

INVESTIGATION REPORT

**STANGER MANOR PRIMARY
SCHOOL**

INVESTIGATION REPORT

INTRODCTION

This is the investigation report of the allegations about the behaviour of the BEC of KwaDukuza Branch. These allegations surfaced during the visit by KZN Legislature Education Portfolio Committee at Stanger Manor Primary school, under the principalship of Dr. A.P. Narain, on the 19th of May 2022.

BACKGROUND

During the visit of the Education Portfolio Committee on Education, Dr. A.P. Narain made allegations about being held hostage by SADTU KwaDukuza BEC. It is alleged that this happened on the 21st of April 2022 “*Where an unannounced intrusion led by the Chairperson, Mr Gumedo and Secretary Nduduzo Ngcobo with a group of 9 BEC members forced themselves into the school, demanded to see the 3 site members, took them out of the class for over an hour – resulting in classes losing lessons and having other educators to care for them.*” (Principal’s report) The allegations went on to say, “*they then forced themselves into the office of the principal and held him captive.*”

SUSPENSION OF COMRADE NDUDUZO NGCOBO AND OTHER COMRADES

Subsequent to these allegations the KZN Legislature then wrote to the Provincial Secretary of SADTU KZN and this correspondence precipitated the suspension of Comrade Nduduzo Ngcobo, comrade Gumedo and comrade Munhia, and the investigation into the allegations.

THE INVESTIGATION PROCESS

It is regrettable that the investigation task team, composed of Comrade Nobuhle Lekoma, Comrade Simo Mhlongo, Comrade Fana Mthembu and Comrade Mbambeli Blose took more than a year to start conducting this investigation, whereas it was composed immediately after the suspension of Comrade Nduduzo, Comrade Gumedo and Comrade Munhia. However, the revolutionary nature of the organization and the myriad of organizational activities have had an impact in the urgent nature in which the investigation had to be conducted.

The investigation team notes that all suspended comrades complied with the conditions of their suspension until the investigation was concluded.

TERMS OF REFERENCE

There is a lot that the task team was confronted and bombarded with during the investigation, however, it was important not lose sight of the fact that any investigation is subject to its terms of reference. It was not the mandate of the task team to investigate the substantive and merits of the issues that ensued during the discussion that took place between the principal and the BEC or the Site Committee. However, the investigation had to be located with the radius of the allegations as presented to the KZN Legislature Education Portfolio Committee which are the spring board for the suspension of the comrades.

This is in the context that when KwaDukuza BEC visited the Stanger Manor Primary School to engage the school principal, Dr. A.P. Narain, it was doing that with the

delegated powers and the authority of SADTU, therefore, the allegations tabled to the KZN Legislature Education Portfolio Committee had implications to the reputation of the SADTU. Therefore, it is for that reason that the terms of reference are going to be located within the framework of the allegations because it is indirectly alleged that SADTU behaved in such a manner. If such allegations are proven to be true, therefore, it would mean that the behaviour of the KwaDukuza BEC brought the name of SADTU into disrepute, hence, the principal saw it fit to raise it with the KZN Legislature Education Portfolio Committee.

Hereunder are the terms of reference from which the investigation was based:

1. Unannounced intrusion of the BEC into Stanger Manor Primary School which took place from 11:30 to 17:30.
2. A female SMT denied to leave the school such that her child was left in an unsafe public place while the child waited for her to be picked up.
3. Forcing of the BEC members into the school.
4. Demanding of the BEC to see 3 site members, and taking them outside of the classroom for an hour – resulting in classes losing lessons.
5. The BEC forcing themselves into the principal's office and holding the principal captive.

INTERVIEWEES

The interviews took place on 12th of October 2023. It was important to interview all the people who are somehow implicated by these allegations as part of the terms of reference. Therefore, these are the people who were interviewed in the process of investigation:

1. The Principal, Dr. A.P. Narain
2. School Management Team
3. Former Site Steward
4. Current Site Committee
5. Comrade Nduduzo Ngcobo
6. Comrade Gumede

The Principal, Dr. A.P. Narain

The interview was conducted in the principal's office. Notably, the principal had prepared a document for a Portfolio for SADTU and in this Portfolio there was a report written by NATU representative. When the principal was questioned about the relevance of this document as the supporting evidence of the allegations levelled against the BEC, the principal could not come out clearly why he had a NATU Report in the Portfolio for SADTU because it is him who made the allegations against the BEC members not NATU. It was clear that there was no relevance of this piece of document, from NATU representative which he had prepared as part of his evidence.

However, it is worth noting that the last, but one, paragraph of the document by NATU "**Report by NATU Representative on how we were treated on 24/04/2022**" reads thus, "*I, Mrs. N.A. Mdlalose is upset as my child at a neighboring school has to wait for hours for me as it was an unexpected delay. My child was in an unsafe place.*"

This statement contradicts Mrs. Mdlalose's verbal testimony about her child. She left the meeting at 14:30 and this could not have made her child to wait for so many hours that she claimed in the Report by NATU Representative.

The principal claimed that he was not told that the BEC was going visit the school. *The principal had been told, on the day comrade Nduduzo came to release members to attend the CV writing workshop, that the BEC would be visiting him to deal with some issues within the site.*

The principal claimed that the coming of BEC destabilized his planned activities for the day, including a planned meeting with the SGB. This resulted in a meeting stretching as late as 17:00. *There was an inconsistency with time since the report had said the meeting went up to 17:30.*

The principal reiterated that they were hijacked; not allowed to actually move out of the presence of the branch leadership. The branch leadership was loud; the branch was demanding; the branch closed the door; the branch stood against the door.

The principal submitted that even Mrs. Mdlalose who wanted to pick up her child was sitting from 15:00 to 17:00 in a school. The principal said that he pleaded with the branch leadership that Mrs. Mdlalose to be let go to pick up her child.

However, when we had the meeting with the SMT, Mrs. Mdlalose submitted that when it was time for her to go and fetch her child, after 14:30, she just left without any problem. There is no one in the branch leadership who tried to stop her not to leave the meeting.

The principal submitted that he reported the behavior of the branch leadership to the SAPS, but he was not opening a case, and there was no case number. He only got the observation number. However, when the task team requested the principal to provide them with the observation report number, that number was not available.

The principal also got a reply from the Human Rights Commission and they wanted the principal to serve them with the documents from which he was basing his allegations, however, the principal took a personal decision not to pursue the matter any further.

School Management Team

The SMT felt the BEC questioned a lot of management and administrative issues more than they questioned matters related to labour.

The SMT submitted that they were informed by the principal that he was held captive by the BEC and that he sought the attention of the SMT for assistance with regards to many issues that were raised. The principal wanted assistance of the SMT with regards to the questions that the BEC posed to him, of which he had little knowledge.

The SMT submitted that the BEC was adamant they needed answers for everything they asked. The meeting was prolonged to about 17:30 because the SMT did not have knowledge of certain aspects of the questions that were asked.

The SMT submitted that they did not know what had been discussed from the meeting of the Branch with the Site Committee; to the principal, and only after they had been called as the SMT, did they get to know what were the matters of discussion. *This is somehow in contradiction with the captivity, hijacking and intrusion the principal was talking about.*

However, one SMT member was basing their interpretation of the situation from the principal's report; that according to the principal's report, the BEC's conduct was like an intrusion. This SMT member believed that the BEC had not given notice to the school about their visit, hence, to him this was like intrusion. *The interpretation of intrusion on the side of the SMT is based on their limited knowledge about the fact that the principal had actually been notified that the BEC would be visiting the school the following week. It must also be noted that the principal never mentioned the fact that he had denied SADTU members on site to go and attend the CV writing workshop up until comrade Nduduzo immediately paid the principal a visit for him to release members to the CV writing workshop.*

When an SMT member was asked if they were held hostage, he said he would not say so, however, they were held up in the meeting for a long time, without notice.

When the SMT was asked if ever they were prevented to leave the meeting whenever they wanted to leave, the answer was in the negative. Nobody was ever prevented to leave the meeting.

Even Mrs. Mdlalose who had to go to fetch her child just walked out of the meeting and nobody prevented her from leaving the meeting. She left the meeting at 14:30. She just left. She just reported that she was leaving to fetch her child and nobody stopped her.

One of the SMT members submitted that what is captured in the principal's report may be true though they were not there in the principals' office. The fact that he came and called them to assist him, it means something was not right. However, they were not there to see and hear what was happening.

One of the SMT members submitted that she did not like when the BEC wanted answers now! now! now! And they were shocked about this behaviour.

Former Site Steward and Current Site Committee

The branch leadership had a program of visiting sites.

Prior to the Branch visiting the Site the principal had refused to let members to attend the CV writing workshop and the site called comrade Nduduzo about that. Comrade Nduduzo immediately came to school to let the principal release members to attend the CV writing workshop.

On that day comrade Nduduzo notified the principal that the BEC would be visiting the school the following week because it would not be proper for him to use that time to deal with the site issues.

According to the site steward some of the issues that were tabled when the BEC visited the site were:

- Time table and duty load.
- Top-up for the grade R educator(s).
- Gate duty.
- Pass out.
- Class visits.
- Park meetings.

When the former site steward was asked what was his perception of the principal, he said he saw him as someone very flammable; he would shout at you; he was not easy to talk to. Other members of the SEC echoed the sentiments of the former site steward.

They considered the meeting they had with the principal as a cordial meeting.

Comrade Nduduzo

Comrade Nduduzo had been called by the site leadership that the principal was preventing members to attend the CV writing workshop and the principal wanted the site to send a delegate so that that delegate would come back and workshop others. Comrade Nduduzo then decided to immediately pay a visit to the principal. It is on that encounter that comrade Nduduzo notified the principal that the BEC would be paying the school a visit the following week.

When the BEC came back they first spoke to the admin clerk and requested to see the principal. The principal came from his office and he met them and they first requested from the principal to see the site committee so that they could get all the issues from the site before talking to him.

The BEC met with site committee in the library. Some of the issues the site committee raised did not find favour with the BEC.

From the Site Committee meeting the BEC then requested to meet with the principal alone, of which the principal did not like. However, they persuaded the principal and he eventually agreed. In the middle of the meeting the principal changed and he wanted to the SMT to be called. He then requested to go to the toilet of which he never returned to the office but called the SMT and the BEC to the staffroom.

The following matters were tabled:

- Leave matters – members felt the principal was not consistent in handling leave matters. NATU members were not issued with leave forms whenever they attended NATU activities, however, SADTU members would be made to fill in leave forms when they had attended SADTU activities.
- Posting in the staff chat group – the principal demanded teachers to respond quickly whenever he posted in the staff chat group.
- Pass out.

- Gate duty.
- Time table and duty load.
- PPN certificate.
- Class visits and unannounced visit by the principal.
- Prompt meeting that would be convened at the car park.
- Grade R top-up.
- Nutrition.

The following is worth noting:

- Comrade Nduduzo conceded that the biggest issue about the meeting is that it dragged such that it went beyond 14:30, though he could not give the exact time the meeting ended. However, the meeting was cordial such that comrade Hlengiwe joked about the principal wearing a mask that had he not taken it out she would not have noticed how handsome the principal was.
- According to comrade Nduduzo, the principal was not truthful in whatever he reported about. The principal never went to the police station to make a report or open the case. Both comrade Nduduzo and comrade Gumede had gone to two police stations to enquire if it was true that the principal had opened a case against them. They found out that no such a report nor the case had been opened. They also wanted to clear their names from the police because of the allegations that were flying around.
- When the KZN Legislature Education Portfolio Committee visited Stanger Manor Primary School, the principal issued an instruction to the school security never to allow SADTU on the school premises. Comrade Nduduzo had to phone an ANC member that was inside to ask that SADTU be allowed inside as a stakeholder in education.
- The principal's action was rebuked by the members of the legislature for preventing SADTU from being part of the meeting.
- Comrade Nduduzo believed that the principal wanted to cover himself because SADTU's presence in the meeting would expose the principal to the legislature that he had been opposed or did not implement the recommendation of the visit by the previous legislature that the school must also get nutrition programme.
- The principal was also opposed to the children from Monkey town informal settlement to be granted exemption in Stanger Manor Primary School.
- Comrade Nduduzo also believes that the principal was distracting the Education Portfolio Committee by having a big part of his report to be about SADTU because there are a lot of things he was supposed to report about and he had not done those things. Therefore, the report about these allegations about SADTU was a strategic move for the principal to shift focus from his inefficiency and let the Education Portfolio Committee focus on the allegations against SADTU.

When asked about his attitude when he visited the school, comrade Nduduzo said that his attitude was polite. When there was the meeting with the legislature he is the one that was locked outside the school gate.

However, comrade Nduduzo conceded that when the principal prevented the members to attend the CV writing workshop he came to school and he was not playing games. He spoke to the principal radically, and the principal finally released members to attend the workshop.

Comrade Nduduzo was asked direct question which he needed to be answered in the affirmative or negative:

1. Unannounced visit and intrusion

Comrade Nduduzo denied that they made an unannounced visit to the school. The principal knew that they were going to come. He had notified the principal the day he came to sort out the CV writing issue.

2. Forced themselves into the school.

The BEC never forced themselves into the school. During the meeting with the legislature the principal was asked to provide CCTV footage as evidence of such forced entry but none was provided.

3. Demanded to see site members; took them out of class for an hour.

They never demanded to see members. The BEC asked the principal to see the Site Committee to a point where the principal went and prepared the library as the meeting place with the Site Committee.

4. Forced themselves into the office of the principal and held him captive.

Comrade Nduduzo's response was that the principal always locks his office. The BEC went into the clerk's office and the clerk went to the principal's office. The principal then came out and that is where they asked him to see the Site Committee.

According to comrade Nduduzo, the meeting ended after 15:00, although he could not be exact, however, he was adamant that the meeting did not end at 17:30 as stated in the principal's report.

With regards to the PPN certificate he wanted to see if the PPN matched warm bodies as there was a feeling that teachers were overloaded.

Comrade S Gumede

- The principal had prevented members to attend the CV writing workshop and wanted the site to be represented by delegates in that CV writing workshop.

- When they came to school they asked from the principal to see the Site Committee before meeting the principal. Later they were joined by the SMT.
- Comrade Gumede strongly disagreed that the principal was held captive.
- Comrade Gumede confirmed that the teacher who was supposed to go and fetch the child did that without any problem.
- Comrade Gumede submitted he was surprised and shocked that the principal had even written to the Human Rights Commission.
- Comrade Gumede even investigated the rumor that the principals had opened a case against them, of which he found out that there was no case opened against them.
- Comrade Gumede corroborated the fact that there was a branch program to visits the sites.
- Lastly he also corroborated that the principal had instructed the security not to allow SADTU to come in during the visit of the Legislature, though he was not part of the people who were prevented to enter the school because he arrived late, however, when he got inside the meeting, such an issue was discussed.

ANALYSIS OF EVIDENCE

The terms of reference will be the mirror which will be used to analyze the submission of all those who were interviewed. We are aware that we are not dealing with a hearing though allegations leveled at the BEC members as well as the site steward had to be subjected to the *audi alteram partem* rule. We have ensured that those who will be affected by the decision have been heard.

However, had we been dealing with the context of the hearing all those who have allegations levelled against them would have had the chance to face their accusers and be able to cross examine them based on the evidence that would have been provided. Therefore, though they were all given a chance to state their side of the story, this has been devoid of cross examination.

It therefore stands without reason that both the accusers and the accused are bound to maintain their positions because this becomes a competition of integrity. Competition of Integrity is in the sense that the accusers would want to try by all means to sustain their accusation in as much as the accused would work very hard to enhance their defense and dispel any notion that seeks to attack their integrity, given implication to accused's surplus value in terms of the outcomes and possible recommendation of the investigation.

The only tool that is at our disposal in such a matter is the balance of probabilities. What is the likelihood that that these allegations, which are now the framework of the terms of references, did occur?

It becomes very difficult to look at the allegations only in terms of **yes** or **no**. One of the difficult issues to uncover and unmask, from both the accusers and the accused, is their hidden motives. What underpinned the reaction and the allegations by the accuser? What also underpinned the advancement of the accused and their subsequent reaction to that which the accuser is accused of?

Like in any hearing, the accuser bears the burden of proof. Therefore, it is expected that accuser must provide a convincing evidence that alleged act misconduct or transgression indeed took place. This must lie on scale of the balance of probabilities such that the likelihood that such allegations are true, outweighs the evidence that it did not happen.

In this investigation we are dealing with, the accuser is in an awkward position because his evidence, in terms of investigation, is subject to be weighted and tested against that which had been submitted before in the form of written reports to the KZN Legislature Education Portfolio Committee, titled "**Report on Stanger Manor Primary School (SMPS) to the Education Portfolio Committee Meeting on 19 May 2022 by Principal, Dr. A.P. Narain. (Report 1)**

This report is also mirrored against Portfolio for SADTU Province dated 12 October 2023 which contains **Report by NATU Representative – on how we were treated on 24/04/2022 (Report 2)** and a letter to **CES Mr. Z.A. Gumede: CES KwaDukuza Dept. of Educ. (21/04/2022) (Report 3)**

All these documents are about one incident and they are bound to be quantitative in terms of certain physicality. This is more expected in physical quantities like time, number of people, venues at which certain meetings took place, documentary evidence as well as availability of case number versus observation report number. These are quantities which are not a matter of interpretation, which are matter of either or.

Report 1 (Start and finish time of the meeting)

"This unannounced meeting went on from **11:30** to 17:30 and waylaid the set SGB Finance meeting on that day."

Report 3 (Start and finish time of the meeting)

"At about **11:40**, I was rudely interrupted with an unannounced visit by SADTU KwaDukuza Branch BEC led by Mr. S Gumede, Nduduzo Ngcobo and 7 other BEC members including Junaid."

"It must be stated that the unannounced intrusion from **11:00** to 17:30 cut across out most important Budget Meeting of the school's SGB."

All these times i.e. **11:00, 11:30** and **11:40** come from one person indicating when the meeting started and when the meeting ended. The discrepancy on these times cannot be ignored. However, such discrepancy does not indicate that the allegations did not take place or the allegations did. Surely the accuser should have not been so forgetful such that he mentioned so many different starting times. We do not think that this discrepancy is immaterial hence it is alluded in the beginning of this section "**Analysis of Evidence**" that such evidence would have not survived cross examination in the context of the hearing.

Report 1 (Chairperson, Mr Gumedé, and Secretary Nduduzo with a group of BEC members)

“An unannounced intrusion led by the Chairperson, Mr. Gumedé (also a Principal) and secretary Nduduzo Ngcobo **with a group of 9 BEC members** forced themselves into the school, demanded to see three Site members, took them out of class for over an hour – resulting in classes loosing lessons and having other educators to care for them.”

Report 3 (Chairperson, Mr Gumedé, and Secretary Nduduzo with a group of BEC members)

“...., I was rudely interrupted with an unannounced visit by SADTU KwaDukuza BEC (Branch Exec Committee) led by Mr. S Gumedé, Mduduzo Ngcobo and **7 other members including Junaid.**

It is very clear that the Chairperson and the Secretary of the Branch visited the school, however, the discrepancy of how many people were accompanying the Chairperson and the Secretary should not be a contradiction from the same mouth. 7 and 9 is a significant quantity. Again, this does not rule out the possibility of the alleged behaviour, by the two comrades, but it also does not excuse the inconsistency and the contradiction of the accuser in his reporting, especially if such reports would be in print or verbal for that matter. Such reporting is mutually inclusive because Report 1, 9 people are mentioned to have been in the company of the Chairperson and the Secretary and in Report 3, 7 people are mentioned. The question, then, is, why is the other 2 not mentioned in Report 3 and such evidence would have put the accuser as a material contradiction in the cross examination.

Report 1 (Inhumane treatment)

“The most disturbing event in the history of school management took place on the 21 April 2022.”

“I was told they would not leave until I answered 12 questions to their satisfaction. I was not allowed to leave the office. Only on demanding that I was going to the toilet was I let out.”

Report 3 (Inhumane treatment)

“I, Dr. A.P. Narain was forced into my office and held captive by the BEC of the KwaDukuza SADTU Branch. I was not allowed to leave my office....”

“I was held a prisoner; I had to show that I was desperately in need of a toilet and pleaded to exit.”

“.....; this was a bunch of thugs.”

“I met my SMT in the next SMT room and asked them for support. I was asked by the BEC to return to my office. The SMT requested that we meet in the staffroom, since the principal’s office that could only seat 4 people was too crowded for 15 people.

Considering how the principal was allegedly treated, his reaction should be put to the test of the standard of reasonableness. It was reasonable that principal found ways to

get out of the situation considering that he was being held captive, hostage; held a prisoner. However, on the same breath, a reasonable person, given the context and the situation alleged by the principal, would have not only reported the matter to the police but would have called the police to apprehend those who held him captive and hostage. If the BEC had acted as thugs, a reasonable person would have made sure that such thugs are apprehended. The irony is that such thuggery does not have a case nor an observational report number.

A reasonable person would have not met with those thugs, again, in the same school, given the authority, power, information, knowledge and experience to make a decision to act on the inhumane situation the principal was faced with. The decision to ask the SMT to join him in a meeting which he had escaped from, due to the alleged treatment from the BEC, is not acting within parameters of reasonableness. The principal had escaped from captivity, hijacking, prison, jeering and mocking (Report 3) and it does not make sense that he could find himself in same meeting until 17:30 with such ruthless people.

Report 3 (SAPS Report)

“The incident has been reported to the SAPS. The event is on audio tape and reeks of racism and underground activities.”

The report to the SAPS was not available when it was requested from the principal. No case number was provided. Instead the principal spoke about the observation report and unfortunately even the number of that observation report from the SAPS was not provided. The task team requested to be provided with this evidence but was promised to be given the audio tape, however, that audio tape was not forthcoming. This case number; observation number and audio tape would have been a very critical piece of evidence since no one was in the meeting where the principal claimed he had been kept a prisoner, held captive, jeered at, mocked by the BEC. Even the SMT stated categorically that whatever they are saying is based on what was told to them by the principal, and this is hearsay evidence. There is even no footage which shows the intrusion and forceful entry of the BEC into the school premises.

Report 1 (A female SMT member had to pick up her child)

“One female SMT member had to leave her child in an unsafe public place while the child waited for her to be picked up.

Report 2 (A female SMT member had to pick up her child)

“I, Mrs. N.A. Mdlalose is upset as my child at a neighboring school had to wait **hours** for me as it was an unexpected delay. My child was in an unsafe place.

Investigation Audio Recording (Stanger Manor SMT: 23:29 – 24:18 minutes)

- Cde Blose: *Chair! Chair! Chair! The other thing....I think this....this detail is important...that ehml....under normal circumstances....mam....at what time would you leave school to go and fetch your child.*
- Mrs. Mdlalose: *Half past two.*
- Cde Blose: *Half past two.....so that's 14:30.....On that day....you left at what time?*
- Mrs. Mdlalose: *From quarter to....that was quarter to three.*
- Cde Blose: *Quarter to three.....so there was about 15-minute delay.*
- Mrs. Mdlalose: *Mhh!*
- Cde Blose: *Ok*

Here we have three versions of same incident, that of Mrs. Mdlalose fetching her child after school. Report 1 seeks to portray how the BEC affected the safety of Mrs. Madlalose's child by their visit at school. And this is from the principal.

However, Report 2, from Mrs. Mdlalose herself, reports the extreme and the extent, in terms of hours, to how much her child was left stranded.

On the same breath, when Mrs. Mdlalose was interviewed, it was clear that she was not prevented to leave the meeting. She simply stood up and reported that she was leaving the meeting to fetch her child. In fact, she left the school at 14:45. It must also be considered that even in normal circumstances the school ends at 14:30 and it is reasonable that no educator would be expected to leave the school premises exactly at 14:30 considering that teaching and learning terminates at this time. Therefore, given this evidence, there was no significant or material delay that Mrs. Mdlalose suffered because of the visit of the BEC.

The contradiction and the inconsistency in Mrs. Mdlalose's report (Report 1) and her submission in the interview (Investigation audio recording) leaves much to be desired. It is concerning that one person can report one incident but have chameleon facts about the same incident. Again, had this been a hearing, it would have been very difficult for Mrs. Mdlalose to reconcile such divergent facts, under cross examination.

Comrade Nduduzo's and Comrades Gumede's Submissions

It is clear that the branch had a programme to visit all the sites and Stanger Manor Primary is one of the sites within the branch that was due to be visited. However, the refusal of the principal to allow members to attend a CV writing workshop triggered comrade

Nduduzo as the Branch Secretary to come to the defense of members who would be compromised in terms of knowledge acquisition and be deprived capacity building in navigating through these highly contested processes of promotion posts.

Comrade Nduduzo conceded that when he came to the school he was radical and militant in reaction to the reactionary stance that had been taken by the school principal, to prevent members from attending CV writing workshop. However, they eventually found each other with the school principal which culminated to the notification that the BEC would be visiting the school the following week.

It is common cause that there are a number of issues that were discussed on the day. These issues are in Report 1 and Report 2. The very same issues were corroborated by the site steward, comrade Munhia, during the investigation.

When, as the Task Team visited the school to conduct the investigation, we were also subjected to the internal protocol in accessing the principal. This is standard protocol that would apply to anyone who wants to communicate with the principal. Conducting the investigation at Stanger Manor Primary was also *inspection loco* by default.

Having been in the environment which it is alleged that the BEC held the principal prisoner, hostage and captive, including showering him with the jeering and mocking, it difficult to comprehend how such could have found expression in the environment of Stanger Manor Primary, given the proximity of the principal's office and the administrative clerk or reception area. Surely a reasonable clerk should have heard what was going on in the principal's office and made means to ring the alarm to other SMT members, including crying for help on behalf of the principal's rescue.

It is very important that holding the principal to account on his management and leadership style must not be confused with holding the principal prisoner, hostage and captive.

It came out clearly on the side of the SMT members as well as the principal himself that they were uncomfortable with some of the issues that were raised by the BEC because they believe that it was not their place to question such issue. The principal is the representative of the employer at a school level and the union has a constitutional right to represent its members. The Labour Relations Act, 66 of 1995 in section 14(4) and section 16 gives the right to the trade union representative to perform certain functions and disclosure of information by the employer, respectively, so that the union representative will be able to perform it functions.

Anything that affects the workers is the function of the trade union. Therefore, it is a misplaced misconception that the union must not engage the school principal on management issues but rather deal with labour matters because principal's management and leadership style becomes a labour matter. None of the issues which formed part of the engagements between the BEC and the principal did not affect workers.

2nd VISIT TO SATANGER MANOR PRIMARY SCHOOL (15/11/2023)

It appeared that the information gathered on the first visit to Stanger Manor Primary was not sufficient to make conclusive findings and responding to the terms of references. Therefore, it was imperative that a second round of investigation to be taken so that the task team would be in a position to make conclusive findings on the investigation.

This was imperative because it was apparent that there had been attempts on both side, that of the principal and that of comrade Nduduzo and comrade Gumede, together with the site committee, to provide information that depict a non-blemish picture. Hence, the second visit was imperative so that the task team could make further make assessment and close any gaps that could have created by information deficiency on certain areas, lest inconclusive finding be reached.

ADMINISTRATION CLERK

On this day the principal was not at school and the task team spoke to the admin clerk. According to the admin clerk, the BEC came announced at the school. This unannounced visit, according to the clerk, could mean that on that particular day. However, it does not dispel the fact that when Cde Nduduzo came to release members to attend the CV writing workshop he had indicated to the principal that the BEC would come back, but did not mention a specific day.

When she was asked about the security guard and the CCTV cameras, she responded by saying that the security guard no longer worked the school and the CCTV cameras were not working. It was clear that the school was not in possession of any evidence of forceful entry since the cameras were not working.

DEPARTMENTAL HEAD

There isn't a lot of information the task team got from the Departmental Head other than what got from the first visit. However, it came out clearly that there were no classes who left unattended during the day the BEC was on site.

PORTFOLIO CONVENOR

The task team had no intention of reopening the interview with the site committee members, however, the Portfolio Convener accidentally showed up at the administration block, whilst the Task Team was still in the principal's office.

The Portfolio Convener made it categorically clear that the BEC came school and did not even call the site committee and gotten the site issues as the former site steward and Cde Nduduzo had claimed. The BEC came on site and engaged the principal and the SMT without first getting the issues form the site committee. She said that it was very difficult for her to come and repudiate the former site steward's lies during their first interview the Task Team. The former site steward was misleading the Task Team when he said that the BEC had first called the site committee before speaking to the principal and the SMT.

It was apparent that when the Task Team went to Stanger Manor Primary on the first visit, it was dealing with rehearsed responses on the side of the former site steward and Cde

Nduduzo and Cde Gumede. Even though, like in disciplinary hearing, the former site steward, Cde Nduduzo and Cde Gumede, had not taken an oath, however, there was no reason for them to send the Task Team on a decoy of misrepresentation of facts.

Such lies tilted the scale of balance of probability with a huge margin such that it becomes very difficult to comprehend what percentage of the volume of information they had provided was actually authentic and which was fabricated.

This small piece of information, from the site portfolio convener altered the perception of the and created disjoint in narrative of both BEC members and former site steward.

ILEMBE DISTRICT OFFICIALS

Mr Z Gumede (CES)

Mr Gumede confirmed that the Principal had tried to contact him about the incident that had taken place at Stanger Manor Primary. He also confirmed that the matter surfaced at the visit of the legislature but it had already been reported to the legislature even though the Principal had included it in his report.

Mr. Z Gumede did not agree with the fact that the principal had been rebuked by the legislature for having locked Cde Nduduzo outside, as per the principal's instruction, as it was claimed by Cde Nduduzo in his input at the Regional Office. However, according to Mr. Z Gumede, it was somehow mentioned, in passing, that what is reported by the principal does not portray SADTU in a good light and it needed to be attended.

Mr. Z Gumede denied that Cde Nduduzo and Cde Gumede had been subjected to a disciplinary process as it was alluded by Cde Nduduzo and Cde Gumede.

District Director

The District Director was clear that the matter had been reported to the Department even before the visit by the legislature, though the matter was also part of the principal's report. The Department had also made its own investigation and decided to wait for the organization to conduct its own investigation. The District did this because it was careful in not contradicting the organization. Though, the District had a prerogative in taking the action, however, the District wanted to wait for the organization to conduct its investigation and then make its own assessment from what action would have been taken by the organization.

Though, the District Director did not disclose the findings of their investigation, however, it was apparent that their findings were not in favour of Cde Nduduzo and Cde Gumede. The District would not have waited for the organization to conduct its own investigation before it could take a decision to act on its finding. Had the Districts' investigation cleared Cde Nduduzo and Cde Gumede, there wouldn't be any reason for the Department to wait what would be the findings of the organization's investigation because their findings would not have required the department of education to institute any disciplinary action.

FINDINGS

1. There was no evidence that branch had a programme of visiting sites and Stanger Manor Primary School was one of the sites that would eventually be visited by the BEC.
2. The principal had prevented SADTU members from site to attend the CV writing workshop and this antagonized members, and as a result members sought protection from the branch leadership. This resulted to comrade Nduduzo coming to school to ensure that eventually members got the training they needed in applying for promotion posts.
3. The branch visited the school and requested to speak to the principal and the SMT. The BEC never had a meeting with the site committee first before engaging the principal and the SMT. The former site stewards and Cde Nduduzo and Cde Gumede misrepresented information when they said that they first had a meeting with the site committee before speaking to the principal and the SMT.
4. At a certain point in the meeting the principal did ask to go to the toilet of which he got a chance to call Mr. Z.A. Gumede (CES). However, he could not get hold of Mr. Gumede. From there the principal went to ask for the assistance of the SMT to support him in the meeting he had with the BEC, of which the venue was changed from the principal's office to the staffroom.
5. The District conducted an investigation on the matter and decided not to act on the findings pending the investigation by SADTU.
6. There was no case number of the incident though the principal said he had reported the matter to the police station.
7. We could not get the audio recording the principal claimed he had as evidence of the behaviour of the BEC.
8. There was no footage of the forced entry of the BEC whereas the school had CCTV cameras. Even during the meeting of the Legislature Education Portfolio Committee that footage was not available.
9. The Principal, Dr. A.P. Narain, has since withdrawn the matter from the Human Rights Commission. He took a personal decision that he was no longer prepared to pursue it.
10. Mrs. Mdlalose left the school at normal time to fetch her child. The delay she suffered because of the meeting was in a range of 15 minutes not hours.
11. There was no clear agreement about when the meeting ended. However, it was apparent that the meeting went far beyond the normal school closing time.

RECOMMENDATIONS

This is where, finally, the Task Team, converges, that on the balance of probability, Cde Nduduzo and Cde Gumede failed to conduct themselves in line with what is expected from responsible leadership in engaging the department of education at a school level. Their visit to Stanger Manor Primary School was antagonistic towards the principal and the SMT and unnecessarily displayed power differentials thus bringing the name of the organization in disrepute.

Their audacity to misrepresent facts to the Task Team, was actually lying to the PEC itself as this Task Team was mandated by the PEC to conduct this investigation. The Task Team introduced itself as such to Cde Nduduzo and Cde Gumed. As REC members they knew that they were not only lying to the Task Team but they were actually lying to the PEC.

The matter is referred to the Provincial Disciplinary Committee.