

Guest Editor's note

Sec. 29 of the Constitution of the Republic of South Africa guarantees the right to education. Education Law is a fairly new and developing legal field that aims to give effect to this constitutional imperative. The South African Education Law Association hosts an international conference annually. Some of the contributions of these conferences as well as other Education Law-related contributions are published in this edition of the Journal for Juridical Science. This edition includes a wide variety of topics on Education Law and showcases the need to develop this exciting field of law.

In **“Competent educators in every class: The law and the provision of educators”**, Johan Beckmann examines the poor performance of the South African education system. He indicates that one should most likely blame the poor quality of educators for the substandard performance of the system. The literature is clear that interventions such as new curricula, smaller classes, and the introduction of technology do not, as a rule, impact on the system as much as replacing poor teachers with average or competent teachers does. He examines the legal mechanisms that are in place to help ensure the recruitment and retention of average or good teachers. He also finds that appropriate mechanisms are in place, although these can be improved, enforced and applied better. In conclusion, he makes some practical recommendations about how the law could be used better to ensure that there are at least average or competent teachers in every class.

In **“Organisasie vir Godsdienste-Onderrig en Demokrasie v Laerskool Randhart et al.: The right to freedom of religion, diversity and the public school”**, Shaun de Freitas and Georgia du Plessis confirm the importance of the High Court's judgment in support of the non-exclusion of belief in public schools. More specifically, the said court was of the view that diversity necessitates a public school not to promote or allow its staff to promote that, as a public school, it adheres to predominantly only one religion to the exclusion of others, as well as from holding out that it promotes the interests of any one religion in favour of others. Bearing this in mind, this article furthers an understanding of inclusivity by presenting insights that may still be of a marginalising nature towards the accommodation of religion as a substantive category of belief in the public sphere. This needs to be understood as also allowing for inclusivity regarding forms of expression that, although not reflective of a specific religion, are reflective of religion (in the traditional sense) in a generalised and collectively representative manner. This contributes towards the advancement of diversity and a reminder to all the relevant role players to play a constructive role in this regard.

In **“The complexity of teacher-targeted workplace bullying: An analysis for policy”**, Lynette Jacobs and Corene de Wet provide new insights into

the multifaceted problem of workplace bullying of teachers in South African schools and beyond. Teachers in South Africa experience bullying in their workplace at an alarming rate; they are bullied not only by their peers and other adults, but also by learners. While the vast majority of schools have adopted an anti-bullying policy for their learners, no clear policy guidelines exist on teacher-targeted workplace bullying. Jacobs and De Wet provide comprehensive information towards a policy that could address the problem of workplace bullying in schools. They suggest that such a policy could also create a greater awareness of the problem.

In “**The role of school social workers in giving effect to children’s right to education: A legal perspective**”, Roelf Reyneke explores the role of the school social worker from a policy and legal perspective, in enhancing quality basic education. Social workers play an increasingly important role in schools to address the growing levels of dropout, psychosocial problems, violence, and poor academic performance of learners. He convincingly argues that school social workers could support schools to respect, protect, promote, and fulfil the learners’ right to a basic and quality education. With reference to the international benchmark that education should be available, accessible, acceptable and adaptable (4A framework), he contends that the interventions of social workers could contribute to the improvement of education. In conclusion, he makes some practical recommendations about the responsibilities of the school social worker at the different levels of the 4A framework.

In “**Educator professional security in public schools over the past decade: A meta-synthesis**”, JP Rossouw and Elmaré Mong focus on educators’ right to professional security from a fundamental rights and labour law perspective. Their comprehensive investigation includes a wide spectrum of educators, foci, and research sites. Considering regular criticism against educators, this contribution provides insight into the flipside of the professional experiences and security of educators. The authors highlight the influence of corruption, politics, dysfunctional schools, unions and incompetence at departmental level. Their meta-synthesis of the empirical data indicates that educators’ rights are not adequately respected, protected, promoted, and fulfilled, thus impacting negatively on the quality of their professional security and, ultimately, on their service delivery. This is exacerbated by educators’ lack of legal knowledge, which creates uncertainty, undue risks, unnecessary liability, and uncertainty. They conclude that adequate legal knowledge can improve the professional security of educators.

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