis for assessing the performance of educators (ELRC, 2008b: 5(1)(3)(7)).
- Performance agreements for principals and deputy principals (ELRC, 2008b: 5(1)(4)(3)).
- A two-yearly pay progression based on performance as measured by the integrated quality management system (IQMS), with 1 percent for 'satisfactory', 3 percent for 'good' and 6 percent for 'outstanding' performance (ELRC, 2008b: 5(5)-5(6)).

- External moderation of assessments in which 'good' or 'outstanding' performance had been awarded (ELRC, 2008b: 5(6)(8)).

The negotiations process

Negotiations for a collective agreement on the OSD began in the ELRC in September 2007. The proposals comprised a far-reaching departure from the very limited efforts of the IQMS to link pay and performance. Unsurprisingly, despite intense negotiations, in the first phase of negotiations the parties were not able to reach an agreement (ELRC, 2008a: 169).

SADTU strongly opposed the policy in the form initially proposed by the Department of Education. The November 2007 national general council (NGC) meeting resolutions expressed its opposition to the OSD in harsh terms, stating among other concerns that it contained 'empty promises', 'overemphasized performance-related pay', 'rolls back all the gains SADTU achieved heroically since 1990', 'brings back the despised Old Order hierarchy in promotions' and 'attacks Centralized Bargaining' (SADTU 2007). SADTU was also concerned that the initiative would widen the gap between teachers at the high and low ends of the earnings scale, and that whilst the proposal speaks about a recognition of qualifications, it says little about how the DBE will upgrade teachers. The NGC resolved to reject the OSD in its current form and to provide a counter proposal that preserved the favourable conditions of employment by opposing 'any downward variations'. The counter-proposal comprised a broad minimum 4.5 percent increase for all educators, the compression of the salary notch structure, the removal of measures to link pay progression to educator performance, accelerating the pay progression of educators, and opposing separate packages for principals and deputy principals (SADTU 2007).

In January 2008, the director general of the department of education, Duncan Hindle, invited the principals of the trade union parties to explore a resolution on the OSD and this invitation was accepted by SADTU (ELRC, 2008a: 169). SADTU then met with the deputy director general and agreed on a process of facilitation, which, during the same month, resulted in trade unions engaging in discussions to formulate a common position on the OSD (ELRC, 2008a: 169).

In February 2008, a facilitation process began, which included four meetings over the course of a month; however, parties could still not reach an agreement. Over the course of March and April, 'special bargaining' meetings were convened and attended to try to reach a consensus. Eventually, near the closing of the deadline, collective agreement 1 of 2008, 'framework for establishment of an occupation-specific dispensation (OSD) for educators in public education', and collective agreement 2 of 2008, 'special task team' was signed by all parties on 3 April 2008 (ELRC, 2008a: 170).

Collective agreements 1 and 2 of 2008 were the first agreements to come out of the ELRC process that dealt with the OSD and took just under nine months of

negotiations to reach. However, the agreements were adopted only as a framework in which the negotiations could continue. Collective agreement 1 of 2008 committed parties to the principles that the OSD aimed to achieve, and bound parties to certain procedural agreements. Section 4 reflects the core issues which had not yet been resolved and required parties to submit proposals on matters relating to the recognition of experience for salary adjustment purposes; the review of collective agreements affected by the implementation of the OSD and a number of other technical points. Section 4 also commits the parties to the process of negotiating the OSD under a process manager appointed by the ELRC, and binds the parties to submit themselves to the process manager (ELRC, 2008b).

The second round of OSD negotiations began in 2009, during a period when the public sector was once again gripped by strikes, this time because government had repeatedly postponed the implementation of payments committed to in the 2007 OSD agreements, which had particularly affected the health and correctional services sectors (Banjo and Balkaran, 2009: 128). During this time, SADTU members disrupted classes and went on strike for over a week in a bid to communicate their grievances to the government over OSD and related issues; on 9 June 2009 the Labour Court declared the strike by the SADTU illegal and interdicted members from embarking on protests and work stoppages (ibid.)

On 13 June 2009, the Mail & Guardian newspaper reported that, amid tensions around the OSD in the public service, government ministers were 'summoned to a meeting with COSATU at Luthuli House, party headquarters of the ANC, where they agreed to implement the OSD (Rossouw and Letsoalo 2009). The meeting was reportedly attended by Health Minister Aaron Motsoaledi, Correctional Services Minister Nosiviwe Mapisa-Nqakula and DBE Minister Angie Motshekga. COSATU is reported to have told ministers that the implementation of the OSD was 'essential to avert further crippling industrial action'. However, this move does not appear to have succeeded in diminishing tensions around the OSD in education, and in July 2009 SADTU threatened 'rolling mass action' if its demands on the OSD were not met (Mbabela, 2009). The pressure to strike appears to have come from members who believed that salaries would increase in April 2009, but had not yet been paid (South African Press Association [SAPA], 2009). At the same time, Chris Klopper, chief executive of Suid-Afrikaanse Onderwyersunie (SAOU), stated that unions had met outside of the bargaining chamber to establish a task team to help end the deadlock between parties (SAPA, 2009).

The eventual agreement

The OSD impasse finally ended on 14 August, 2009 with the signing of ELRC collective agreement 4 of 2009, 'Finalisation of matters linked to the occupational specific dispensation in education'. It must be noted, however, that SADTU was the only party representing unionised teachers to sign this agreement. SADTU general secretary Mugwena Maluleka hinted at conflict with the other trade unions on this issue by stating that collective agreement 4 was a 'vindication to [sic] other

opportunistic organisations who tried to claim easy victories on the process that led to the signing of the OSD agreement by spreading lies and didn't append their signatures to the agreement' (SADTU, 2009b). The OSD's proposals on performance assessment was clearly one which divided teacher unions, with NAPTOSA supporting performance evaluation linked to pay progression and lamenting the absence of an appraisal system for educators that rewarded above average or excellent performance (NAPTOSA, 2012). This justifies the notion of SADTU as a blocking coalition, *viz*. the OSD process in contrast to other non-signatory unions.

Collective agreement 4 of 2009 notes that the agreement was met under 'an urgent need for parties to conclude discussions and negotiations on matters identified as crucial for the development and provisioning of quality public education' (ELRC, 2009). It also identifies that consensus had not been reached on salary structures for educators, stating that 'there is a need to investigate and research a salary structure applicable to educators in South Africa and to review the remuneration system in education' (ELRC 2009,) and that 'relevant work experience is vital in providing quality teaching' (ELRC, 2009: s3(6)).

Some of the provisions in the agreement included:

- Further investigation of the salary structure for educators in the ELRC;
- Educators' experience will be recognised on the basis of time served, with one salary notch increment awarded for every three years worked;
- A broad salary increase of 3 percent will be paid to all educators;
- The accelerated pay progression of 3 percent for good and 6 percent for outstanding performance be immediately terminated and the savings from this action will be utilised to fund the broad 3 percent increase in 2009 and a 1 percent annual pay progression thereafter (ELRC, 2009).
- The agreement also raised the salaries of educators' on the lowest end of the qualifications scale and awarded a once-off cash bonus of 3 percent of the annual salary notch to senior and master teachers (ELRC, 2009:).

Because the provisions for performance-based increases were terminated, as were provisions to stream educators on separate teaching and managerial career paths, the salary structure that was implemented after the 2009 agreement did not allow for teachers to move with reasonable speed through the salary notches (CEPD, 2011: 4). With 3 percent for 'good' and 6 percent for 'outstanding' removed, the only way that movement up the notch system could be achieved is through annual notch increases, making the possible maximum salary in a band unachievable in an average working life (CEPD 2011: 5). This meant that minimum salaries improved, but that teachers with more experience and expertise were not paid significantly more than entry-level teachers, having the overall effect of compressing the salary system (ibid.).

The final agreement of the OSD is consistent with the diluted practice of performance management exemplified in previous instruments, although this time the stakes were much higher for the DBE and recalcitrant unions such as SADTU. The neutering of the original OSD proposals, which were meant to counteract the career disincentive effect of past salary compression, resulted in the introduction of what was meant as an incentivised carrot-linking salary progression with individualised performance being dismissed by SADTU as a stick which threatened the union's collective action strength.

IV: Conclusion

Figure 1, introduced at the outset of this paper, proposed that South Africa's policies for managing performance in basic education could best be explained as the outcome of a strategic interaction among three sets of actors – technocratically-oriented public officials in the bureaucracy, teacher labour unions (especially SADTU, as the dominant union), and the ANC in its dual role as the top level of the public sector hierarchy and as the *primus inter pares* within the 'ruling alliance'.

As detailed in Section II, almost from the start of the democratic era, South Africa has attempted to introduce robust approaches to performance management of the country's public sector, including of basic education. In practice, the political strength of organised labour resulted in national policies which, beneath their surface, fell well short of the aspiration of robust performance management. Indeed, the result is uncomfortably close to what Pritchett, Woolcock and Andrews (2010) and Andrews (2013) have described as 'isomorphic mimicry' – a set of outcomes that offer a surface appearance of being consistent with international 'best practices', but in practice do little to advance the (seemingly) intended goals.

Beyond the specifics of the South African case, the results also shed light on a broader issue, central to the ESID research programme, as to the relationship between 'political settlements' and the quality of service delivery – to how 'good fit' works in practice. Levy and Walton (2013) lay out a multi-level approach to the concept of 'political settlement' and suggest the following hypotheses:

- The observed outcome is a function of the alignment between the political settlement which prevails at a higher level, and the institutional arrangements which prevail at the lower level.
- Where the higher- and lower-level institutional arrangements are aligned, we can say we have a 'good fit' – and thus the best feasible outcome.
- Where they are misaligned, we can say we have a 'poor fit' – and that there exists the possibility of improving the development outcome by realigning the lower-level institutional arrangements to align better with the higher-level institutions/political settlement.

At the most general level, following Levy (2014), and as detailed further in Annex A, we can characterise a political settlement's institutional arrangements across two

dimensions: whether governance is 'hierarchical or negotiated'; and whether it is 'personalised or impersonal'. Each of the two variables can be viewed as a continuum. As an heuristic device, any given political settlement can be characterised by allocating 100 points across the four cells in Figure 2.

Underlying NPM are some very some strong assumptions as to how a 'political settlement' operates. As laid out in the World Bank's (2004) 'long-route' of accountability, these comprise a set of nested principal-agent relationships governed by tightly specified, impersonal rules of the game in which citizens are principals vis-à -vis politicians; politicians, in turn, are principals vis-à-vis policymakers; policymakers are principals vis-à-vis top levels of the public bureaucracy; and top levels are principals vis-à-vis lower levels. In this idealised version, the great majority of points in Figure 2 are allocated to the top right quadrant.

Figure 3: The 'political settlement' underpinning new public management

Hierarchical	0	80
Negotiated	0	20
	Personalised	Impersonal

Practice, of course, inevitably falls short of this ideal type – so new public management will never be implemented as conceived in its 'best practice' blueprint.[3] Here is the conclusion of a landmark review of public administrative reform in 10 OECD countries – including such noted public management reformers as Australia, New Zealand, Sweden, the United States and the United Kingdom:[4]

> Reform-watching in public management can be a sobering pastime. The gaps between rhetoric and actions … are frequently so wide as to provoke skepticism. The pace of underlying, embedded achievement tends to be much slower than the helter-skelter cascade of new announcements and initiatives. Incremental analysis and partisan mutual adjustment seem to have been very frequent features of public management reform, even if more-than-incremental changes were frequently hoped for …. To launch, sustain and implement a comprehensive strategy for reform requires … a high degree of consensus over what needs to be done, sustained over five-years-plus … informed leadership, both from politicians and top public civil servants … considerable organizational capacity … and a degree of public acceptance. These are seldom all satisfied in the real world of public management reform (Pollitt and Bouckaert, 2000: 88–89).

In the case of performance management of basic education in South Africa, the disconnect between the 'political settlement' presumptions of NPM and the realities of what we observed at the national level are especially stark. Figure 3 is our

[3] It has been argued that performance management in South Africa is less about management reform and more about reasserting new forms of political control over the bureaucracy (Cameron, 2010) hence its inclusion in the hierarchical impersonal cell.
[4] For a classic discussion of both the opportunities and challenges of reform in the United States context, see Wilson (1989).

heuristic summary characterisation of the prevailing South African pattern for national-level policymaking in basic education, using the 100-point scale:

- As per the top-right cell, while the bureaucracy proposed robust performance management measures on the presumption of a 'long route' set of relationships, their de facto influence has been much more modest. As a notable footnote, a presidential commission of inquiry appointed in 2013 to study the remuneration and conditions of service of public servants and educators, which claims it is 'prioritising' the education sector, is effectively revisiting many of the same components negotiated under the OSD. This includes 'sustainable pay progression and performance management', 'skills retention', and 'suitable job classification linked to remuneration' (Presidential Remuneration Review Commission, not dated). Although the Commission is still busy with its deliberations, it is worth asking whether, post the OSD failure, the Commission represents an attempt by the state to reassert a hierarchical/impersonal posture.
- As per the bottom-right cell, the formal rules of the game required that the eventual rules be negotiated with organised labour in the ELRC.
- In practice, at crucial moments, these formal processes stalled. As per the left-hand column of Figure 3, resolving these impasses required intervention outside the formal channels and within the closed doors of the 'ruling alliance'.

Figure 4: National-level policymaking for basic education in South Africa

Hierarchical	15	25
Negotiated	20	40
	Personalised	Impersonal

South Africa's intergovernmental system allocates the responsibility for managing the provision of basic education to the provinces (within the constraints of the policies set at the national level). So it is, of course, possible that a hierarchical, new public management approach to provision might work well in some provinces, though not others; the companion papers on the provision of basic education in the Western and Eastern Cape will shed light on this issue. But, at the very least, the findings of this paper raise the question as to whether, given the realities of South Africa's political settlement, determinedly top-down approaches to performance management comprise a 'good fit' with the prevailing political realities.

Grindle's (2004) *Despite the Odds* explores the diverse ways in which a variety of Latin American countries navigated the generally contentious relationship between government and labour in efforts to reform education. As she shows, conflictual, zero sum approaches all too often resulted in a downward spiral of dysfunctional interactions. Building on both our findings in this paper and Grindle's insights, perhaps, in the South African context, an approach where negotiation was less about a zero-sum contestation over the robustness of performance management, and more

a search for positive-sum, 'win-win' options for engagement between government and labour over education sector reform might yield better results.[5]

[5] In-depth elaboration of win-win options for South Africa's education sector is beyond the scope of our paper. As an illustrative example of what we have in mind, perhaps the area of training/skills upgrading for teachers is a potential win-win-around which government and SADTU could try and build a more collaborative approach.

Annex A: Framework and hypotheses

This annex describes the common conceptual framework used in this and other research papers in the series on the politics and governance of basic education in South Africa. (The series currently comprises this paper; Cameron and Levy, 2016; Hoadley, Levy, Shumane and Wilburn, 2016; Shumane and Levy, 2016 forthcoming; and Kota, Naidoo, Matambo and Hendricks, 2016 forthcoming.) The conceptual framework is based on a broader 'political settlements' framework which is being used to guide the overall Effective States and Inclusive Development (ESID) research programme, implemented under the leadership of the University of Manchester, of which the South African education series is a part. Among the core conceptual inputs into the ESID framework are contributions by: Khan, 2010; Levy, 2014; 2015; North, Wallis and Weingast, 2009; and World Bank, 2004.

The framework

Table A1 below illustrates the framework. It characterises governance arrangements across two dimensions:

- whether they are hierarchical (that is, organised around vertical relationships between 'principals' and 'agents'), or whether they are negotiated (that is, organised around horizontal 'principal-principal'/peer-to-peer arrangements); and
- whether they are based on impersonal rules of the game which are applied impartially to all who have standing, or whether they are organised among personalised 'deals' among influential actors.

Each of the four cells in Table A1 comprises a distinctive 'ideal type' governance platform, involving distinctive incentives, distinctive constraints and risks, and distinctive frontier challenges – both generally and (as in this study) in how education is governed. In practice, any specific governance arrangement is likely to be a hybrid combination of the four ideal-types defined by the cells, with the relative weight varying from setting to setting. One useful heuristic (used in all the papers in the South African series) is to characterise any specific governance arrangement by allocating 100 points across the four cells.

Table A1: A governance typology

Hierarchical	(i)	(ii)
Negotiated	(iii)	(iv)
	Personalised	Impersonal

The Table A1 typology can be used to characterise governance at multiple levels – nationally, at the provincial level, at local levels, and at the level of frontline service provision units. There is no one-to-one relationship between the categories in the framework and a familiar (and sometimes contentious) distinction between centralised and decentralised systems – and it is important not to conflate these very different discourses. (For example, negotiated agreements among stakeholders can

be systematically incorporated into centralised systems. Conversely, decentralised systems can be organised hierarchically at subnational levels.)

The South African education study includes one paper at the national level, two at provincial levels (using the cases of the Western Cape and Eastern Cape provinces); two at district levels; and two at the level of individual schools. As each paper details, the specific interpretation of the cells varies from level-to-level. Further, within each level (and using the 100 points allocation) the relative weights across cells vary according to the specific case being studied.

Hypotheses on how institutional and political context matters

Levy and Walton (2013) suggest specific, researchable hypotheses that follow from the framework and can be used for a multi-level analysis of the governance and politics of service provision. 'Good fit', they hypothesise, can be framed in terms of the alignment between the governance arrangements which prevail at a higher level, and the arrangements which prevail at levels beneath that:

- H1A: where the higher- and lower-level institutional arrangements are aligned, we can say we have a 'good fit' – and thus potentially the best feasible outcome.
- H1B: where they are misaligned, we can say we have a 'poor fit' – there exists the possibility of improving the development outcome by realigning the lower-level institutional arrangements to align better with the higher-level institutions/political settlement.

For the South African national and provincial level education studies, H1A and B translate into the following:

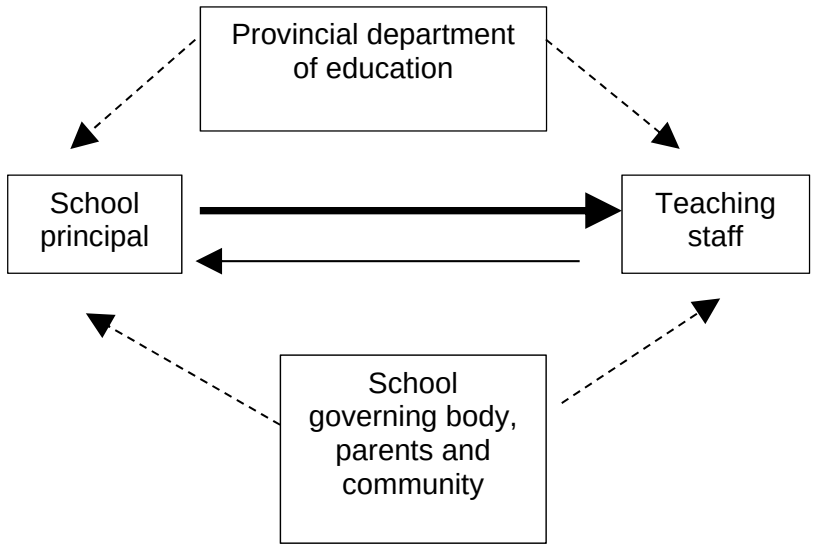
- H2: At South Africa's national level, there has been a misalignment between the (higher-level) background political arrangements (which predominantly fit into the 'negotiated' cells of Figure A1) and the predominantly impersonal-hierarchical logic used as the basis for national-level education sector policymaking. The result has been 'poor fit', and ineffective governance arrangements.
- H3: There are vast differences in the provincial-level political settlements in the Western Cape and the Eastern Cape:
    - The Western Cape political settlement provides a relatively strong basis for 'impersonal-hierarchical' governance of the province's basic education bureaucracy. See Cameron and Levy (2016). By contrast:
    - In the Eastern Cape, the political settlement is disproportionately personalised and negotiated, so 'impersonal-hierarchical' governance arrangements are unlikely to be effective. See Kota, Naidoo, Hendricks and Matambo (2016 forthcoming).

Of course, the goal of the South African education research project is not an assessment of 'goodness-of-fit' per se, but an analysis of the ways in which diverse governance arrangements influence educational outcomes. This brings us to the analysis of school-level governance – both the 'goodness-of-fit' of school-level arrangements with those that prevail at higher levels, and the implications for performance in individual schools.

Figure A1 summarises school-level governance for South Africa's public schools in terms of the interaction between four sets of actors: top-down hierarchical governance via the public bureaucracy; leadership by the school principal; the teacher cadre; and 'horizontal' participatory governance by school governing bodies (SGBs) and other community, union and political actors. Applying the general formulations of H1A and B to the school-level yields the following hypotheses:

- H4: Where public bureaucracies perform relatively well (e.g. the Western Cape) substantial improvements in educational outcomes can be obtained by using top-down performance management systems.
- H5a: Horizontal governance arrangements can serve as partial institutional substitutes – providing accountability from peer-to-peer networks when top-down, hierarchical accountability is weak. And
- H5b: A necessary condition for delegated, horizontal accountability to be effective is that there exists a coalition of 'developmentally-oriented' stakeholders engaged at/near the service provision frontline with sufficient influence to be able to 'trump' predatory actors seeking to capture school-level resources (teaching and administrative positions; contracts; other discretionary resources) for private or political purposes.

Figure A1: School-level governance interactions



These hypotheses are explored in depth at school level for the Western Cape and Eastern Cape in Hoadley, Levy, Shumane and Wilburn (2015) and Shumane and Levy (2016 forthcoming).

Hypotheses on how sectoral context matters

Along with exploring how political and institutional context can affect school-level performance, the school-level research also provides the opportunity to explore a further, complementary set of hypotheses – namely, how sectoral context affects the 'good fit' alignment between governance arrangements and sectoral performance. The 2004 *World Development Report*, following Wilson (1989) and Israel (1987), distinguished among sectors according to the heterogeneity and monitorability of their production activities. Top-down hierarchical governance, they argue, is most effective where production can be standardised, and where the monitorability of outputs and/or outcomes is straightforward. By contrast, where what is produced is more heterogeneous, and outputs/outcomes are less readily monitorable, more flexibility needs to be accorded to front-line production units, with a correspondingly greater role for horizontal ('principal-principal'/peer-to-peer) governance arrangements. Wilson captures this contrast in terms of a distinction between 'production' and 'craft' organisations.

There is substantial controversy among education sector professionals as to what should be the appropriate balance between hierarchical and horizontal governance systems. For over a quarter century, educational reformers the world over have pressed for decentralising control over resources and decision-making closer to the school level. Grindle (2004) provides a detailed analysis of the politics of education sector change in Latin America. Bruns, Filmer and Patrinos (2011) review carefully the micro-level evidence as to the impact of informational and participatory reforms. Pritchett (2013) argues forcefully that, while vertical arrangements continue to be ubiquitous (and on occasion can be effective), all too often they lead education systems down dead ends – expanding 'schooling' rapidly, but with almost no concomitant gains in 'learning'. Put differently, this controversy can be framed by contrasting H4 above with:

- H6: Education is a 'craft' activity, so successful outcomes require a 'zone of autonomy' for frontline practitioners, peer-to-peer learning, and horizontal governance arrangements which delegate responsibility and oversight to participants close to the frontline of service provision.

In the Western Cape (as per H3) impersonal-hierarchical bureaucratic arrangements are hypothesised to function relatively well. Thus the Western Cape provincial and school-level studies provide a good platform for assessing how (even given a broadly supportive political and institutional environment) sectoral context matters – and thus the relative merits of H4 and H6.

Annex B: The integrated quality management system

The integrated quality management system (IQMS) is a voluminous 84-page document which consists of three programmes, aimed at enhancing and monitoring performance. They are:

- developmental appraisal
- performance measurement; and
- whole school evaluation.

The purpose of developmental appraisal (DA) is to appraise individual educators in a transparent manner, with a view to determining areas of strength and weakness, and to draw up programmes for individual development.

The purpose of performance measurement (PM) is to evaluate individual teachers for salary progression, grade progression, affirmation of appointments and rewards and incentives.

The purpose of whole school evaluation (WSE) is to evaluate the overall effectiveness of a school, as well as the quality of teaching and learning.

The IQMS instrument is made up of two parts. One part (made up of four performance standards) is for lesson observation and the other part (made up of eight performance standards) is related to aspects for evaluation that fall outside of the classroom. It needs to be pointed out that these are national performance tools which are binding on teachers in all provinces.

Lesson observation performance standards

This part of the instrument is designed for observation of educators in practice for developmental appraisal, performance measurement and whole school evaluation (external).

(1) The creation of a positive learning environment
(2) Knowledge of curriculum and learning programmes
(3) Lesson planning, preparation and presentation
(4) Learner assessment

Outside the classroom performance standards

The instrument for aspects outside of the classroom:

(1) Professional development in field of work/career and participation in professional bodies.
(2) Human relations and contribution to school development.
(3) Extra-curricular and co-curricular participation.
(4) Administration of resources and records.

(5) Personnel.
(6) Decision making and accountability.
(7) Leadership, communication and servicing the governing body.
(8) Strategic planning, financial planning and Education Management Development (EMD) (pp. 16-17)

There is a four-point rating scale:

- Rating 1: unacceptable.
- Rating 2: satisfies minimum expectations.
- Rating 3: good.
- Rating 4: outstanding.

The rating for educators can be adjusted upwards taking contextual factors into account, such as the lack of opportunities for development, lack of in-service training provided by the district/local departmental office or lack of support and mentoring within the school (p. 20).

In terms of performance management, you have to be evaluated firstly by your superior, i.e. teachers by heads of department, heads of departments by deputy principals and principals by circuit managers and, secondly, by your peers. The unions are not involved in the evaluations: they only get involved if there are grievances and disputes around the process.

Application of instrument

For developmental appraisal, no overall ratings or totals are required.

With respect to performance measurement for purposes of pay or grade progression, total scores must be calculated. The final score (total) is used to arrive at an overall rating.

For the purposes of WSE, it is not required to make judgments about the performance of individual educators. It is, however, necessary to evaluate the school's overall performance in respect of each of the performance standards, in order to enable the school to plan for appropriate programmes that will ensure improvement in those areas that are identified (pp. 20-21).

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