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# Learner performance at the School of military justice (SoMJ)

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# LEARNER PERFORMANCE AT THE SCHOOL OF MILITARY JUSTICE (SoMJ)

Research Report

Presented in partial fulfillment of the requirements for the Degree on Masters of Management in the field of security (MM-S) to the

School of Public and Development Management (P&DM)

University of Witwatersrand, Johannesburg

By

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30 May 2013

## DECLARATION OF ORIGINALITY

I, the undersigned Maria Mmotsi Make hereby declare that the work contained in this research Report is my own original work and that I have not previously in its entirety or in part submitted it to any University for a degree.

Signature

04 JUNE 2013

Date

## ABSTRACT

**The first key to wisdom is this - constant and frequent questioning, for by doubting, we are led to question and by questioning we arrive at the truth (Pierre Peter Aberlard).**

The purpose of this study is, to investigate possible contributory factors to poor learner[1] performance at the School of Military Justice (SoMJ) on Advanced Military Law Course, the trend that was noticed after the implementation of Outcome-Based Education (OBE) in 2009. The determination of the nature of challenges that might contribute negatively to learner performance at SoMJ will be concluded. My hypothesis is that since the accreditation of SoMJ as a service provider and implementation of OBE, a trend of poor learner performance has been noticed. This might impact negatively on the South African National Defence Force (SANDF) and ultimately poor performance at the workplace.

A qualitative method was used, the reason being qualitative method will describe social reality from the point of view of participants within the system studied as well as supported by the relevant data collected. A qualitative phenomenological method to prove the hypothesis of this study was conducted. One-on-one semi-structured interviews corroborated by analysis of document relevant to the research questions and the concept of study was used.

The study explored the perceptions and experiences of twenty seven volunteer learners who attended the Advanced Military Law Course during 2010, 2011, 2012, the specialists from the management group and facilitators in terms of the research questions.

As demonstrated by data collection and data analysis processes, five themes emerged, namely global view of changing approaches to education, South African view of changing education approaches, Military Education, traditional learning versus OBE and contributory factors to learner performance (adult learning) .The findings of the study revealed that there is actually a high rate of incompetence after the first assessment attempt. A lot of factors that might contribute to poor learner performance were identified and investigated. Recommendations based on the findings of the study will guide the Defence Legal Services Division (DLSD) on measures to improve the current learner performance at SoMJ.


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[1] The term "learner" is preferred to "student" within the in the DOD

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Lastly but not least, I acknowledge with gratitude the financial assistance I received from the British Peace Keeping Team in South Africa, especially Lt Col A. Muddiman for making this possible, without their support this would have been impossible due to the fact that it was a difficult time for me.

DEDICATION

I dedicate this research Report to my late husband Mfundo Thamsanqa Make. May his soul rest in peace. To my entire family, my sisters for their support and having confidence in me and being proud of what I was doing, especially my two sons, Vuyo and Zola who sacrificed a lot so that I could keep up with my studies during difficult times, without their loyalty, love, support, sacrifice and understanding this work would not have been possible.

**Ke a leboga Barolong boo marumo a tau,**

**a phetlho e ntsho ya magaga**

(Simply means I am thankful to my ancestors and singing their praises)

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**LIST OF ABREVIATIONS**

| | |
|---|---|
| ABET | Adult basic education and training |
| AC | Assessment Criterion |
| A/CDLS | Acting Chief Defence Legal Services |
| BOI | Board of Inquiry |
| Brig Gen | Brigadier General |
| CAEL | Council for adult and experiential learning |
| Capt | Captain |
| CDLS | Chief Defence Legal Services |
| CHR | Chief Human Resources |
| CODH | Commanding Officer's Disciplinary Hearing |
| DLSS | Defence Legal Services and Support |
| DS | Directing Staff |
| DOE | Department of Education |
| DOD | Department of Defence |
| DODI | Department of Defence Instruction |
| DLSD | Defence Legal Service |
| ENSP | Executive National Security Programme |
| ETD | Education Training and Development |
| ETDPs | Education Training and Development Practitioners |

| | |
|---|---|
| FET | Further Education and Training |
| FCA | Functional Competence Authorities |
| FSEs | Force Structure Elements |
| GET | General Education and Training |
| HET | Higher Education and Training |
| HQ | Headquarters |
| HR | Human Resource |
| Iro | Irrespective of |
| Jim | Joint, Interdepartmental and Multinational |
| LEGSATO | Legal Satellite Office |
| LOAC | Law of Armed Conflict |
| LLB | Legum Baccalaureus (Law Degree) |
| LLM | Legum Magister (Senior Law Degree) |
| Maj | Major |
| MCA | Military Competence Authorities |
| MILLAW | Military LAW |
| MLPs | Military Law Practitioners |
| NCO | Non-Commissioned Officer |
| NDE | National Department of Education |
| NQF | National Qualification Framework |

| | |
|---|---|
| NCHE | National Commission on higher education |
| NYC | Not Yet Competent |
| OiC | Officer in Charge |
| Ops Law | Operational Law |
| PI | Preliminary investigation |
| PTA | Pretoria |
| PSAP | Public Service Act Personnel |
| PSTE: | Public Service Training and Education |
| OBE: | Outcome-Based Education |
| RDP: | Reconstruction and Development Programme |
| RPL | Recognition of Prior Learning |
| R & D | Research and development |
| RSA | Republic of South Africa |
| SA | South Africa |
| SNR OFF | Senior Officer |
| SAA | South African Army |
| SAAF | South African Air Force |
| SAMHS | South African Military Health Services |
| SAN | South African Navy |
| SAQA: | South African Qualification Authority |

| | |
|---|---|
| SANDF: | South African National Defence Force |
| SO | Specific Outcome |
| SoMJ: | School of Military Justice |
| S & T | Subsistence and Traveling |
| SSO ETD | Senior Staff Officer Education Training and Development |
| TNA | Training needs analysis |
| TTP | Tactics, Techniques and Procedures |
| UNISA | University of South Africa |
| Wrt | With regard to |
| WPTPS: | White Paper on Public Service |
| WPTPSTE: | White Paper on Public Service Training and Education |
| WO | Warrant Officer |

**ABRIVIATION MEANING ON CODE ALLOCATION TO INTERVIEWS RESPONSES**

| | |
|---|---|
| TM1 | Top Management participant one |
| TM2 | Top Management participant two |
| FF1 | Facilitator participant one |
| FF2 | Facilitator participant two |
| 10LL | 2010 Learners |
| 11LL | 2011 Learners |
| 12LL | 2012 Learners |

Table 0.1: **DEFINITION OF TERMS AND CONCEPTS**

| CONCEPT | DEFENITION |
|---|---|
| Assessment: | The process of gathering and weighing evidence in order to determine whether learners have demonstrated outcomes specified in unit standards and/or qualifications registered on the NQF (SAQA, 2001). |
| Assessor | The person who is registered by the relevant Education and Training Quality Assurance Body in accordance with criteria established for this purpose by a Standards Generating Body to measure the achievements of specified National Qualifications Framework standards or qualifications (Gov Gazette No1718, 1998). |
| Moderation | The process which ensures that assessment of the outcomes, described in National Qualifications Framework standards or qualifications, is fair, valid and reliable (SAQA, 2001). |
| Moderator | Independent person who has knowledge expertise to confirm that assessment results reflect intended unit standards (Gov Gazette No 1718, 1998). |
| Outcomes | The end product of a learning process. In outcomes-based education and training learners work towards agreed and desired outcomes within a particular context. These state clearly what the learner should be able to demonstrate. Outcomes are of two types:<br><br>Critical outcomes: Broad generic outcomes<br><br>Specific outcomes: What learners are capable of knowing and doing at the end of a learning experience. A learner's skills knowledge, attitudes or values may demonstrate the achievement of an outcome or a set of outcomes (Gov Gazette No 1718, 1998). |
| Qualification | The formal recognition of the achievement of the required number and range of credits and other requirements at specific levels of the NQF (SAQA, 2001). |
| Line Officers | Ordinary soldiers without law degrees or a law background. |

| | |
|---|---|
| National Qualification Framework | The National Qualifications Framework approved by the Minister for the registration of national standards and qualifications. |
| South African Qualification Authority | The South African Qualifications Authority (SAQA) is a statutory body, regulated in terms of the National Qualifications Framework Act No 67 of 2008. It is made up of 29 members appointed by the Minister of Education in consultation with the Minister of Labour. SAQA is mandated by legislation to oversee the development and implementation of the National Qualifications Framework (NQF) (www.saqa.org.za) |
| Lifelong learning: | **Lifelong learning** is the "ongoing, voluntary, and self-motivated" pursuit of knowledge for either personal or professional reasons. Therefore, it not only enhances social inclusion, active citizenship and personal development, but also competitiveness and employability.<br><br>The term recognizes that learning is not confined to childhood or the classroom but takes place throughout life and in a range of situations. During the last fifty years, constant scientific and technological innovation and change has had a profound effect on learning needs and styles. Learning can no longer be divided into a place and time to acquire knowledge (school) and a place and time to apply the knowledge acquired (the workplace). Instead, learning can be seen as something that takes place on an on-going basis from our daily interactions with others and with the world around us. (http://en.wikipedia.org/wiki/Lifelong_Learning). |
| Military Education | The person who is registered by the relevant Education and Training Quality Assurance Body in accordance with criteria established for this purpose by a Standards Generating Body to measure the achievements of specified National Qualifications Framework standards or qualifications (Gov Gazette No1718, 1998). |
| Traditional Education | The chief business of traditional education is to transmit to a next generation those skills, facts, and standards of moral and social conduct that adults deem to be necessary for the next generation's material and social success. As beneficiaries of this scheme, which educational progressivist John Dewey described as being "imposed from above and from outside", the students are expected to docilely and obediently receive and believe these fixed answers. Teachers are the instruments by which this knowledge is communicated and these standards of behavior are enforced. (http://en.wikipedia.org/wiki/traditional_education). |
| Outcome-based | Outcome-based education is an effort of education that converges the traditional focus on what |

| | |
|---|---|
| education | the school provides (Means + Ends) to students (see Aristotle Four_causes: Efficient cause), in favor of making students demonstrate that they "know and are able to do" whatever the required outcomes (Final_cause) are. (http://en.wikipedia.org/wiki/traditional_education). |
| Unit standard | Nationally agreed and internationally comparable statements of specific outcomes and their associated assessment criteria and performance indicators, together with administrative and other necessary information. Unit standards are registered on the NQF at a defined level (Gov Gazette No 1718, 1998). |
| Combat readiness | It is defined as a condition of the armed forces and their constituent units and formations, warships, aircraft, weapon systems or other military technology and equipment to perform during combat military operations consistently with the purpose for which they are organized or designed, or the managing of resources and personnel training in preparation for combat C Institute for Defense and Government Advancement). |
| mutatis mutandis | A Greek word meaning that a fact/idea applies with necessary alterations |
| Services and Divisions | Services within the Department of Defence (DOD) are the four arms of services being South African Army (SAA), South African Air Force (SAAF), South African Navy (SAN) as well as South African Military Health Services (SAMHS). Divisions constitute members of all four arms of services. Divisions renders specialized services i.e. legal, intelligence, HR, Logistics etc. |
| Validity | Validity means truthful. Qualitative researchers are more interested in authenticity than in the idea of a single version of truth. Authenticity means giving a fair, honest, and balanced account of social life from the viewpoint of someone who lives it every day Neuman; (2011:196). |
| Reliability | Reliability means dependability or consistency. It suggests that the same thing is repeated or recurs under the identical or very similar conditions Neuman; (2011:196). |
| Triangulation | Triangulation means observing something from different angles or viewpoints, surveyors and sailors measure distance between objects by making observations from multiple positions, they get a fix on its true location Neuman; (2011:196). |

# CHAPTER ONE: INTRODUCTORY PART

## 1.1 INTRODUCTION

The study aims to investigate the factors contributing to learner performance on Military Law course at the School of Military Justice (SoMJ). Learners perform poorly during their first attempt of the summative assessment and some even do not make it to the end of the course. Concerns that the education system inadequately prepare students for life and work in the 21st century have prompted people across the country to explore new ways of designing education. In several states, educators and policy makers are attempting to change the way we measure the effectiveness of education from an emphasis on traditional impute, such as course credits earned and hours spent in class, to results or outcomes (Education Commission of States, January1995, http://www.eurojournals.com/ejss -13-2-1.pdf.).

Transformation of education from the global point of the 21st century affected the South African system and also the Department of Defence (DOD). It further forced change within the Defence Legal Services Division (DLSD) particularly the School of Military Justice (SoMJ) as the DOD service provider in terms of conducting Military Law courses. These courses are offered to adult professionals who have already acquired their Law degrees e.g. Legum Baccalaurreus Law degree (LLB), Legum Magister senior Law degree (LLM) etc. from the different universities as well as line officers without law background. The Advanced Military Law is a basic requirement for candidates to practice as Military Law Practitioners (MLPs) within the Defence Force.

The School of Military Justice as the DOD service provider started implementing outcome -based Education in 2009. The emphasis of outcome-based education (OBE) is on outcomes i.e. the skill demonstrated after a certain specific outcome has been satisfied or met also OBE is learner centered, the facilitator and not the teacher facilitates according to the learner's pace. OBE assesses competence and it is life long learning furthermore OBE is a good tool of multi-skilling of learners. OBE relies on the integrated form of assessment and again assesses all the domains i.e. psychomotor domain (practical skill application), cognitive domain (knowledge skills), and affective domain (values, orientation, emotional) skills.

The National Qualification Framework (NQF) guarantees that all South Africans will get high quality education and training. As outcome based education is already aligned to the NQF fields and levels, it streamlines the skills that the individual has to acquire after undergoing certain training. The emphasis here lies on the guidance of learners as they go about acquiring the skill (Defence Review, 1998:84).

## 1.2 BACKGROUND

The paradigm shift in the education system was effected because the South African education system had been racially segregated. Currently everyone has the right to a basic education and further education including adult education and people has the right to receive education in their own languages. Education and training programmes within the South African National Defence Force (SANDF) are a cardinal means of building and maintaining a high level of professionalism. In this regard, the Constitution provides that all members of the SANDF "shall be properly trained in order to comply with international standards of competency" and yet a significant level of incompetence[2] has been observed at the School of Military Justice, an accredited defence force service provider (The constitution of the RSA, 1996, Section 226).

The above section is supported by the Defence Review that state clearly emphasises that training is directed towards equipping its members with the necessary skills, knowledge and attitudes for service in the SANDF and establishing a Defence Training Board, which will be affiliated to the South African Qualification Authority (SAQA), thereby gaining access to the NQF (South African Defence Review, 1998: Chapter 10).

SoMJ offers the Advanced Military Law Course to qualify lawyers who already have passed LLB at universities to practice Military Law within the defence force. Without the Advanced Military Law, a lawyer cannot practice within the defence force according to DLSD recruitment policy and contract of employment. This course is simultaneously offered to other defence force members (Line Officers) for professional development and application of knowledge acquired in their line of duty.

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[2] When learners are unable to do what is required (achieving the desired outcome)

SoMJ Assessment policy, (1999) stipulates that Military Law Practitioners have to obtain 70% for each assessment criterion in order to be deemed competent, that is, if learners obtain a 90% overall mark, they can still be deemed not yet competent if they obtained 65% on one of the assessment criterion whilst, ordinary soldiers (line officers) need to obtain 50% for each assessment criterion in order to be deemed competent.

The school has been conducting on average, three courses per year with an average of about thirty five learners in a class. The course was initially seven weeks long but due to poor learner performance, it was extended to nine weeks to include two weeks of retraining and special assessments i.e. during this period emphasis is put only on outcomes the learner didn't master.

## 1.3 PROBLEM STATEMENT

Since the implementation of (OBE) in 2009 statistics from the learner data base (archive files) shows that learners perform poorly on the Military Law course after reassessment at the SoMJ. The statistics show the following figures:

Table 1.1: SoMJ statistic on learner performance

| Ser No | Advanced Military Law Course | Pass rate after reassessment |
|---|---|---|
| | a | b |
| 1. | 2010/01 | 28% (not given 2nd chance) |
| 2. | 2010/02 | Not available |
| 3. | 2010/03 | 28% |
| 4. | 2010/04 | 35% |
| 5. | 2011/01 | 30% |
| 6. | 2011/02 | 32% |
| 7. | 2011/03 | 32% |
| 8. | 2012/01 | 32% |

As one of the recruitment criteria, the basic requirement for MLPs during their appointment at the Defence force is to be competent on the Advanced Military Law course before they can function within the Department of Defence, if they are deemed not yet competent on the same course twice, the contract have to be terminated. There is no research conducted yet to determine the contributory factors to poor learner performance on the first assessment attempt and what interventions/corrective measures can be put in place to improve the poor performance rate.

On each course of about 35 learners, averages of less than 50% of learners fails to achieve the outcomes and are afforded an opportunity for reassessment. However still less than 50% of learners become competent and the other 50% of learners have to be given a retraining and a special assessment, it is only then that a 60% or above is achieved. This research will be conducted in Gauteng (Pretoria) at SoMJ, focusing on an investigation of the contributory factors to learner performance on the Advanced Military Law course. Learners who attended the course, facilitators and other management bodies will be the point of focus. The findings of this research will assist DLSD to establish better measures to put in place to improve the learner performance on the Advanced Military Law Course at SoMJ.

## 1.4 PURPOSE

The purpose of the study is to investigate the contributory factors to learner performance at the School of Military Justice (SoMJ).

## 1.5 RESEARCH QUESTIONS

The study will be guided by the following research question:

1.5.1 Is there high learner incompetence rate at SoMJ?

1.5.2. What are contributory factors to learner performance at SoMJ?

# CHAPTER TWO: RESEARCH METHODOLOGY

## 2.1 INTRODUCTION

Throughout the years since South Africa started a Democratic government in 1994, the DOD reviewed its training due to the shortcomings and challenges the government officials identified when the present government took over. It is clear that due to the fact that no specialists were employed to re engineer the ETD processes (i.e. curriculum design as well as the accreditation processes of SoMJ); the processes were established and implemented by the facilitators. This might be one of the contributory factors to poor learner performance at SoMJ on the Advanced Military Course, the trend that was noticed after the implementation of Outcome-Based Education in 2009.

The researcher therefore attempted to investigate what might be the contributory factors to this poor learner performance at SoMJ particularly after the implementation of OBE and accredited learning through the methodological approach outlined below. Cognisance is made in this regard that, South Africa is a new comer in implementing this Australian approach to education and moreover within the DOD where a lot of facilitators have not received formal facilitation training or Education Training and Development Practitioner's training and also taking note of the fact that facilitators at the school are Military Lawyers by profession.

## 2.2 RESEARCH APPROACH

The research style utilised during this study is the qualitative method; it aims to establish the socially constructed nature of reality, to stress the relationship between the researcher and the object of study, as well as to emphasis the value-laden nature of the inquiry. Welman, et al., (2005: 8-9) emphasises that data is presented in words/language, instead of numbers and the researcher tries to understand the significance which respondents attach to their environment within a dynamic and changeable nature of reality. Primary and secondary sources have been used to collect data e.g. references from education textbooks, policies, Department of Defence instructions, constitution, internet, white paper, Defence review, Military Strategy etc. and interviews of specialists, facilitators as well as learners.

## 2.3 RESEARCH DESIGN

Unit of analysis in simple terms refers to 'what' of a study or alternatively the object of study. De Vos, (2001: 68) identifies different kinds of units as individuals, collectives, organization (formal or informal), institutions, social events and actions, cultural objects and interventions. In this study, the main object is the key elements/features in relation to factors contributing to learner performance. Unit of analysis are individual learners selected randomly around Gauteng i.e. nine learners from the 2010 course, nine learners from the 2011 course, nine learners from the 2012 course, Specialists within the DOD as an organization as well as facilitators from SoMJ.

## 2.4 DATA COLLECTION

For the purpose of the study credibility, data have been collected from primary and secondary sources. Interviews as well as the literature review was used to collect as much data to answer the research questions i.e. whether there is high learner incompetence rate at the SoMJ and what contributory factors are to learner performance at the SoMJ. First, information was obtained by means of semi-structured interviews. These were standardised, open-ended and transcribed interview programme. Each of the three sets had different interview questionnaires; some interview questionnaires were both similar and different depending on the sample (population). According to Struwig and Stead (2001:98), a semi-standardised interview is a combination of structured and unstructured interviews. The option for these interviews was face to face, one on one and in person. This allowed the researcher control over the line of questioning (Mirriam, 1988 and Bogdan & Biklen, 1992 cited by Creswell 1994:150).

Sources of Primary Data

Interviews

The interviews with the sampled Military Law course learners who attended the course between 2010 and 2012 were conducted. The semi-structured interviews with open ended questions were conducted. This allowed the researcher to extract as much information as possible from the participants. Interviews with the sampled management grouping and facilitators, random selected learners from 2010-2012 courses were conducted. Legislation and policy documents on Education Training and Development and other related matters were considered.

Sources of Secondary Data

The sources of secondary data included the following:

a. Published/text books on learner performance and OBE.

b. Current legislation, regulations and Strategy documents.

c. Published reports and articles on the education systems.

d. Relevant journals.

e. Internet.

## 2.5 SAMPLING FRAME

In order to identify the research participants, non-probability sampling was adapted to determine the sample of the population to be consulted for utilisation in the study. The sample comprised of Whites, Africans, Indians and Coloureds. The sampling technique used is purposive or judgmental sampling. The rationale for this choice is mainly based on the researcher's familiarity with the population, its elements, and the nature of the research purpose. In simple terms, reasons of convenience and economy are the driving forces, Babbie et al., (2007: 166) and Welman et al., (2005: 56-57). The Defence Legal Service Division has a total number of approximately four hundred lawyers. The School of Military Justice an accredited Defence force service provider conducting three, nine week military law courses per annum that accommodates thirty five learners per course. The Chief Defence Legal Service Division is the highest authority in charge, followed by Director Legal Service Support then SSO ETD Legal Service Support. The Officer in charge of the school reports to the above mentioned structure. Nine learners were considered for a sample i.e. nine learners from the 2010 group, nine learners from the 2011 group and nine learners from the 2012 group. The specialists from the management group as well as facilitators were considered as a sample.

## 2.6 ETHICAL CONSIDERATION

Ethical behavior is important, as in any other human activity. As Welman et al., (2005:181) outline, the principles underlying research ethics are universal and concern issues such as honesty and respect for the rights of individuals. In order to comply with these principles even though no vulnerable group were interviewed during this study, a request for permission to conduct interviews and to obtain information were forwarded to the Chief Defence Legal Services, Chief Defence Human Resources and Chief Defence Intelligence using the applicable protocol of the division. The consent forms were compiled for the participants. In addition to the ones above, other ethical issues identified by Babbie et al., (2007:520-527) include anonymity and confidentiality which refer to the protection of the subject's interest and their identity and, providing only the respondent's response. Respondents were advised on these aspects, furthermore the interviews were confidential.

A requirement for ethical analysis and reporting was also being observed including rejection of any form of plagiarism. Due the above-mentioned ethical requirements, the researcher undertook to observe these vital aspects for the duration of the study.

## 2.7 DATA ANALYSIS

Data has no meaning unless it is analysed and interpreted. Data analysis consists of examining, tabulating, or otherwise recombining the evidence to address the initial propositions of the study (Yin, 1994:102-103).The technique to be used in analysing data will be triangulation[3] which is the analysis of the phenomenon from different perspectives. Neuman, (2003).The technique will assist in eliciting various and divergent constructions of reality that exist within the context of the study Babbie et al., (2007: 277). Data will be analysed manually by extracting fact relevant to address the knowledge gap as well as answer the research questions.

The overall analytic strategy in this study is driven by and relies on proposition as contained in the purpose of the study and the research question of the study, review of the relevant literature and the new insights obtained in the course of the study. The evidence collected is presented in a form of theme identification: data coding and the production of a descriptive explanatory framework as cited

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[3] The idea that looking at something from multiple points of view improves accuracy

by Welman, et al., (2005: 211-219). This study will then be appropriately concluded. The theme identification technique adopted is also used for ensuring the validity and reliability of data from the interviews with the targeted population found in legislation and policy documents.

## 2.8 VALIDITY AND RELIABILITY

The two central issues in measurement are validity and reliability. The two were used to connect the ambiguous, diffuse and not directly observable constructs. External validity[4]- This is relevant under qualitative research because the researcher rely on the richness of the information as it relate to the research question. Internal validity[5]: The researcher used a triangulation method for validating data by focusing on DOD, SoMJ and DOE to some extent as units of analysis. To achieve triangulation of the information gathered via interviews, findings were cross referenced with information contained in DOD documents such as CHR Instruction: HR Development: Directorate ETD Systems Integrity: Accreditation & Quality Assurance: 47/12: Quality Management and Quality Assurance of Education, Training and Development in The DOD (2012) RSA, Pretoria: Department of Defence as well as documents such as the Defence Review as well as Whitepaper on Defence.

The researcher conducted Peer review of the responses, confirmation with the respondents on the final product of analysis. There researcher determined how well an idea fits with actual reality and whether the contributory factors are repeated or recurs under the identical or similar conditions Neuman, (2003). In addition, the researcher's supervisor constantly checked and gave advice throughout the progress of the study.

## 2.9 LIMITATION

The study in its proposed format is about learner performance on the Advanced Military Law Course at the School of Military Justice. It is important that as much as learner performance on the Advanced Military Law Course at the School of Military Justice will be elaborated upon, it needs to be pointed out that the scope covers only unclassified information as classified documents could not be used during the purpose of the study. The researcher's position as Senior Staff Officer Education

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[4] The ability to generalize findings beyond a specific study

[5] The ability of experimenters to strengthen the logical rigor of a causal explanation by eliminating potential alternative explanations for an association between the treatment and dependent variable through an experimental design

Training and Development Practitioner might have affected the research negatively in terms of getting relevant and authentic information, there might be some resistance. The conclusions drawn from the study may not reflect the state of learner performance on the Advanced Military Law Course at the SoMJ in general therefore; the scope of the study may be limiting.

## 2.10 JUSTIFICATION

The importance of this study is, to investigate possible contributory factors to poor learner performance at the School of Military Justice (SoMJ) on the Advanced Military Law Course, the trend that was noticed after the implementation of Outcome-Based Education (OBE) in 2009. The determination of the nature of challenges that might contribute negatively to learner performance at SoMJ will be concluded.

# CHAPTER THREE: LITERATURE REVIEW

## 3.1 INTRODUCTION

The literature was reviewed from Global as well as South African perspective on the changing approaches to education. Data was collected from the official documents compiled and maintained on a continuous basis by government institutes (Bailey, 1994; 294, cited by De Vos e t al. 2002:323-324). They included documents such as the Constitution of the Republic of South Africa, Defence Review, White paper on Defence, the 1997 DOD ETD project team and the CHR instructions on quality assurance. These documents were necessary in order to study the phenomenon in relation to whether they address the research questions of the study.

According to De Vos et al. (2002), "accessing them is often a problem owing to legislation on confidentiality of information". This is particularly true to the SANDF since most documents bear a security classification of top secret, secret, confidential or restricted. In this case documents accessed and used for the study were normally public information. In addition, permission to access them was sought and granted by Chief Defence Legal Services, Chief Defence Human Resources as well as Chief Defence Intelligence. Some of the data was collected electronically from other government web sites. Data were classified according to relevance and placed on file. Data collected through interviews were classified also according to similarities in response to the interview questionnaires as well as differences in opinions.

The DOD ETD system is responsible for the education, training and development of DOD individuals according to DOD specification. The competent performance and display of a professional military image by the DOD nationally and internationally, begins with the work performance and professional conduct of the individual member of the DOD. During peace time, as well as during operations, the DOD consists of Services and Divisions, made-up of individuals, whose individual skills and expertise are applied within the context of various organisational levels and groupings. Producing professionally qualified individuals from basic soldier level during Basic Military Training, up to the education, training and development of strategic leaders at the level of the Executive National Security Programme (ENSP), as the most senior course in the DOD, is therefore the first of the building blocks in the well known military training system, of producing

operationally deployable, as well as peace-time functioning organisations at the various levels (Accreditation & Quality Assurance: CHR Instruction No. 47/12).

The DOD operates within the international community of professional military practice. For the purposes of multinational operations and the increasing emphasis on greater international military cooperation and integration, the DOD has to ensure qualitative compatibility of its ETD system with that of the comparable international military community. While the ultimate output of all Services and Divisions is related to operationally deployable capabilities, the output of the DOD ETD system directly relates to securing the future of the SANDF, because the future of the SANDF lies in the quality and competence of its people, firstly as individuals and secondly, collectively as peace-time and operational organizations (Accreditation & Quality Assurance: CHR Instruction No. 47/12).

From a military and educational point of view, the quality of DOD ETD, i.e. the quality of formal training of individuals on each and every formal course at any of the Fifty one (51) ETD Service Providers in the DOD, is directly dependent on the quality of the instructors and directing staff (DS) utilised in the formal training of individuals. It is imperative that soldiers, officers, Non-commissioned officers (NCOs), warrant officers (WOs) and Public Service Act Personnel (PSAP) do comply with the norms and standards as required by the DOD itself, the requirements of the national ETD system, as well as alignment to international military norms.

In this regard there are requirements from the national ETD system, such as the prescribed qualification and registration of instructors and DS as assessors and moderators. Coupled to this, the DOD has a requirement to ensure that future soldiers and leaders are trained by the best functional experts available. In the DOD, it is of immediate urgency to halt the existing trend of decline in expertise, by refocusing its formal training (ETD) system, towards quality ETD. Notwithstanding the requirement for compliance with external quality assurance prescripts, the DOD has an internal quality assurance responsibility, to maintain the integrity of the profession of arms in the country, through the quality of its soldiers, officers, NCOs, WOs, as well as PSAP (Accreditation & Quality Assurance: CHR Instruction No. 47/12).

## 3.2 CONTENT OF REVIEW

The literature will be reviewed according to the following themes:

Table 3.1: Literature review themes:

| S/N | Theme | Objective | Reason | Method |
|---|---|---|---|---|
| a. | Global view of the changing education | To understand why Education Training and Development is structured the way it is today. | This will guide DLSD on the importance of the application of cost effective strategies when conducting the Advanced Military Law course. | i. Documents and reports<br>ii. Secondary data |
| b. | South African view of the changing education | To determine the view of SA and why SA also had to change. | SoMJ will be able to measure its output with the SA view on changing education. | i. Documents and reports<br>ii. Secondary data |
| c. | Military education | To understand what Military education entails and the target group thereof. | The target group constitutes line officers and MLPs (Should DLSD separate them or not?). | i. Interviews<br>ii. Documents and reports<br>ii. Secondary data |
| d. | Traditional education v/s Outcome-based Education | To do comparative study in order to get to the root of the problem being poor learner performance after the implementation of OBE at SoMJ in 2009. | Understanding of the differences and advantages of the two approaches will lead to a clear understanding of factors currently contributing to poor learner performance. | i. Interviews<br>ii. Documents and reports<br>ii. Secondary data |
| e. | Factors contributing to poor learner performance (Adult learning) | To determine the nature of challenges that might contribute negatively to learner performance at SoMJ. | There might be thousands contributory factors to poor learner performance, here only Military education, adult learners and SoMJ as a service provider will be the focus point. | i. Interviews<br>ii. Documents and reports<br>ii. Secondary data |

## 3.3 THEME 1

Global view of the changing Education

Schmid (1998) predicted that education in the 21st century will reflect the global society that is currently forming. The author further suggests that power will rest not so much with nation states as with multinational corporations. Wealth will depend primarily on knowledge, not upon physical resources, and innovation will be the engine for economic growth. The author's prediction of the changing education is currently manifesting globally therefore change is currently widespread and is happening within the global society, education and training is required throughout one's lifetime.

The author emphasizes the fact that the older paradigm, education during youth for adult life, will be replaced by lifelong learning model further more Government will remain involved in education but increasingly interested in adult learning because of its economic value. The corporations will also look for new ways to foster education, both for their own employees and the greater society because of the need for highly trained employees.

## 3.4 THEME 2

South African view of the changing Education

Did the DOD satisfy this view, is the current DOD landscape contributing negatively or positively to learner performance at SoMJ? In February 1995 President Mandela appointed a National Commission on higher education (NCHE), which submitted its report, a framework for transformation, in August 1996. The NCHE report has been hailed locally and abroad for the rigor and reach of its analyses and recommendations. The Green Paper on Higher Education and Training (HET) (December1996) makes clear, the agenda is demanding the system of higher education to be both expanded and transformed, within the reality of limited resources.

In order for such expansion and transformation to be effective, and to deliver the required results, redress is a further imperative. Redress must operate partly in terms of access: it must ensure that no one with the potential to succeed in higher education is barred from doing so. Adult Basic Education and Training (ABET) is the general conceptual foundation geared towards lifelong learning and development, consisting of knowledge, skills and attitudes required for social, economic and

political participation and transformation applicable to a range of contexts. ABET is flexible, developmental and targeted at the specific needs of particular audiences, and ideally provides access to nationally recognised certificates.

## 3.5 THEME 3

### Military Education

There are two types of Military education, being professional military education and voluntary adult and continuing education (Leona, 2008:404). Military education describes instruction for purpose of intellectual development for learners. This prepares the serviceman for optimal functioning at his unit. Leona further purports that military education is often erroneously thought to include military training.

Adult Education and Training (Act 52 of 2000) stipulates that if a learner, after two chances, does not demonstrate progress in a specific learning area at his/her General Education and Training (GET) (ABET) or Further Education and Training (FET) level, the learner's circumstances shall be investigated by the Officer Commanding/Manager in collaboration with the Chief of the Service or Division to determine according to circumstances, if the learner should be allowed to repeat the specific learning area at his/her GET (ABET) or FET level with full, limited or no DOD support, Officer Commanding/Manager in collaboration with learner, Manager/Commander or Provider and Chief of Service or Division should determine that when required to do so.

### THE BASIC BUILDING BLOCKS OF MILITARY TRAINING

To maintain a proper perspective on the ETD system within the total military training system, it is important to distinguish between the focus and output of the ETD system and the other components of the military training system. Military training all over the world consists of the following basic building blocks, through which a military force is trained from individual level upwards to produce a complex combat organisation:

Building Block 1: Formal Training (ETD). At the lowest level, any military organisation consists of people and it is the people that are regarded as the most important asset of any military organisation. As the first building block in the military training system, formal training therefore refers to the

education, training and development of the individual, through which he/she is qualified according to organisational specifications, applicable to a specific post, or job in the military organisation. An individual sequentially undergoes formal courses throughout his/her career, to empower him/her for career progression, through acquiring more, additional, or advanced skills and competencies. Such formal courses are structured within an approved learning pathway and are pitched at different levels, to appropriately prepare the individual iro the skills and competency requirements for the posts at the different levels.

Building Block 2: Force Training. Military operations are however not conducted by individuals, but rather by formal groupings of different individuals, qualified towards specific skills sets, determined by their specific posts / mustering / utilisation. Through force training, the skills and expertise of individuals in different functional fields, are sequentially integrated from the level of a basic team of two, or three soldiers, operating a simple weapon / equipment system, through different organisational layers, to highly complex Joint, Interdepartmental / Interagency and Multinational (JIM) military organisation, that operate throughout the entire continuum of conflict, from absolute peace, to absolute war.

Building Block 3: Combat Readiness Training. A particular force grouping, as required for force employment, is grouped, equipped, trained and prepared from individual level up to the required organisational level, to perform the standard roles, functions and tasks, at the laid down standard, as determined by the approved doctrine, tactics, techniques and procedures (TTPs), for the type of force employment that is at hand.

Building Block 4: Mission Readiness Training. The combat ready force is subjected to training on particular TTPs and other mission specific aspects, which will be required for the specific mission that is at hand (Accreditation & Quality Assurance: CHR Instruction No. 47/12).

## 3.6 THEME 4

### Traditional education versus Outcome-Based Education

Traditional education versus Outcome based Education Parker and Rubin, (1966:1) define Traditional education as a content-based approach; however, the focus is only on the product (content) of knowledge. NDE March, (1997:11) stipulated that to accomplish a shift from content-

based curriculum to an outcomes-based curriculum the emphasis must be on what the learners know and can do at the end of a course of learning and teaching, instead of the means that are used to achieve these results, meanwhile Malan, (1997:16-17) defines outcome-based education as the dualism between process and product, that is best described in the different perspectives regarding the specification of learning outcomes.

The result of a teaching and learning process is the product of learning, and it will not be reached if a certain process was not followed. In the teaching-learning process, the learner was exposed to problem solving and team work. These skills obtained are not restricted to be the classroom, but can also be used outside the class and/or school. The outcomes of a teaching-learning process are very seldom a completed and rounded off product. These outcomes usually serve as the starting point of a new education process. Outcomes in the paradigm of OBE emphasises the interdependence of processes and products

In OBE, both the product and the process are important and both must therefore be assessed. The focus in OBE is therefore on assessment, the desired results (products) as well as on the learning processes (process) that guide the learners to the results.

## 3.7 THEME 5

Factors contributing to learner performance (Adult learning)

The White Paper is based on the consultative Green Paper on Public Service Training and Education which was published in March 1997 by the Minister for Public Service and Administration Government Gazette: No. 17852, (Vol. 381). The values and principles stipulated include equality of access by all personnel at all levels to meaningful training opportunities, efficiency, effectiveness and a professional service ethos, effective career paths for all public servants, Lifelong learning etc.

ETD Challenges

Table 3.2: ETD Challenges within the DOD presentation dated 22 June 2012:

| S/R | ETD CHALLENGES WITHIN THE DOD | | | |
|---|---|---|---|---|
| | TRAINING PROGRAMMES | TRAINING INSTITUTIONS | TRAINERS | TRAINEERS |
| | Informed by Training Needs Analysis (TNA)?<br>Reviewed? (Who, when, why and how.)<br>Validation? (Theory Vs realities [work place]).<br>Benchmarked (international trends and practices).<br>Synchronisation and sequencing?<br>Accreditation? | Communication<br>Consensus<br>Co-ordination<br>Cooperation<br>Working in silos | Passion<br>Commitment<br>Support (top cover)<br>Attitude<br>Morale?<br>Integrity? | Mind set<br>Good – develop<br>Bad – pass |

Brig Gen X. G. Mabanga presented the above stipulated challenges and further recommended that the following should be put in place to improve ETD processes within the DOD:

a. Establishment of SANDF Training Inspection Team.

b. Encouraging commanders and training co-ordinators to meet on regular basis.

c. Establishment of mentorship and coaching programme.

d. Further verification and validation of issues raised/ETD challenges within the DOD.

e. Establishment of a Task Team.

White Paper on Public Service Training and Education (WPTPSTE) of 1998 attempted to address problems such as the fragmented and uncoordinated approach to training and education across the

public service resulting in the absence of resources and accountability for ensuring that public servants are empowered and developed to take on the challenges they face, the lack of a strategic, needs-based, outcomes-based and competency-based approach to Public Service Training and Education (PSTE), directly related to the developmental needs of the public service as outlined in the Reconstruction and Development Programme (RDP), the White Paper on Public Service (WPTPS) and other related policy documents and the inappropriate nature of the training and education that is provided by many in-service and external providers.

Facilitators

CHR Instruction No. 47/12 indicated that it is a commonly recognised fact that the quality of instructors and DS at DOD ETD Providers has been degraded in past years, as a result of a number of factors, of which the following are most pertinent:

a. A loss of skills and expertise in many functional fields.

b. National and departmental transformation imperatives, overriding functional requirements during the staffing of members in instructor and DS posts.

c. Misinterpretation of the requirements and processes in the ETD field, pertaining to the role and functions of instructors and DS, vís a vís the new ETD nomenclature of facilitator, assessor, moderator etc.

d. Organisational ignorance of the national requirements and prescripts for accredited ETD.

e. Instructor or DS posts being misused for mere promotion of members, irrespective of the member's profile to be an instructor, or DS.

f. "Dumping" of underperformers into instructor or DS posts outside of Services and Divisions, totally disregarding the profile requirements of the instructor, or DS post.

g. A general lack in focus during staffing processes, on the critical requirement to have the best available personnel appointed in posts to train the future of the DOD.

h. Lack of departmental guidance and coordination on the aspect of the management of instructors and DS.

Internal and external stress

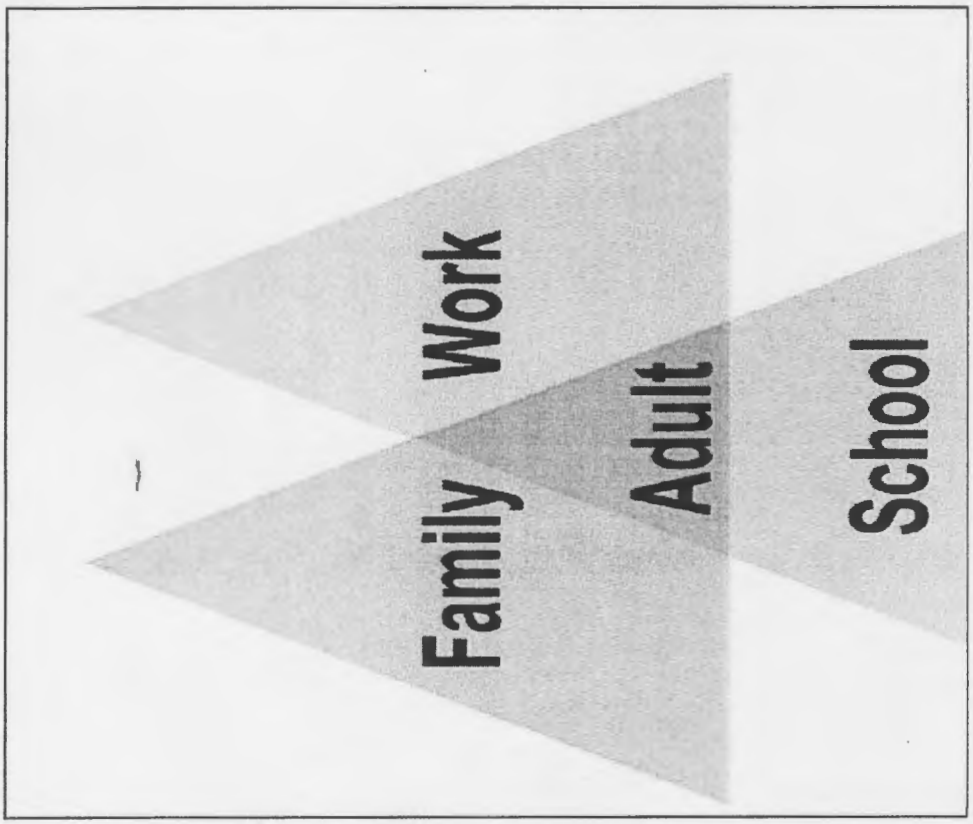


Figure 2.1: The diagram depicts the complex environment of an adult learner by Pamela Tate. The Council for Adult & Experiential Learning (CAEL)

The diagram depicts the complex environment of an adult learner Tate, (2006). All the spheres need to be balanced in order for the learner to perform well. In terms of putting the learner into perspective, learners react differently to challenges such as disposition whereby the adult learner's personal concerns, beliefs or attitudes are mostly .i.e. I can't do it, reluctance to return to formal education based on past educational experiences. Sometimes situational whereby the adult learner's life situation or circumstances might be jobs that require travel or small children to care for or might

even be institutional whereby the policies/legislation and practices impede and discourage adult learners like offices that close early, few classes, no financial aid for less than half-time students.

Other roles

Increasingly, academic programs look to assessment as an important vehicle in determining the overall veracity of a program. It is a means by which the deliverer (instructor) of an academic program can determine if the goals and objectives of the program have been achieved by the recipients (students). Institutional effectiveness is concerned with the extent to which intended outcomes are being achieved (Black & Duhon, 2003).

Services and Divisions with Training Institutions under Command. Services and applicable Divisional HQs are responsible to direct, orchestrate and control ETD quality management and quality assurance within the Service / Division, within the framework of the DOD ETD quality management and quality assurance system; apply Level 2 (Service / Divisional level) ETD quality assurance measures pertaining to all ETD being conducted within the Service / Division; and apply specific ETD quality assurance measures pertaining to their role as military competency authorities (MCAs), or functional competency authorities (FCAs), for all ETD in the DOD, on subjects within the functional field of the MCA / FCA (i.e. not only iro ETD at training institutions under its own command, but all ETD on subjects within the functional field of the FCA / MCA, being delivered by any training institution in the DOD).

Internal ETD Quality Management and Quality Assurance. It refers to the internal quality management and quality assurance measures to be applied by the DOD itself, through differentiated responsibilities assigned to the different organisational levels of command, from CHR, through the various levels of command, down to the level of the formal training institution. DOD internal ETD quality management and quality assurance ultimately, is the primary mechanism to ensure that the product of DOD ETD, i.e. the qualified individual firstly conforms to DOD work-place requirements; secondly, that the product is produced in a professional, effective and efficient manner; and thirdly, that the required annual ETD throughput is achieved (Accreditation & Quality Assurance: CHR Instruction No. 47/12).

Facilitation (methodology)

Adult learners approach learning from a perspective of life experience and seek out knowledge to help them cope with the challenges of life. Their life experiences have taught them that there will be more challenges in their future and that they have a need for knowledge to deal with them. Their independence shapes a desire to have control over how the learning will occur (Knowles, Holton & Swanson, 2005).

Tate , (2006) clearly stipulates that adults need to know why they need to learn something, adults need to learn experientially, adults approach learning as problem-solving, adults learn best when the topic is of immediate value. Brinia, (2007) states that the main advantage of the "Project Method" is that the participants are educated through experience. Experiential learning processes in the human recourses' education and skill acquirement promote the active participation of the trainees through processes in which they have to participate, release their creativity and take responsibility about their education and their enhancement of their critical thinking and awareness (Brinia, 2007).

Facilities/structure

Sound principle of Adult leaning Environment as proposed by Flynn, (1997) are the following: Secondary data Principle: The environment that is most effective in enhancing learning has available learning resources. The environment that most enhances learning is one that is supportive; is free from threat; encourages openness, inquiry and trust; and avoids competitive judgments of performance (Mok, M. & Flynn, M., 1997). Learning is enhanced by preceptors who demonstrate accurate empathy, non-possessive warmth, respect for the learner, and consistency in their own approach to the preceptor/learner relationship. Learning content that is most effective is relevant, useful, and clearly organized around exploration of problems perceived as significant by the learner (Mok, M. & Flynn, M., 1997).

Legislation

SoMJ assessment policy (1999) stipulates competency requirements at SoMJ that learners will be trained towards and assessed against specific unit standards and/or unit curricula. It will be a written evaluation for each of the subjects on the basis of which a determination of competence on the unit

standard or unit curriculum will be made. A learner has to be found competent on each individual subject/module.

The requirement to be declared competent for the practical component for both MLPs and line officers is 100%. The requirement to be declared competent theory for MLPs is 70% on each and every assessment criterion in all assessments. As line officers, 50% on each and every assessment criterion is required. Learners who are declared not yet competent will be entitled to one re-assessment. The OiC of SoMJ may employ any reasonable means at his disposal to test a learner's level of competence.

It is to be noted that a learner will only be re-assessed on those specific assessment criteria on which he/she was found not yet competent during the summative assessment. One will therefore not be assessed on the whole subject again, but a separate (individualised) re-assessment will be drafted for each learner. In addition to the summative assessment, learners will be required to complete formative assessments in the form of either assignments or class tests for every subject.

These formative assessments are not weight bearing. They are mainly intended to prepare a leaner for the eventual summative assessment (manner of questioning and assessment). Due to the scope and volume of the work involved, the practical component of the course will consist of an individual presentation, as part of a syndicate. Each learner will conduct a PI, CODH, and BOI and advise the Force Commander on LOAC. Each presentation will include both the practical presentation as well as all the paperwork/pro-forma documentation involved (School of Military Justice, Assessment policy: 1999).

The DLSD has an obligation to ensure that a newly appointed member is duly trained in order to be able to utilise such member within the Division. Therefore, newly appointed members in the Division must have preference to attend the Advanced Military Law Course. As this course is managed within the Division, it will be possible to set a specific period within which the newly appointee must comply with the condition to successfully complete the Advanced Military Law Course, for example, within his/her probation period. The member will be afforded only two opportunities to successfully complete the Advanced Military Law Course (DLSD appointment letter).

Chapter 2 Article 29 (1-4) of the 1996 constitution of the Republic of South Africa states that every one has the right to a basic education, further education including adult education and that people have the right to receive education in their own languages. Education and training programmes within the SANDF are a cardinal means of building and maintaining a high level of professionalism. In this regard the Constitution provides that all members of the SANDF "shall be properly trained" in order to comply with international standards of competency Section 226 as indicated earlier.

Chapter 3 of White Paper on Defence, (1996) states that in addition, special education and training programmes are required to standardise procedures following the integration of the statutory and non-statutory forces; to facilitate an equal opportunity programme and upgrade the skills of black soldiers, women soldiers and other disadvantaged service. Specific training programmes will be introduced to prepare military personnel for regional security co-operation and involvement in international peace support operations (Chapter 5). Education and training will also play an essential role in developing the political and ethical dimensions of military professionalism.

(Defence, Act 42, 2002 chapter 10) states that the training of members is an essential part of force preparation (combat readiness) and may encompass instruction at any military or tertiary institution for higher education and learning in the world, as well as practical training which may include physical training, sport, structural recreational activities and military exercises.

South African Defence Review (1998: Chapter 10) states that training is directed towards equipping its members with the necessary skills, knowledge and attitudes for service in the SANDF. Effectiveness is the first and foremost consideration when determining the content, scope and cost of training, however members will be made to obtain accreditation for training within the framework of the South African Qualification Authority (SAQA), including training obtained outside of South Africa. As the SANDF is committed to providing the individual member with the greatest mobility in the work environment, it has established a Defence Training Board, which will be affiliated.

Readiness

Costa and Liebman, (1997: bxx) already stated five years ago that knowledge would double in less than five years. They projected by 2020, knowledge would double every 73 days. The question arises as to whether learners will be able to keep up with the challenges of real-life situations. This

poses a challenge to the education system on how to prepare learners to live for change and change life.

The Joint Defence Publication: Trg/00002/2003(2nd ed.) in its problem statement articulates that GET, ABET and FET have been presented in a fragmented, uncoordinated manner and these efforts were not even aligned with national legislation and prescripts. The lengthy procurement process in appointing GET (ABET) service providers impacted negatively on the learners and the DOD objectives to have all members and employees on NQF level 1 by 2011 and 80% of DOD members and employees on NQF level 4 by 2020.

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The aim of education, training and development (ETD) in the DOD is to provide officials with the necessary knowledge, attitudes and skills to execute internal operational tasks and to maintain and administer equipment and officials of the Services/Divisions. Assessment is central to the recognition of achievement in the outcome of learning. It is a process through which evidence is gathered and evaluated against agreed criteria in order to make a judgment of competence for developmental and/or recognition purpose. It is therefore important that DOD ETD providers follow a uniformed learner assessment approach to provide credible qualifications (DODI/TRG/00006/2003).

Conclusion

In conclusion the researcher explored the literature from different perspectives i.e. global, South African as well as DOD. Five themes emerged as the relevant facts were grouped according to categories. The categories later developed into themes that will guide the scope of the study. The themes are Global view of the changing education, South African view of the changing education, Military education, Traditional education v/s Outcome-Based Education as well as factors contributing to poor learner performance (Adult learning).

The outcome of this research report will confirm whether there is a high level of incompetence rate at SoMJ as well as investigating contributory factors if there is any. The recommendations based on findings of literature review as well as individual interviews will guide DLSD to put measures in place to improve the current learner performance at SoMJ.

# CHAPTER FOUR: RESEARCH FINDINGS

## 4.1 Introduction

The Research findings are divided into two sections of which, the first section will address findings from the literature review and the section will address the individual interview findings. As part of the significance of the study, the researcher is convinced that the SANDF is a professional as well as important organisation that promotes organizational integrity and strives to uphold the norms and values of the society by aligning its ETD processes with those of the country at large. The main findings of literature review indicated that even though the DOD is currently in the alignment of ETD processes phase, it is clear that due to lack of specialists and posts (structure) for these specialists, the facilitators end up designing programmes while busy with their functions as facilitators.

The SoMJ facilitators also fallen victim to the abovementioned when the school was accredited as a service provider. The accredited training was not evaluated through a pilot group to allow the project managers evaluate the process by identifying problems and challenges at an early stage. Five main themes emerged during the study addressing the problem statement as well as answering the research questions. Findings according to those themes will be discussed below.

This section highlights the findings of individual interviews with the learners, the facilitators and top management. The interviews were conducted to clarify some issued debated in various documents. The title of each table is used as a paragraph, which depicts each interview question. The abbreviation for personal interviews for top management is TM1 as well as TM2, for facilitator number one is FF1, for facilitator number two is FF2, for learners who attended the Advanced Military Law Course in 2010 is 10LL, for learners who attended the Advanced Military Law Course in 2011 is 11LL and for learners who attended the Advanced Military Law Course in 2012 is 12LL.The findings from individuals are indicated in the table under the heading "Description". Top Management and facilitators' responses are original meanwhile the learners' findings are summarised or grouped according to similarities and differences.

## 4.2 Theme 1

Global view of the changing Education

The DOD is a large complex and rather complicated organization that is continually transforming and constantly reviewing its organizational structure in order to ensure alignment between the department's strategic objectives, the budget allocation, ordered commitments and likely missions. Change is currently widespread and is happening within the global society, education and training is required throughout one's lifetime, Schmid (1998). The author emphasizes the fact that the older paradigm, education during youth for adult life, will be replaced by lifelong learning model and that Government will remain involved in education, but increasingly interested in adult learning because of its economic value.

Based on the Global view of the changing Education, the Defence policy should be fully aligned with all aspects on national policy. The DLSD is part of the complex structure of the DOD. Its mission is to ensure an effective and comprehensive Military Legal Services and Support to the president as commander in chief, the ministry and DOD through application of law and principles of justice and its vision is the highly professional, legitimate deployable and sole provider of Military Legal Services and Support to the DOD. In order to contribute to the economy nationally and globally lifelong and continuous learning should be part of force preparation whereby expected results after education has taken place should always be achieved as stipulated in the Green Paper on Higher education (HET) (December 1996).

## 4.3 THEME 2

South African view of the changing Education

The DOD also had to align its ETD processes with the changing educational landscape hence SoMJ started implementing OBE at the end of 1999 to be at par with other DOD service providers. The mission of the DOD is to provide, manage, prepare and employ defence capabilities commensurate with the needs of South Africa as regulated by the constitution, national legislation and parliamentary and executive direction. Training and implementation of correct ETD processes according to national prescripts is a critical element of force preparation. The Green Paper on Higher Education and Training (HET) (December1996) emphasises delivery of the required results, when

analysing SoMJ results from 2010 after implementation of accredited training as part of alignment with National prescripts, it is clear that the ETD processes at the school are not delivering the required results. The following statistics were confirmed during the interviews by one facilitator apart from the statistics that the researcher drew from the archive:

Table 4.1: Learner performance statistics on MILLAW courses during 2010

| Course (no of learners) | Pass rate after course | Pass rate after RPL week |
|---|---|---|
| a | b | c |
| 1st (54) | 28% | RTU if NYC |
| 2nd (42) | 40% | 71% (irregular "additional chance") |
| 3rd (42) | 28% | 70% |
| 4th (41) | 35% | 85% |

Table 4.2: Learner performance statistics on MILLAW courses during 2011

| Course (No of Learners) | Pass rate after course | Pass rate after RPL week |
|---|---|---|
| a | b | c |
| 1st (33) | 30% | 65% |
| 2nd (33) | 32% | 79% |
| 3rd (27) | 32% | 85% |

Table 4.3: Learner performance statistics on MILLAW courses during 2012

| Course (no of learners) | Pass rate after course | Pass rate after RPL week |
|---|---|---|
| a | b | c |
| 1st (25) | 32% | 88% |
| 2nd (31) | 54% | 81% |

## 4.4 THEME 3

### Military Education

The aim of education, training and development (ETD) in the DOD is to provide officials with the necessary knowledge, attitudes and skills to execute internal operational tasks and to maintain and administer equipment and officials of the Services/Divisions (DODI/TRG/00006/2003).

There are two types of military education, being professional Military education and voluntary Adult and continuing education (Leona, 2008:404). Military education describes instruction for purpose of intellectual development for learners. This prepares the serviceman for optimally functioning at his unit. Leona further purports that Military education is often erroneously thought to include Military Training. For the purpose of the study, SoMJ offers Military Education e.g. specialization in Military Law, LOAC as well as International Humanitarian Law. There are policies and instructions within the DOD that guides the ETD processes and activities. Where policies and instructions where consulted and there is no clear guidelines it is clearly stated in Adult Education and Training (Act 52 of 2000) that, the Officer commanding may use his own discretion to achieve expected results.

Accreditation & Quality Assurance: CHR Instruction No. 47/12 further explained the intertwines of Military education and Military training, here the emphasis is on the basic building blocks through which a military force is trained from individual level upwards to produce a complex combat organization. The first building block is Formal Training (ETD), the second building block is Force Training, The third building block is Combat Readiness as and the fourth building block is Mission Readiness Training.

## 4.5 THEME 4

Traditional education v/s Outcome based Education

The DOD due to its complexity and unique education training and development has been using Traditional education before the implementation of OBE. The result of a teaching and learning process is the product of learning, and it will not be reached if a certain process was not followed. In the teaching-learning process, the learner was exposed to problem solving and team work. These skills obtained are not restricted to be the classroom, but can also be used outside the class and/or school (Malan, 1997:16-17).The Traditional education is a content-based approach; however, the focus is only on the product (content) of knowledge.

To accomplish a shift from content-based curriculum to an outcomes-based curriculum the emphasis must be on what the learners know and can do at the end of a course of learning and teaching, instead of the means that are used to achieve these results Parker and Rubin, (1966:1).

In OBE, both the product and the process are important and both must therefore be assessed. The focus in OBE is therefore on assessment, the desired results (products) as well as on the learning processes (process) that guide the learners to the results.

## 4.6 THEME 5

## THE CONTRIBUTORY FACTORS TO POOR LEARNER PERFORMANCE (ADULT LEARNING)

A lot of factors that might contribute to learner performance at SoMJ were derived from some of the DOD documents e.g. DOD Project team (1997) as well as archives. The other evidence was supported by individual interviews. SoMJ is not the only service provider that is concerned about Learner performance nor the ETD challenges within the department of Defence. On the 22 June 2012 DOD representatives from services and division attended a special board where Brigadier General (Brig Gen) X. G. Mabanga presented what he perceive as DOD ETD challenges.

Brig Gen X. G. Mabanga further commented that the contributory factors to these challenges might be the fact that the curriculum most of the time is not informed by training needs analysis (TNA), the programmes not reviewed by specialists, when are programmes reviewed? Why are they reviewed and how are reviewed, Validation? (Theory Vs realities [work place]), is benchmarking with other countries conducted (international trends and practices)? Is synchronisation and sequencing of ETD processes done? What about Accreditation (Trends and practices)? All the questions were directed to the DOD management and all members involved with education training and development within the DOD. Evidence from official documents channeled the researcher to investigate the factors such as school, work, family and the adult learner as a center that has to satisfy all the factors. These factors are intertwined and if a balance between these factors do not prevail the leaner might perform poor as cited by Tate, (Feb 6: 2006).

Facilitators - Contrary to what CHR Instruction No. 47/12 emphasises on the quality of instructors highlighting that it is a commonly recognised fact that the quality of instructors and DS at DOD ETD Providers has been degraded in past years, DLSD developed all the instructors/facilitators at SoMJ to function at the correct level. All the SoMJ instructors/facilitators are MLPs and qualified ETDPs as well.

Internal and external stress - Figure 2.1, depicts the complex environment of an adult learner Tate, (Feb 6: 2006). All the spheres need to be balanced in order for the learner to perform well. An adult learner is torn between family, school and work. Stressors emanating from these three spheres might affect the performance of the learner drastically.

Other roles - Increasingly, academic programs look at assessment as an important vehicle in determining the overall veracity of a program. It is a means by which the deliverer (instructor) of an academic program can determine if the goals and objectives of the program have been achieved by the recipients (students) Black & Duhon,(2003).

Quality assurance - The quality management and quality assurance system should be applied. Services and applicable Divisional Head Quarters (HQs) are responsible to direct, orchestrate and control ETD quality management. The DOD internal ETD quality management and quality assurance ultimately, is the primary mechanism to ensure that the product of DOD ETD, i.e. the qualified individual firstly conforms to DOD work-place requirements; secondly, that the product is produced in a professional, effective and efficient manner; and thirdly, that the required annual ETD throughput is achieved (Accreditation & Quality Assurance: CHR Instruction No. 47/12).

Facilitation (methodology) - Adult learners approach learning from a perspective of life experience and seek out knowledge to help them cope with the challenges of life. Their life experiences have taught them that there will be more challenges in their future and that they have a need for knowledge to deal with them. Their independence shapes a desire to have control over how the learning will occur (Knowles, Holton & Swanson, 2005). Tate, (Feb 6: 2006) clearly stipulates that adults need to know why they need to learn something, they need to learn experientially, adults approach learning as problem-solving, adults learn best when the topic is of immediate value. These were confirmed during the individual interviews.

Facilities/structure - The environment that is most effective in enhancing learning has available learning resources. The environment that most enhances learning is one that is supportive; is free from threat; encourages openness, inquiry and trust; and avoids competitive judgments of performance Learning is enhanced by preceptors who demonstrate accurate empathy, non-possessive warmth, respect for the learner, and consistency in their own approach to the preceptor/learner relationship. Learning content that is most effective is relevant, useful, and clearly organized around

exploration of problems perceived as significant by the learner (Mok, M. & Flynn, M., 1997). Individual interviewees supported these thoughts in different but similar ways.

Legislation - Chapter 2 Article 29 (1-4) of the 1996 Constitution of the Republic of South Africa states that Education and training programmes within the SANDF are a cardinal means of building and maintaining a high level of professionalism. In this regard the constitution provides that all members of the SANDF "shall be properly trained" in order to comply with international standards of competency Section 226 as indicated earlier. Do the results reflect that? This study is about to investigate contributory factors to poor learner performance at SoMJ.

The Defence, Act 42, ( 2002 ) chapter 10 support the constitution by emphasising that the training of members is an essential part of force preparation (combat readiness) as well as Chapter 3 of White Paper on Defence, (1996) states that in addition, special education and training programmes are required to standardize procedures following the integration of the statutory and non-statutory forces; to facilitate an equal opportunity programme and upgrade the skills of black soldiers, women soldiers and other disadvantaged service. The target group that have to attend is Line officers (do not have knowledge of Law) as well as MLPs (have knowledge of Law). South African Defence Review (1998) Chapter 10 states that training is directed towards equipping its members with the necessary skills, knowledge and attitudes for service in the SANDF meaning that after training or education has taken place expected results should be achieved. Evidence shows there is a challenge at SoMJ, in the sense that the expected results are not achieved during the first assessment attempt.

The DLSD has an obligation to ensure that a newly appointed member is duly trained in order to be able to utilise such member within the Division. Therefore, newly appointed members in the Division must be afforded an opportunity on first priority basis to attend the Advanced Military Law Course. As this course is managed within the Division, it will be possible to set a specific period within which the newly appointee must comply with the condition to successfully complete the Advanced Military Law Course, for example, within his/her probation period. The member is afforded only two opportunities to successfully complete the Advanced Military Law Course.

Assessment policy – Assessment is central to the recognition of achievement in the outcome of learning. It is a process through which evidence is gathered and evaluated against agreed criteria in order to make a judgment of competence for developmental and/or recognition purpose. It is

therefore important that DOD ETD providers follow a uniformed learner assessment approach to provide credible qualifications (DODI/TRG/00006/2003).

The requirement to be declared competent for MLPs is 70% on each and every assessment criterion in all assessments. As for Military Practitioners (line officers), 50% on each and every assessment criterion is required. Learners who are declared not yet competent will be entitled to one re-assessment. The OiC of the SoMJ may employ any reasonable means at his disposal to test a learner's level of competency. It is to be noted that a learner will only be re-assessed on those specific assessment criteria on which he/she was deemed not yet competent during the summative assessment (School of Military Justice, Assessment policy: 1999). The DOD pass mark is generally 60% or 50%.

## INDIVIDUAL INTERVIEWS FINDINGS

### 4.7 THE FACILITATOR'S AND TOP MANAGEMENT'S VIEWPOINT

Table 4.4: Target group

| What are the target group and the basic requirements for learners to be on Advanced Military Law Course? | |
|---|---|
| Code | Description |
| TM1 | The target group is line officers to Capt, highest ranking officers, SNR off as well as WO, all MLPs who are involved in the military justice. Theoretically but not practically it is a problem for MLPs and line officers to be in the same class. |
| TM2 | The target group is junior officers, all newly appointed MLPs (both Reserve Forces and Regular Forces) attending the military law courses, this applies only to uniform members not civilians within the DOD. |
| FF1 | The target group is adjudants of the units, MLPs and generally all the officers and warrant officers who will be involved in the administration of justice. |
| FF2 | The target group for the course is junior officers and the basic requirement for acceptance is a matric qualification. |

Table 4.5: Learner performance

| How have learners been performing since accreditation and the implementation of OBE? | |
|---|---|
| Code | Description |
| TM1 | Yes I am aware of poor learner performance but I was not aware that it is so alarming. |
| TM2 | A fair performance, 50% to 60% on average percentage mark on first assessment attempt and after additional attempts learners obtain 90% on average percentage mark. |
| FF1 | The programme is extremely tight, at the time of writing the assessment you have already started with the next module. I suggest that an extra two weeks be added to the duration of the course. The fact that there is no time earmarked for re-training is also a contributing factor. |
| FF2 | The Advanced Military Law has always been a difficult course. I think the learners perform splendidly when we consider all the drawbacks and obstacles they face. |

Table 4.6: Support

| As adult learners what form of support do they receive from top management to alleviate internal and external stress? | |
|---|---|
| Code | Description |
| TM1 | Top management gives learners support by ensuring that the school has all the resources that are required. |
| TM2 | Learners receive full facilitator learner support, administration support, accommodation, additional training, they all get course allowance as well as the reserve force members and to boost their morale they receive religious support from the Chaplain throughout the course. |
| FF1 | The only support is that the learner on his/her requests the social worker or doctor at 1 Military hospital however it is still the responsibility of the learner to catch up with the work that was done in his absence. The facilitator will be available however to assist where required. |
| FF1 | Internal stressors linked to academic anxiety are definitely omnipresent and there is little we can do in this regard, due to the congested block programme. It should be noted that the school has got away with not affording learners a course break after 6 weeks (as is Departmental policy), simply because the actual course is only 7 weeks long and the "RPL week" (which takes the course to $7^1/_2$ weeks) is voluntary. The fact of the matter is that MLPs attend the course for 10 weeks, without a course break and with only one afternoon of sport during the 1st week (to get to know one another, not to afford them a breather from |

| | |
|---|---|
| | course responsibilities). For the whole course (35 days) we commence with formal activities at 07:00 on 14 days (40% of the time), often staying after-hours. The congested block programme (41 assessments in 42 days) is a tall order. Some learners battle to cope with the incessant pressure because they are either too young, or have not been exposed to such an effort before. |

Table 4.7: Impact on facilitators

| How does the current learner performance on Advanced Military Law Course impact on you as facilitators? | |
|---|---|
| Code | Description |
| FF1 | We work after hours trying to assist learners to perform well, there is a shortage of personnel and taking leave or getting sick is a challenge. |
| FF2 | To what extent do the SoMJ personnel contribute to the NYC findings? Is that the personnel are doing their utmost to assist the learners. No request for further training/explanations has ever been denied. Personnel stay after-hours whenever the need arises (without any reciprocal acknowledgement from the Division). This approach/ attitude/work ethic will not be encountered in many FSEs. Are there things that could be improved upon? Yes, because of the limited number of personnel at the SoMJ and due to the congested programme, very little effort is placed on revisiting or redesigning existing material. You are either in class, or you are busy assessing, which leaves no time for upgrading or improving learner guides or presentations. Assessment tools are drafted after-hours and only after all the administration has been completed, would one start preparing for facilitation. Preparation and strategy for facilitation is severely lacking simply because there is no time for such luxuries. The bare minimum is taught during the Advanced Facilitation Courses, but facilitators are not empowered through additional short courses (no time). In as far as presentations are concerned, the DOD software is limited to powerpoint and we are therefore unable to procure other (much more interesting and learner friendly) alternatives that would accommodate the use of mind-maps or animation. |

Table 4.8: Influence personnel utilisation at the workplace

| How does learners' performance on Advanced Military Law course influence personnel utilisation at the workplace? | |
|---|---|
| Code | Description |
| TM1 | It is a challenge because the structure is inadequate so the success of every MLP counts in terms of output. MLPs have to be effective at their workplace failing which others are overstretched hence the backlog of cases etc. |
| TM2 | Once competent they can function fully on their posts i.e. as adjudants, MLPs, they can be appointed as disciplinary hearing officers, members of summary investigations and generally legal processes and disciplinary legal procedures |

Table 4.9: Incompetence rate

| Is there a sign of high incompetence rate on the course? (Yes/No) If so what might be the contributory factors to that effect? | |
|---|---|
| Code | Description |
| TM1 | Yes, it can be lack of facilities. Lack of commitment from the learners themselves. Lack of accommodation or even lack of resources in general. |
| TM2 | The respondent doesn't think is high incompetence rate but rather laymen who just do not understand the issues of the legal process and disciplinary procedures. The contributory factors can be overconfidence of MLPs because they have already have a LLB degree as for line officers they are not familiar with military processes and the applicable legislation. |
| FF1 | Yes. The average pass mark is 34% in the last two years but recently on the previous course it was 54%. The problems started when we assessed the learners on all assessment criterions of the specific outcomes. All MLPs must get 70% and the non-MLPs 50% of the assessment criterion. The mark allocation per assessment criteria should not be below 7 (seven) marks, which means that for MLPs they need to obtain 4 out of 7 marks. This approach is not only problematic but also frustrating and time consuming as the facilitators spend more time assessing or developing new assessment that will suit individual learners depending on which assessment criterion must be reassessed. The other big challenge is the question of unit standards. We harvested the unit standards that are of a high academic level and are not commensurate to the level of our |

| | |
|---|---|
| | clients. I am of a view that the unit standard of Law of evidence and Criminal law specifically are of a master's degree level. The time allocation for the course is not commensurate with the work load. Time is too little as compared to the presentations and assessment that should be conducted. Extra two weeks should be added to the course. |
| FF2 | Lack of facilitators is also a contributing factor. We have on many occasions overemphasised the importance of getting more people even reserve force personnel. One of the main concerns for the SoMJ remains the accommodation at Gerbera. Those members staying in and around Pretoria are prevented from living-in, since learners from outside the geographical area of the SoMJ receive preference on the limited amount of available beds. Learners who return home in the evenings are at a distinct disadvantage, since their family responsibilities do not cease simply because they are on course. They are further isolated from the rest of the group in as far as informal discussions and sound boarding with colleagues is concerned. When the course reaches the stage of practical evaluations and syndicate work, learners who are staying out have to make additional arrangements to accommodate after-hours work.<br><br>The mess is not a facility only for members on course, but a living-in mess. Members who stay at the mess on a permanent basis (rightfully) regard Gerbera as their home and they party and entertain at periods when the learners need to study. |

Table 4.10: Standard of SoMJ facilities

| What is the Standard of SoMJ facilities e.g. Classrooms, learning equipment etc.? | |
|---|---|
| Code | Description |
| TM1 | Facilities are acceptable. |
| TM2 | Yes, it is a school in good condition and sufficient for the purpose that it needs to serve. There is always room for improvement. |
| FF1 | There is a serious challenge with the City hall as the training area is within the city hall i.e. activities such as choir competitions, funerals and memorial services disturbs the class. There is no generator currently in case of load shedding and no video camera for mock trials. |
| FF2 | The problem comes in with the facilities directly surrounding the lecture rooms. The bathrooms are horrible! Apart from the dire state of the bathroom facilities, we cannot even try to make it more presentable by placing toilet seat covers or mats in the toilets, since it is stolen. Toilet paper is provided, but it is kept in the lecture |

| | |
|---|---|
| | rooms (if left in the bathrooms, it gets stolen). It is a bit demeaning for learners to take toilet paper when they leave the lecture room during a break, pronouncing to everyone what they intend to do during the break. There are no soap dispensers, towels for drying their hands, or even mirrors in the male bathrooms. The offices of personnel leave much to be desired as well. We do not have desks, but use tables (no drawers, etc.). Offices are small and furniture does not accommodate proper keeping of reference material. The area where the SoMJ is situated is another distracting factor. One can not necessarily move away from traffic, but the adjacent streets do contribute to noise pollution. The main lecture room is further situated right next to personnel offices and constant telephones ringing, the noise of the photocopier and carrying of voices when personnel are talking in their offices can be heard inside the lecture room. The last factor is the close proximity to the ThabaTshwane town hall, which is used by all and sundry for communication periods, memorial services and functions. The movement of people and singing not only disturbs the lectures, but is so annoying that Assessors have a hard time concentrating on their assessments. (This is a difficult aspect for the personnel at the School, but we do not want to move to Hoedspruit or Upington either!)The fact that the School is not situated within a Unit with a mess makes any kind of social gathering impossible. |

Table 4.11: Current training area conducive for learning

| Is the current training area conducive for learning/training? | |
|---|---|
| Code | Description |
| TM1 | Yes, it is conducive for learning. |
| TM2 | Yes, it is a school with a classroom atmosphere with full support. |
| FF1 | Generally although the Division is providing all necessary resources to enable us to work, the town hall is a challenge. The venue will always used for memorial services, church parades and meetings. The noise made during the choirs and all this events is not only disturbing but also not friendly for learning purposes. |
| FF2 | The discussion above relating to facilities would apply mutatis mutandis to this question. It is honestly submitted that the needs of the school are attended to within the available budget and constraints imposed by austerity measures. A greater budget would, however, enable the Division to expand on the structure at the SoMJ. More personnel would ensure proper quality management, the opportunity for research and development and obviously increased capability for training and ad hoc lectures. |

Table 4.12: Coping with the level of training

| Do learners, as adult learners cope with the level of training? | |
|---|---|
| Code | Description |
| FF1 | Too much time for explanation, the amount of assessment is too much and the sequencing of assessment is a problem. |
| FF2 | Learners have a low level of communication skills. They cannot read, or write, if the question is not straight forward name, list or fill in the missing words. As soon as deductions or applications are required, they struggle (this once again raises a question mark for me regarding the level of their exposure before attending the course at the SoMJ). Some learners battle to cope with the incessant pressure because they are either too young, or have not been exposed to such an effort before. |

Table 4.13: Subject matter pitched at the right level

| Is the subject matter pitched at right level of the target group? | |
|---|---|
| Code | Description |
| FF1 | The process of harvesting unit standards should be revisited. The unit standards that we are intending to use must be commensurate with our target group. The content is more academic e.g. a learner who was not exposed to the legal field is likely to struggle and as a result fail become the content is too academic. |
| FF2 | If we agree that the MILLAW course should not be the first exposure to the field, then yes. The NQF level (level 5) is post-matric, which is the correct level. The problem comes in with the learning assumed to be in place, learners have a low level of communication skills. They cannot read, or write, if the question is not straight forward name, list or fill in the missing words. As soon as deductions or applications are required, they struggle (this once again raises a question mark for me regarding the level of their exposure before attending the course at the SoMJ). |

Table 4.14: The appropriateness of the course to the outcome that needs to be covered

| Is the duration of the course appropriate to the outcome that needs to be covered? | |
|---|---|
| Code | Description |
| FF1 | Time is too little as compared to the presentations and assessment that should be conducted. Extra two weeks will suffice. |
| FF2 | The following aspect is the relatively short period/duration of the course, when considering the extremely congested block programme, without respite, break, or opportunity for social interaction. Assessment policies have a more direct impact on competency, especially the fact that only two (2) assessment opportunities are available (with good reason). If we had more time, we could have considered more than one Formative Assessment (with current duration this is simply not an option). |

Table 4.15: The impact of SoMJ budget on learner performance

| How does budget allocated to SoMJ impact on learner performance? | |
|---|---|
| Code | Description |
| TM1 | The school is adequately resourced however there is a need for updating modern equipment. |
| TM2 | Reserve Force Budget cuts can impact on learner performance and facilitators due to the fact that when Reserve force members are not available to assist at the school there will be overload of work on facilitators having to work after hours this can course them stress that can affect the morale of the learners |
| FF1 | Generally the Division is providing all necessary resources to enable us to work. |
| FF2 | The needs of the School are attended to within the available budget and constraints imposed by austerity measures. A greater budget would, however, enable the Division to expand on the structure at the SoMJ. More personnel would ensure proper quality management, the opportunity for research and development and obviously increased capability for training and ad hoc lectures. |

Table 4.16: Staffing and the structure of the school

| Is the school fully staffed and well structured to deliver good service? Motivate your answer. | |
|---|---|
| Code | Description |
| TM1 | The respondent's perception is that the school is 100% staffed to deliver well and effective service however it's challenge to get ETDPs from within the division. |
| TM2 | The school is fully staffed to deliver the intended service although ideally one would foresee the expansion of the structure. |
| FF1 | SoMJ is understaffed, only 5 permanent force members available. The OiC not being present and this impact negatively because one of the facilitators will have to assume the OiC duties and responsibilities. No pool of facilitators. |
| FF2 | Although all the posts at the SoMJ are staffed, this does not necessarily translate to the ability to render optimal service. The fact that the OiC has been on detached duty for 18 months is common cause, these functions are currently conducted as an above and beyond task. Quality management is an additional area of great concern. In time moderation effectively reduces the available pool of personnel by 1. There is no research and development done, simply because there is no time in the course schedule or block programme (these impacts. The SoMJ is lastly experiencing a tremendous increase in the requests for ad hoc lectures (both on specialised fields and basic military law, purely because Legal Satellite Offices (LEGSATOs) and other Directorates are unable or unwilling to render the required service). To accommodate these various (and extremely important) requests require a great deal of planning and commitment from available personnel. |

Table 4.17: Facilitation methods applied to enhance acquisition of knowledge

| What facilitation methods do you apply to enhance acquisition of knowledge? | |
|---|---|
| Code | Description |
| FF1 | Methods that we me are mock trials, group discussion, visiting the court room, one on one discussions, slide presentations as well as presentation by the learners. |
| FF2 | Methods that we me are mock trials, group discussion, writing the court room, one on one discussions, slide presentations as well as presentation by the learners. |

Table 4.18: The impact of legislation and policies such as Appointment Contracts, Assessment policies on Learner performance

| How does legislation and policies such as appointment contracts, assessment policies etc. impact on learner performance? | |
|---|---|
| Code | Description |
| FF1 | The policies are not currently followed. The biggest challenge is that there is no time earmarked for retraining after the feedback which poses a challenge of possibility of going to write for reassessment with unclear mind because no training was offered. The assessment policy to be reviewed as well as the letter of acceptance so as it's clear that the member is on probation period until he successfully masters the Advanced Military Law. The pass mark should be 60% for MLPs. |
| FF2 | Assessment policies have a more direct impact on competency, especially the fact that only two (2) assessment opportunities are available (with good reason). If we had more time, we could have considered more than one Formative Assessment (with current duration this is simply not an option). The next bone of contention remains Assessment Criterion (AC) based assessments, as opposed to Specific Outcome (SO) based (or even an overall pass-rate for the module). Although it might be possible (or easier) for learners to attain 50% overall for the module, we know that this means that there are whole portions of the work that the learner knows nothing about a situation that has (for good reason) got to be avoided. In the end I still believe that the dysfunctional implementation, or absence of a consistent approach by all service providers attribute much to the perceived poor performance of learners at the SoMJ where adult learning is applied consistently. The discussion above relating to facilities would also apply. |

Table 4.19: Measures to put in place by the ETD section to improve the learner competency level

| Are there any measures that you would like the ETD section to put in place to improve the learner competency level, if so what are they? | |
|---|---|
| Code | Description |
| TM1 | Revisit our assessment policy, accommodations for all, approved structure to be put in place, other members of the division should be recruited and detached at the school for a specific period and appointments are to be revisited i.e. appointment letter and Acceptance letters. |

| | |
|---|---|
| TM2 | Revisit our assessment, develop a separate course for line Officers, design a more practicability of course or even a basic or even have a basic course or follow-up course, there should be a boundary between the two courses, it should be hands on i.e. more practical. The MLP course should be detailed and more intense training. ETD section needs to identify course outside the target group's environment to supplement the knowledge base and professionalism. There should be a form of admission exam as a form of determining acceptance to the course. |
| FF1 | Internet, dynamic approach, presentation software and time allocation of the course. |
| FF2 | We have, requested that the different learner guides be made available on the intranet. This would benefit learners who wish to work on their own (and make reference material and pro-forma documents available to all Units). We should consider a pre-entry exam, before someone is accepted on course, to force learners to at least glance over the prescribed material. SoMJ Facilitators must be continually developed to ensure a dynamic approach, or prevent stereotypical "survival" or "going through the motions". Establish a R&D capability, not only to develop the course content, but to suggest different approaches to facilitation and assessments. Procure better presentation software, i.e. brain map & animation. Revisit the duration of the course, More time for facilitation, more Formative Assessment opportunities and a course break. Better mess facilities and facilities around the SoMJ (toilets, tea-room) will reduce anxiety, or promote a condition which is more conducive to professionalism and excellence. It is regretted that more time could not be spent on your request for inputs, as writer supports the study whole-heartedly. It is trusted that the school will, in the end, be the beneficiary of the endeavor. |

## 4.8 FINDINGS ON THE LEARNER'S VIEWPOINT

Table 4.20: Application to be on course

| Why did you apply to do the Advanced Military Law Course? | |
|---|---|
| Code | Description |
| 10LL | 100% of the responses are that they have been motivated by their appointments at work to do the course, for example adjudants and the MLPs. They all want to get more knowledge and better understanding on the subject as they cannot function without the knowledge of military law. |
| 11LL | 100% of the responses are that they have been motivated by their appointments at work to do the course, for example adjudants and the MLPs. They all want to get more knowledge and better understanding on the |

| | |
|---|---|
| | subject as they cannot function without the knowledge of military law. |
| 12LL | 100% of the responses is that they have been motivated by their appointments at work to do the course, for example adjudants and the MLPs. They all want to get more knowledge and better understanding on the subject as they cannot function without the knowledge of military law. |

Table 4.21: Coping with the level of training as adult learners

| As an Adult learner do you cope with the level of training? | |
|---|---|
| Code | Description |
| 10LL | Two of the respondent indicated that they coped well even though they had to work under pressure; the other one was a living in member. The seven respondents indicated in the beginning of the course it was very difficult because some had no military legal background at all and because of the workload placed upon learners, they used to sleep at 12:00 midnight. It is recommended that the course be residential. New method of assessment i.e. 50% on each and every specific outcome is making the course difficult to be competent. One indicated he/she was incompetent due to the fact that he did not master only two specific outcomes and the two could not hamper me from doing my job properly at the workplace as learning material is used as a reference at the workplace. |
| 11LL | One respondent indicated he/she coped well. The other eight coped at the first time even though there were other challenges from home and ended up not sleeping due to the amount of work. There were problems i.e. some of the subjects are offered at UNISA for 6 months yet at SoMJ you have to do them in four days and be competent. You are not learning to enhance yourself but to produce for the assessment (parrot learning). |
| 12LL | Two respondents indicated he/she coped well as one is an advanced learner as he is currently working towards his masters. The other coped although the time became a factor as this is a challenging subject. The other seven indicated it is sometimes strenuous but they always believe that as soldiers they must cope under different circumstances. It is difficult to cope with the level of training as workload is cramped in a short space of time. They felt like they are back in the University but with the information jammed in a short period of time. Some indicated its being a long time since they left school. Some indicated the first three weeks were not that easy to cope with the amount of work and assessment. |

Table 4.22: Form of support adult learners receive from top management to alleviate internal and external stress

| As an adult learner what form of support are you given by facilitators and top management to alleviate internal and external stress? | |
|---|---|
| Code | Description |
| 10LL | 100% of the respondents indicated they got support from facilitators, when they experienced welfare problems. They were allowed to be absent for two days when having problems. All the facilitators at the school for military justice were very supportive towards the learners throughout the duration of the course. They even availed themselves after hours by supplying the learners with their contact numbers in case someone encountered problems with the work. External stress is something that every learner attending the Advanced Military Law Course will encounter. They never went to the facilitators with external stress matters, "which they had" so would not be in a position to correctly say how their problems would have been dealt with. Physical, emotional support was given to the learners by the facilitator of SoMJ. They were always there for all of the learners. They would come to class and volunteer their free time to learners. Facilitators were motivating them and gave them courage about the course, and making sure that they are always positive about the course and cope with the level of work. Medical support and others (if one had personal problems) were there given by the facilitators. |
| 11LL | 100% of the respondents indicated they got support from facilitators; they always made sure that members get medical support and even help after hours if there are challenges with the work that must be done. One indicated that his/her problem was beyond the powers of the facilitators. It was a problem that was caused by his/her Unit and needed to be sorted out by His/her Unit. Some indicated the Navy mess where they stayed was the external. The accommodation is right but there is too much noise around which makes it difficult sometimes to study. There was continuous support in a manner that is approachable, consistent in their decision, helpful with group tasks on very clear on instructions and requirements. However a formal course break should be in cooperated into the programme which will benefit learners who stay far to go visit their families and also the opportunity to request state funds for the course break. |
| 12LL | 100% of the respondents indicated they got support from facilitators The facilitators were always there when they needed them most. They have given us the learner guided the specific outcomes which we must meet, although not enough time is given for revision in the morning at least thirty minutes. As a living out member it has been very difficult to adjust throughout the course as the classes start at 07:30 and assessments at 7:00. One respondent indicated She/he is a single parent and traveling so it was also difficult for him/her to get time to study after hours. Facilitators are well vested with their subjects and they could answer most of the questions. If they could not answer they could always find out and come back to us. They are always prepared |

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|---|---|
| | to be convinced and to listen to another person i.e. open minded. Out side class the facilitators were accommodating and opportunities were given for sick reporting and could be approached with any social issues. Top management and facilitators are very supportive and encourages you all the way to give you best learner guides; slide shows are clear and unambiguous. The facilitators have given their side trying all their best to make sure that they understand the information. The books that they give them as a source of information and being made more user-friendly even the terminology are being explained. The support was always available from the facilitators and top management, as they were available to assist and willing to work until late and to assist members who did not understand during the presentation. |

Table 4.23: Learner performance on the Advanced Military Law Course

| How is learner performance on the Advanced Military Law Course? | |
|---|---|
| Code | Description |
| 10LL | One respondent indicated learner performance was not bad at all due to the fact that they got full support of the SoMJ facilitators. The facilitators had an open door policy and willing to help the learners when there is no work done. The performance was also affected by work overload given to the learners. The rest indicated that only 6-7 learners initially passed the course but they don't know how many were found competent after the remedial training. The facilitators are aware that the course is strenuous. They indicated not all of them will make it. It is a given that not all of them will be found competent. Learners start on a low note, but eventually end up being positive and giving their all into pass and understanding the content of subjects being taught even though the learner performance is not excellent but average because of the time prescribed for the course. |
| 11LL | Two respondents indicated learner performance improves as the course progresses, from the start more learners were found incompetent and as the course progressed to CODH, PI, and BOI's Ops Law etc. more became competent. But as soon as they have been granted the opportunity to rewrite some became competent. Group tasks were good learners performed well and were found competent. At first we had too much re-writes, but as the course progresses, learners got hold of the study technique. The other seven indicated learner performance is very poor due to the time given for the course to be presented. The course puts learners under pressure, if the course period can be extended maybe the performance rate will increase. They indicated that there were around 30 learners in the class, only 9 managed to pull through. Learner performance is not good. |
| 12LL | Four respondents indicated they have been competent this far. Some learners are performing some are struggling for various reasons e.g. workload, complexity of content and various personal circumstances. For some the approach is new, hence they struggle to adjust. Learners are performing quite well and they show |

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|---|---|
| | interest and dedicated to their work. The learners were quite surprised by the pace or speed that we had to adjust on when we came. Performance is gradually increasing everyday yes it gets difficult due to time but that is also treated as a learning route. Failing or being found not yet competent has been facilitated to the extent that one should not be hard on oneself. A learning path is not smooth so taking each step as a learning curve assisted a lot. The others indicated It is difficult but it is not that bad because they are given time to rewrite, .one is assessed through assessment criteria to be found competent. The course is challenging a lot need more focus and one has to study hard to achieve goals. |

Table 4.24: Incompetence rate

| Is there a sign of high incompetence rate? (yes/no) if so what might be the contributory factors to that effect? | |
|---|---|
| Code | Description |
| 10LL | 100% of the respondents indicated that there is a high incompetence rate and contributory factors are the design of course you must be found competent on the unit standard not a subject as a whole. Some of the learners deliberately failed two or three assessment criterion for the last two weeks remedial training because either they don't want to return to their home units or they already drew S&T for the duration of the course and know they must pay back the money for returning two weeks earlier to their home units. Short period of time to study for exams. Some learners are not used to the assessment criteria. It is a good way of assessing the learners. It is a foundation for the LLB degree. Accommodation for learners should be provided as they would be expected to do the study work after hours. Learners go to the course with the aim of getting more knowledge and understanding on military law, but end up not completing the course because of the given time. |
| 11LL | Two respondents indicated there is no sign of high incompetence rate .The others indicated yes there is a sign of high incompetence rate, the course is presented in a short period contributory factors are age, workload i.e. people not coping, the content of the course is like a semester courses offered at the university meanwhile it is presented for four days in the military, time constraints, functions at the city hall distracts learners, delay and missing out on subject matter due to ablution facilities that are shared by both learners and people attending functions at the City hall and overlapping of subjects, assessments and reassessments. With the assessments more pass with the rewrite but the level of incompetence is higher than the level of competence. They think it is due to the compact time the learners have available to study and also because most of them did not have previous exposure to certain topics of military law and also the law jargon and terminology is a challenge. |

| | |
|---|---|
| 12LL | Three respondents indicated there is no sign of high incompetence rate, the facilitators understand their job well and they make it easy for the learners to understand the work. The level of incompetence is low as every one on cause knows the content of the course and can apply what have been thought of in his/her working environment but the extension of the 1st three weeks would be advisable as the work is too much. The other six respondents indicated there is a sign of high incompetence rate; the reason could be the short duration of the course. Not everyone copes well under pressure, the complexity of content, personal circumstances and struggling to adjust to new approach. Assessment method used i.e. assessing per criterion. |

Table 4.25: The standard of SoMJ facilities

| What is the standard of facilities? E.g. Classrooms, learning equipment. | |
|---|---|
| Code | Description |
| 10LL | 100% of the respondents indicated that the facilities are in order and conducive for training however when memorial services are held it depends on the programme it could affect learning. The facility is kept clean as well as the toilets however the structure is very old. The facilitators are doing their best to keep the building in tact and conducive for leaning. The school has good quality learning equipments. The facilities, learning aids provided to the learners were of high quality as well. However there was no medical facility, learners were referred to the nearest sickbay at Personnel Service School and Military Health Training Formation sickbays. Toilets were clean, tea was well managed. The facilities are of good standard however learners could not go for lunch at gerbera mess due to unavailability of transport and ended up eating food that was packed from the previous day. The training venue is not conducive for learning e.g. is part of the city hall; functions at the hall distract learners and causes delays. |
| 11LL | 100% of the respondents indicated that the facilities are outstanding and conducive to training. The classrooms are very neat and there is enough space. The projector, the air conditioner everything was fine. The classrooms are up to standard. The school was prepared for their arrival. They had access to the computer during group discussions. Classes are well equipped however bathrooms need a facelift. |
| 12LL | 100% of the respondents indicated that the standard is good. Everything is well organized for learners so as to enhance training or acquire knowledge that they need, learning aids are great, facilitators are approachable and the equipment is accessible and understandable. The facilities of the school are highly appreciated by the students and are up to standard. Classrooms were always available including the computers. |

Table 4.26: Is it Difficult being competent on the Advanced Military Law Course?

| Is it difficult to be competent on the Advanced Military Law Course? Motivate your answer. | |
|---|---|
| Code | Description |
| 10LL | Four of the respondents indicated that no it is not difficult to be competent on the Advanced Military Law Course due to the fact that the classrooms are learner friendly, leaner material is good, and everything is given out on time and always available and the environment is clean and neat in general, however One respondent was incompetent due to the fact that he/she didn't master only two specific outcomes and the two could not hamper him/her from doing his/her job properly at the workplace as learning material is used as a reference at the workplace. Four of the respondents indicated it's difficult to be competent on the Advanced Military Law Course, because lot of studying is needed/rest as some used multivitamins to be energetic on course. Majority used to sleep at 12:00 midnight. It is recommended that the course be residential. New method of assessment should be looked into, as 50% on each and every assessment criterion is making the course difficult to be competent. One's concentration and focus must be on the course at all times. The workload is putting a lot of strain on the learners. |
| 11LL | Five of the respondents indicated that it is very difficult due to a lot of work that must be studied in a short period of time. It is difficult because of OBE assessment criteria even if you get 90% you will still be incompetent as long as you didn't obtain 50% on all assessment criteria. The other four respondents indicated no if one is dedicated to her work you can be found competent at the end. It was a big challenge, but endurance and hard work is the virtue. |
| 12LL | Four respondents indicated that rather challenging. The problem is when they first attend class they are clueless that makes it difficult. Yes, too little time too much theory and too much pressure. It is difficult because most of the learners are used to infantry courses that are not broad when it comes to content now the sudden focus and change it becomes difficult. The other five respondents indicated that It is not difficult but needs effort and hard work from individual. The facilitators are always there to assist however time is still a factor. It is presented within a short time and a lot to study is needed, they suggest that more time to be added especially for Criminal law and law of evidence. |

Table 4.27: The impact of legislation and policies such as Appointment Contracts, Assessment policies on Learner performance

| How does legislation such as appointment contracts, assessment policies etc. impact on learner performance? | |
|---|---|
| Code | Description |
| 10LL | Six respondents indicated there was no impact due to the fact that the Advanced Military Law Course is not a requirement to be appointed in a post. The assessment policies of the modules does not have impact because it motivates one to study and understand the module in order for them not to rewrite or supplement or fail all in all they give guidelines. Three respondents indicated yes there was impact due to the fact that the Advanced Military Law Course is a requirement to be appointed in a post. Doing the course contributed positively to their current appointments. They were pushed to work even harder as they could not function without being competent on military law. |
| 11LL | Eight respondents indicated there was no impact due to the fact that the Advanced Military Law Course is not a requirement to be appointed in a post. As line officers the appointment contract doesn't state or encourage the members of the DOD to do Advanced Military Law Course. The assessment policy state that as a learner you need to obtain 50% pass mark as per assessment criteria. Even though it's difficult to know the content of the book and not to only concentrate on a specific part of the work. One respondent indicated yes there was impact due to the fact that the Advanced Military Law Course is a requirement to be appointed in a post this motivated him to study further. It makes him/her to feel more senior to his/her peers wrt military law aspects. |
| 12LL | Seven respondents indicated there was no impact due to the fact that the Advanced Military Law Course is not a requirement to be appointed in a post. Two respondents indicated yes there was impact due to the fact that the Advanced Military Law Course is a requirement to be appointed in a post, as an adjudant it boost your level of understanding to grasp, apply, adopt and adapt. Your appointment and what is expected of you motivates one each step of the learning. On the policies side it is very important that they are studied, enforced, translated and be stuck to as they have been set or aimed for. The assessment policy is well presented. |

Table 4.28: Comprehension of subject matter

| Is the subject matter difficult to comprehend? | |
|---|---|
| Code | Description |
| 10LL | Four respondents indicated no, the subject matter is not difficult to comprehend it just needs the understanding, the learning material are used as a reference at the workplace. Learners who knew what they were at SoMJ for, worked hard not only to get the qualification but to gain knowledge on legal aspects of military. The other five respondents indicated Law of evidence and Criminal law are difficult to comprehend, because of the amount of content, is not easy to grasp and presented in a short space of time but all in all it is not difficult to comprehend. |
| 11LL | 100% of the respondents indicated no, the subject matter is not difficult to comprehend. It needs dedication from you as a learner. If one is given enough time to study it will be much easy. Some of the content is familiar some is new. |
| 12LL | Three of the respondents indicated no, the subject matter is not difficult to comprehend as the facilitator ensures and explains to learners, the learner also have opportunity to consult the facilitators for more explanation. The other six the respondents indicated the subject matter is difficult to comprehend due to the fact that when you go home to study, you must read a sentence, one paragraph at least three times to get the gist of things. It is good to keep the law terms but the English should be more simplified, otherwise, a glossary should be provided with the learner guide. It is a bit complex but can be comprehended. It is not easy to comprehend within a short space of time. Yes, it challenges a lot due to its terminology and the way it is presented. |

Table 4.29: Measures to put in place by the ETD section to improve the learner competency level

| Are there any measures that you would like that the ETD section should put in place to improve the learner competency level, if so what are they? | |
|---|---|
| Code | Description |
| 10LL | The respondents suggested that the assessment be reviewed, own accommodation of learners with mess facilities, sickbay (medical facility) and the capacity of instructors to be increased. |
| 11LL | The respondents suggested that the course be extended by plus, minus 3 months, transport be provided for learners to take them to the mess for lunch, allow for social activities during the course, the sequence of the |

| | |
|---|---|
| | subjects and assessments and also the reassessments should be revisited. The modules should not overlap without completion of assessments and reassessment, study periods (supervised) should be added on the programme, overtime allowances i.e. for facilitators to be paid, workbooks to be issued to learners, own accommodation with mess facilities and the level of the course and notional hours awarded to the course as well as credits should be revisited. |
| 12LL | The respondents suggested that the workload be improved, maybe not to rush things because they come from different backgrounds, if you are not familiar with the law and it is the first time you come into contact with the course it might be difficult, maybe if the course can be extended, in terms of group work the facilitators should have a standardised way of assessment and not use their own way as other learners with certain assessors managed with specific assessors and other assessors are viewed to be difficult, evenly spreading the content as some weeks are so hectic and some are so relaxed and the school must have their own accommodation where the learners can study in quietly however one respondent felt that nothing should be improved. |

# CHAPTER FIVE: DATA ANALYSIS AND INTERPRETATION

## 5.1 INTRODUCTION

The purpose of this study is to investigate contributory factors to learner performance at SoMJ and measures that the ETD Section can put into place to improve the current situation. This study will confirm whether there is actually a high incompetence rate at SoMJ since the implementation of OBE and accredited training at the school. This chapter will outline the results of the study. To corroborate data derived from interviews, a list of documents relating to research questions and relevant to the study were collected to provide valuable and relevant information to the study and to improve on validity of the study.

A literature review was conducted and individuals were interviewed, ETD processes at the DOE were explored as well as the DOD at large. A qualitative approach was applied and non-probability sampling was adapted to determine the sample of the population to be consulted for utilisation in the study. It is Whites, Africans, Indians and Coloureds. The technique used is purposive or judgmental sampling. The rationale for this choice is mainly based on the researcher's familiarity of the population, its elements, and the nature of the research purpose. In simple terms, reasons of convenience and economy are the driving forces, Babbie et al., (2007: 166) and Welman et al., (2005: 56-57).

A qualitative approach was applied to data derived from the semi-structured interviews with open ended questions i.e. face to face interviews of a purposive or judgmental sample of learners, facilitators and top management (Kruger, 1998, p. 150; Fourtounas, 2003 p85; Groenewald, 2004, p.9). For the purpose of the study participants in interviews are allocated the following codes according to their response on different questionnaires in Chapter 4. The analysis as well as conclusion with reference to the interpretation of the data follows. The following codes for participants were used: TOP Management is TM1 and TM2, Facilitators are FF1, FF2, 2010 Learners are 10LL, 2011 Learners are 11LL and 2012 Learners are 12LL.

## 5.2 DATA COLLECTION

During fieldwork data was collected from the official documents compiled and maintained on a continuous basis by government institutes (Bailey, 1994; 294, cited by De Vos e t al. 2002:323-324). They included documents such as the Constitution of the Republic of South Africa, Defence Review, White paper on Defence, the 1997 DOD ETD project team and the CHR instructions on quality assurance. These documents were necessary in order to study the phenomenon in relation to whether they address the research questions of the study. According to De Vos et al. (2002), "accessing them is often a problem owing to legislation on confidentiality of information". This is particularly true to the SANDF since most documents bear a security classification of top secret, secret, confidential or restricted. In this case documents accessed and used for the study were normally public information. In addition, permission to access them was sought and granted by Chief Defence Legal Services, Chief Defence Human Resources as well as Chief Defence Intelligence. Some of the data was collected electronically from other government web sites. Data were classified according to relevance and placed on file. Data collected through interviews were classified also according to similarities in response to the interview questionnaires as well as differences in opinions.

## 5.3 TEXTUAL DESCRIPTIONS

During fieldwork secondary data was collected and grouped according to five main themes in order to answer the research questions, to analyse and explore these documents in terms of their relevance to the current learner performance at SoMJ. Schwartzman and Strauss, (1973) mentioned by Cresswell, (1994:166) indicated that qualitative data-analysis primarily entails classifying things, persons, and properties that characterized them. Relevant information was filed and classified according to relevance to the research question. Manual coding as data analysis procedure was used. Coding is a process of dividing data into parts by classification system (Schumacher & McMillan. 1993:486). The classification of data emanated from the research questions, interview questionnaires and relevant data gathered

## 5.4 CONTENT ANALYSIS

Triangulation were used during the data analysis where the researcher looked at learner performance from the top management viewpoint, facilitator's as well as learner's viewpoint. The documents

from other departments as well as scholarly journals on learner performance, challenges of adult learners etc. were explored. The researcher started by looking at the global view of the changing approaches to education, based on the global trend then the researcher narrowed the scope to the South African view of the changing approaches to education. Themes emerged during the data collection which narrowed the research further to DOD i.e. military education as well as ETD processes within the DOD which was then relevant to the research questions.

South African Defence Review (1998) Chapter 10 emphasised that the accreditation of training Units in the DOD meanwhile Schmid, (1998) indicated that corporations will also look for new ways to foster education, both for their own employees and the greater society, because of the need for highly trained employees. SoMJ supported this view as the DOD service provider hence the school was accredited since the end of 2010. SoMJ is one of the 53 accredited service providers within the DOD. Based on the global view of the changing education, the defence policy should be fully aligned with all aspects on national policy. The DLSD is part of the complex structure of the DOD. Its mission is to ensure an effective and comprehensive Military Legal Services and Support to the president as commander in chief, the ministry and DOD through application of law and principles of justice and its vision is the highly professional, legitimate deployable and sole provider of Military Legal Services and Support to the DOD.

As the sole provider of Military Legal Services and Support to the DOD with reference to the alarming average percentages obtained throughout the years refer to table1.1, then questions such as, are there enough DOD members as well as MLPs trained appropriately to carry the above DLSD mission? Chapter 2 Article 29 (1-4) of the 1996 constitution of the Republic of South Africa states that education and training programmes within the SANDF are a cardinal means of building and maintaining a high level of professionalism. In this regard the Constitution provides that all members of the SANDF "shall be properly trained" in order to comply with international standards of competency Section 226 as indicated earlier.

In support of the Chapter 3 of White Paper on Defence, (1996) which stipulates that education and training has play an essential, The Defence, Act 42, (2002) chapter 10 that emphasizes the training of members is an essential part of force preparation (combat readiness) and encompass instruction as well as The Green Paper on Higher Education and Training (HET) (December1996) that emphasises

expansion and transformation of system, the DOD had to also align its ETD processes with the changing educational landscape. The mission of the DOD is to provide, manage, prepare and employ defence capabilities commensurate with the needs of South Africa as regulated by the constitution, national legislation and parliamentary and executive direction. Training and implementation of correct ETD processes according to national prescripts is a critical element of force preparation which includes SoMJ as the DOD service provider.

The Green Paper on Higher Education and Training (HET) (December1996) further emphasis delivery of the required results, when analysing SoMJ results from 2010 after implementation of accredited training it is clear that the ETD processes at the school are not delivering the required results. Table 4.1 showing statistics on learner performance at SoMJ, is in conflict with what the Green Paper emphasises.

Military Education - There are two types of military education, being professional military education and voluntary adult and continuing education (Leona, 2008:404). Military education describes instruction for purpose of intellectual development for learners. SoMJ offers professional military education which prepares learners to function in a complex combat organisation yet it is clear that the school is not getting the results they are expecting, learners are performing poor. Adult (Soldier) is caught within the complex environment of an adult learner Tate, (2006). All the spheres need to be balanced in order for the learner to perform well. An adult learner is torn between family, school and work. Stressors emanating from these three spheres might affect the performance of the learner drastically. There are policies and instructions within the DOD that guides the ETD processes and activities. Where policies and instructions where consulted and there is no clear guidelines, the Officer commanding may use his own discretion, Adult Education and Training (Act 52 of 2000)

To accomplish a shift from content-based curriculum to an outcomes-based curriculum the emphasis must be on what the learners know and can do at the end of a course of learning and teaching, instead of the means that are used to achieve these results Parker and Rubin, (1966:1) contrary to the approach that the author emphasizes of moving from the known to the unknown, at SoMJ there are two target groups in one class i.e. those who don't have any knowledge of law/law background (line officers) and those who have knowledge of law (MLPs) hence it becomes difficult to achieve what Parker and Rubin purports that moving away from content-based learning to out-come based

learning emphasis must be on what the learners know. The DOD used traditional education before the implementation of OBE; some of the DOD service providers are still using it.

## 5.5 CONTRIBUTORY FACTORS TO POOR LEARNER PERFORMANCE (ADULT LEARNING).

Brigadier General (Brig Gen) Mabanga, in his presentation clearly highlighted the following as ETD Challenges within the DOD. This presentation serve as evidence that there are challenges within the ETD system hence the presenter suggested that there should be a task team appointed to look into what might be the contributory factors towards the current situation and how to improve on the ETD system.

Different documents were analysed and a lot of factors that might contribute to poor learner performance at SoMJ were identified according to relevance; to address the problem statement, the research questions and also to close the knowledge gap. These factors were grouped according to categories.

Facilitators - Misinterpretation of the requirements and processes in the ETD field, pertaining to the role and functions of instructors and DS, vís a vís the new ETD nomenclature of facilitator, assessor, moderator etc. (CHR Instruction No. 47/12). It is indeed true as the researcher on chapter 4 indicated that SoMJ instructors are facilitators of programmes not designers of programmes. The facilitators designing a programme that they are to facilitate pose a serious challenge with regard to (wrt) the assessment, monitoring and evaluation of the same programme. It is clear that the programme will never be objectively evaluated and reviewed.

Internal and external stress - Tate, (2006) indicated that all spheres need to be balanced in order for the learner to perform well. An adult learner is torn between family, school and work. Stressors emanating from these three spheres might affect the performance of the learner drastically which is true and relevant to SoMJ learners.

Other roles - Increasingly, academic programs look to assessment as an important vehicle in determining the overall veracity of a program. It is a means by which the deliverer (instructor) of an academic program can determine if the goals and objectives of the program have been achieved by the recipients (students). Institutional effectiveness is concerned with the extent to which intended

outcomes are being achieved (Black & Duhon, 2003). With reference to the alarming average percentages obtained throughout the years on table1.1, then the assessment confirms that SoMJ does not achieve its goals and objectives of the programme

Quality assurance - The quality management and quality assurance system should be applied. Services and applicable Divisional HQs are responsible to direct, orchestrate and control ETD quality management (Accreditation & Quality Assurance: CHR Instruction No. 47/12). SoMJ structure does not have the capacity conduct quality assurance function.

Facilitation (methodology) - Adult learners approach learning from a perspective of life experience and seek out knowledge to help them cope with the challenges of life. Their life experiences have taught them that there will be more challenges in their future and that they have a need for knowledge to deal with them. Their independence shapes a desire to have control over how the learning will occur (Knowles, Holton & Swanson, 2005). Tate, (2006) clearly stipulates that adults need to know why they need to learn something, adults need to learn experientially, adults approach learning as problem-solving, adults learn best when the topic is of immediate value. Brinia, (2007) state that the main advantage of the "Project Method" is that the participants are educated through experience. Experiential learning processes in the human resources education and skill acquirement promote the active participation of the trainees through processes in which they have to participate, release their creativity and take responsibility about their education and their enhancement of their critical thinking and awareness (Brinia, 2007). Methods that are used at SoMJ are mock trials, group discussion, visiting the court room, one on one discussions, slide presentations as well as presentation by the learners

Facilities/structure – Flynn, (1997) proposed that the environment that is most effective in enhancing learning has available learning resources, is one that is supportive; is free from threat; encourages openness, inquiry and trust; and avoids competitive judgments of performance is also enhanced by preceptors who demonstrate accurate empathy, non-possessive warmth, respect for the learner, and consistency in their own approach to the preceptor/learner relationship. Learning content that is most effective is relevant, useful, and clearly organized around exploration of problems perceived as significant by the learner

Legislation - The DLSD has an obligation to ensure that a newly appointed member is duly trained in order to be able to utilise such member within the Division. Therefore, newly appointed members in the Division must be afforded an opportunity on first priority basis to attend the Advanced Military Law Course. As this course is managed within the Division, it will be possible to set a specific period within which the newly appointee must comply with the condition to successfully complete the Advanced Military Law Course, for example, within his/her probation period. The member is afforded only two opportunities to successfully complete the Advanced Military Law Course.

## INDIVIDUAL INTERVIEW ANALYSIS

### 5.6 ANALYSIS OF THE FACILITATORS' AND TOP MANAGEMENT'S VIEWPOINT:

Analysis of individual interviews is based on all interview questionnaires as well as the responses thereof.

The target group and the basic requirements for learners to be on Advanced Military Law Course

The synthesis of the responses on table 4.4 allows the researcher to cluster the opinions into two categories i.e. Generally all the officers and warrant officers who will be involved in the administration of justice, all MLPs-involved in the military justice, adjudants of the units, FF1 share the same sentiment with TM1 that this is the target group for the course except that TM1 goes on to include even highest ranking officers. The second category is junior officers; FF2 believes that this is the target group for the course unlike TM1 and FF1 who included other rank groups meanwhile TM2 share the same sentiment with FF2 by indicating that the target group is junior officers, all newly appointed MLPs (both Reserve Forces and Regular Forces) attending the military law courses, this applies only to uniform members not civilians within the DOD.

It can be concluded from table 4.4 that the population agrees that the target group for the Advanced Military Law Course comprises generally of all the officers and warrant officers who will be involved in the administration of justice, all MLPs involved in the military justice as well as adjudants of the units. It can also be concluded that TM1 believes that the target group for the course also includes highest ranking officers.

Learner performance since accreditation and the implementation of OBE

TM1 indicated on table 4.5 awareness of poor learner performance meanwhile TM2 indicated that it is a fair performance furthermore he can say 50% to 60% on average percentage mark on the first assessment attempt and after additional attempts learners obtain a 90% average percentage mark. FFI also confirmed the challenges they confront stating that the programme is extremely tight, at the time of writing the assessment facilitators have already started with the next module. It is suggested that extra two weeks be added to the duration of the course meanwhile FF2 indicated that Military Law has always been a difficult course. The respondent's perception is that the learners perform splendidly when considering all the drawbacks and obstacles they face.

It can be concluded from table 4.5 it can also be concluded that there are contributory factors and challenges both facilitators and learners face. It can also be noted that TM2's opinion is the only one different from the others.

Form of support adult learners receive from top management to alleviate internal and external stress

TM1 indicated table 4.6 that they give learners support by ensuring that the school has all the resources required. However FF1 noted that the only support that the learner receives on his/her arrival is that they are informed that they may request the social worker or doctor at 1 Military hospital however it is still the responsibility of the learner to catch up with the work that was done in his absence. The facilitator will be available however to assist where required meanwhile FF2 indicated internal stressors linked to academic anxiety are definitely omnipresent and there is little they can do in this regard, due to the congested block programme. It should be noted that the school has (to date) got away with not affording learners a course break after 6 weeks (as is Departmental policy), simply because the actual course is only 7 weeks long and the "RPL-week" (which takes the course to $7\frac{1}{2}$ weeks) is voluntary. The fact of the matter is that the MLPs attend the course for 10 weeks, without a course break and with only one afternoon of sport during the 1st week (to get to know one another, not to afford them a breather from course responsibilities). For the whole course (35 days) the school commences with formal activities at 07:00 on 14 days (40% of the time), often staying after-hours. The congested block programme (41 assessments in 42 days) is a tall order. Some learners battle to cope with the incessant pressure because they are either too young, or have not been exposed to such an effort before.

It can be concluded from table 4.6 that the learners do receive the support from top management as well as from the facilitators but due to the way the programme is designed it is impossible for the learners to get all the support they need e.g. Social worker/ doctor services as they have to travel to consult.

The impact of current learner performance on Advanced Military Law Course on facilitators

FF1 indicated on table 4.7 facilitators work after hours trying to assist learners to perform well. Furthermore, that there is a shortage of personnel and taking leave or getting sick is a challenge. FF2 also indicated to what extent do the SoMJ personnel contribute to the NYC findings? My honest and unqualified submission is that the personnel are doing their utmost to assist the learners. No request for further training/explanations has ever been denied. Personnel stay after-hours whenever the need arises. You are either in class, or you are busy being assessed, which leaves no time for upgrading or improving learner guides or presentations. Assessment tools are drafted after-hours and only after all the admin has been completed, would one start preparing for facilitation. Preparation and strategy for facilitation is severely lacking, simply because there is no time for such luxuries.

It can be concluded from table 4.7 that the current learner performance on Advanced Military Law Course has a negative impact on facilitators as they have to stay after-hours whenever the need arises due to the fact that the programme is congested.

The learners' performance on Advanced Military Law course influence personnel utilisation at the workplace

TM1 indicated on table 4.8 it is a challenge because the structure is inadequate so the success of every MLP counts in terms of output meanwhile TM2 emphasised that once the learners are competent they can function fully on their posts i.e. as adjudants and MLPs, they can be appointed as disciplinary hearing officers, members of summary investigations and generally legal processes and disciplinary legal procedures.

It can be concluded from table 4.8 that the current learner performance on Advanced Military Law has a negative impact on personnel utilisation at the workplace.

A sign of high incompetence rate on the course

TM1 and FF1 confirmed on table 4.9 that there is a sign of high incompetence rates on the course how ever FF2 shares the same sentiment with them but using different words and phrases. TM2 doesn't think is high incompetence rate but rather laymen who just don't understand the issues of the legal process and disciplinary procedures. The contributory factors can be overconfidence of MLPs because they already have an LLB degree while line officers are not familiar with military processes and the applicable legislation.

It can be concluded from table 4.9 that there is a sign of a high incompetence rate on the course. TM1, FF1 as well as FF2 confirmed that in their different answers.

The standard of SoMJ facilities

TM1 as well as TM2 on table 4.10 agrees that facilities are acceptable; it is a school in good condition and sufficient for the purpose that it needs to serve. There is always room for improvement however FF1 indicated that there is a serious challenge with the City hall as the training area is within the city hall i.e. activities such as choir competitions, funerals and memorial services disturb the class. There is no generator currently in case of load shedding and no video camera for mock trials meanwhile FF2 indicated that the problem comes in with the facilities directly surrounding the lecture rooms. The bathrooms are horrible! Apart from the dire state of the bathroom facility itself, we cannot even try to make it more presentable by placing toilet seat covers or mats in the toilets, since it is stolen.

It can be concluded from table 4.10 that FF1 and FF2 (50%) agree that the standard of their facility is poor meanwhile TM1 as well as TM2 (50%) believes that it is acceptable.

The current training area

TM1 shares the same sentiment with TM2 on table 4.11 that the training area is conducive for learning; it is a school with a good classroom atmosphere with full support. FF1 indicated that it is conducive for learning generally although the Division is providing all necessary resources to enable us to work; the town hall is a challenge. The venue will always used for memorial services, church parades and meetings. The noise made during the choirs and all these events is not only disturbing

but also not friendly for learning purposes and FF2 support FF1 by saying that the needs of the school are attended to within the available budget and constraints imposed by austerity measures. A greater budget would, however, enable the Division to expand on the structure at the SoMJ. More personnel would ensure proper quality management, the opportunity for research and development and obviously increased capability for training and ad hoc lectures.

It can be concluded from table 5.11 that the current training area is partially conducive for learning/training when taking into account concerns raised by FF1 and FF2.

Coping with the level of training as adult learners

FF1 agrees on table 4.12 that adult learners do not cope with the level of training by saying there is too much time for explanation, the amount of assessment is too much and the sequencing of assessment is a problem meanwhile FF2 indicated learners have a low level of communication skills. They cannot read, or write, if the question is not straight forward i.e. name, list or fill in the missing words. As soon as deductions or applications are required, they struggle (this once again raises a question mark for me regarding the level of their exposure before attending the course at the SoMJ). Some learners battle to cope with the incessant pressure because they are either too young, or have not been exposed to such an effort before.

It can be concluded from table 4.12 that the learners do not cope with the level of training.

Subject matter pitched at the right level of the target group

FF1 agrees on table 4.13 that the subject matter is not pitched at right level of the target group by saying The process of harvesting unit standards should be revisited. The unit standards that we are intending to use must be commensurate with our target group. The content is more academic e.g. a learner who was not exposed to the legal field is likely to struggle and as a result fail because the content is too academic meanwhile FF2 partially agrees by saying if we agree that the MILLAW course should not be the first exposure to the field, then yes. The NQF level (level 5) is post-matric, which is the correct level. The problem comes in with the learning assumed to be in place, learners have a low level of communication skills.

It can be concluded from table 4.13 that the subject matter is not pitched at right level for the target group.

Appropriateness of the duration of the course to the outcome that needs to be covered

FF1 agrees on table 4.14 that the duration of the course is not appropriate to the outcome that needs to be covered by saying time is too little as compared to the presentations and assessment that should be conducted meanwhile FF2 stated that the relatively short period/duration of the course, when considering the extremely congested block programme, without respite, break, or opportunity for social interaction is a problem. Assessment policies have a more direct impact on competency, especially the fact that only two (2) assessment opportunities are available (with good reason). If we had more time, we could have considered more than one Formative Assessment (with current duration this is simply not an option).

It can be concluded from table 4.14 that the duration of the course is not appropriate to the outcome that needs to be covered.

Impact of SoMJ budget on learner performance

TM1 indicated on table 4.15 the school is adequately resourced however there is a need for updating modern equipment, TM2 indicated that Reserve Force Budget cuts can impact on learner performance and facilitators due to the fact that when Reserve force members are not available to assist at the school there will be overload of work on facilitators having to work after hours this can course them stress that can affect the morale of the learners, FF1 agrees by saying generally that the Division is providing all necessary resources to enable us to work mean while FF2 indicated it is honestly submitted that the needs of the School are attended to within the available budget and constraints imposed by austerity measures. A greater budget would, however, enable the Division to expand on the structure at the SoMJ. More personnel would ensure proper Quality Management, the opportunity for research and development and obviously increased capability for training and ad hoc lectures.

It can be concluded from table 4.15 that the school is adequately resourced. However a greater budget would enable the Division to expand on the structure at the SoMJ. More personnel would

ensure proper Quality Management, the opportunity for research and development and increased capability for training and ad hoc lectures.

Staffing and the structure of the SoMJ

TM1 as well as TM2's perception on table 4.16 is that the school is 100% staffed to deliver good and effective service however it's a challenge to get ETDPs (Education Training and Development Practitioners) from within the division meanwhile FF1 indicated SoMJ is understaffed, only 5 permanent force members available. The OiC has been not present one year six months and this impact negatively because one of the facilitators has to assume the OiC duties and responsibilities. Meanwhile FF2 indicated that although all the posts at the SoMJ are staffed, this does not necessarily translate to the ability to render optimal service. The fact that the OiC has been on detached duty for eighteen (18) months is common cause, functions are currently conducted as an above and beyond task. Quality management is an additional area of great concern. In time rationalization has effectively reduces the available pool of personnel by 1. There is no research and development done, simply because there is no time in the course schedule or block programme for these. The SoMJ is lastly experiencing a tremendous increase in the requests for ad hoc lectures (both on specialised fields and basic military law purely because LEGSATOs and other Directorates are unable or unwilling to render the required service). To accommodate these various requests require a great deal of planning and commitment from available personnel.

It can be concluded from table 4.16 that the school is not fully staffed, not all personnel are currently at the school and the school lacks the capacity to deliver good service.

Facilitation methods applied to enhance acquisition of knowledge

FF1 and FF2 indicated on table 4.17 methods that are used are mock trials, group discussion, visiting the court room, one on one discussions, slide presentations as well as presentation by the learners.

The impact of legislation and policies such as Appointment Contracts, Assessment policies on Learner performance

FF1 indicated on table 4.18 the policies are not currently followed. The biggest challenge is that there is no time earmarked for retraining after the feedback which poses a challenge of possibility of going to write for reassessment with unclear mind because no training was offered. The assessment policy needs to be reviewed as well as the letter of acceptance so as it is clear that the member is on probation period until he successfully masters Advanced Military Law. The pass mark should be 60% for MLPs meanwhile FF2 indicated that the assessment policies have a more direct impact on competency. The next bone of contention remains the type of assessment-criterion (AC) based, as opposed to Specific Outcome (SO) based (even an overall pass-rate for the module). Although it might be possible (or easier) for learners to attain 50% overall for the module, we know that this means that there are whole portions of the work that the learner knows nothing about a situation that has (for good reason) got to be avoided.

It can be concluded from table 4.18 that legislation and policies have impact on learner performance.

Measures to put in place by the ETD section to improve the learner competency level

TM1 suggested on table 4.19 that assessment policy should be revisited, there should be accommodation for all, to be put the approved structure in place, other members of the division should be recruited and detached at the school for a specific period also appointments to be revisited i.e. appointment letter and acceptance letters. TM2 suggested that ETD section revisit assessment, develop a separate course for line officers, design a more practicability of course or even a basic or even have a basic course or follow-up course, there should be a boundary between the two courses, it should be hands on i.e. more practical. The MLP course should be detailed and more intense training. The ETD section needs to identify course outside the target group's environment to supplement the knowledge base and professionalism. There should be a form of admission exam as a form of determining acceptance to the course FF1 suggested that the internet should be in place, dynamic approach to assessment should be opted for as well as the purchasing of presentation software meanwhile FF2 suggested the intranet, dynamic approach, procurement of better presentation software as well as better mess facilities and facilities around the SoMJ.

It can be concluded from table 4.19 that common measures that were suggested by all the population are the internet, a dynamic approach to assessment and purchasing of presentation software. Detailed suggested changes by TM2 were to develop a separate course for line officers, to design a more practicability of course or even a basic or even have a basic course or follow-up course, there should be a boundary between the two courses, it should be hands on i.e. more practical. The MLP course should be detailed and more intense training. ETD section needs to identify course outside the target group's environment to supplement the knowledge base and professionalism. There should be a form of admission exam as a form of determining acceptance to the course.

## 5.7 ANALYSIS OF THE LEARNERS' VIEW POINT

Application to be on course

100% of the responses on table 4.20 indicated that they have been motivated by their appointments at work to do the course, for example the adjudants and the MLPs .They all want to get more knowledge and better understanding on the subject as they cannot function without the knowledge of Military Law.

Coping with the level of training as adult learners

22% of the 10LL population on table 4.21 indicated that they coped very well even though they had to work under pressure meanwhile 78% of the population highlighted the difficulty of the course and working under pressure, 11% of the 2011 LL population indicated that they coped very well meanwhile 89% of the population highlighted that they coped at the first even though there were other challenges from home and ended up not sleeping due to the amount of work. There were problems i.e. some of the subjects are offered at UNISA for 6 months yet at SoMJ you have to do them in four days and be competent. Learners are not learning for enhancement but to produce for the assessment (parrot learning). 22% of the 2012 LL population indicated that they coped well as one of the population is an advanced learner currently working towards a masters' degree. The other learners coped although the time became a factor as the Advanced Military Law Course is a challenging subject meanwhile 78% of the population highlighted the course is sometimes strenuous.

It is difficult to cope with the level of training as workload is cramped in a short space of time. They felt like they are back in the a university environment but with the information jammed in a short period of time. Some indicated it's been a long time since they left school. Some indicated the first three weeks were not that easy to cope with the amount of work and assessment.

The synthesis of the responses from 10LL, 11LL and 12LL on table 4.21 allows the researcher to cluster them under two main categories i.e. strenuous workload and the short period of the course. 19% of the population of 10LL, 11LL and 12LL indicated that they coped very well whereas 81% indicated that there are serious challenges that hamper them from coping.

It can be concluded from table 4.21 that the majority of the learners on the Advanced Military Law Course are not coping with the level of training as adult learners. It can also be concluded that the contributory factors indicated are workload, duration of the course, target group as they indicated that some of them left school long time ago and some don't have any Military Law background, challenges at home as well as new methods of assessment.

Form of support adult learners receive from top management to alleviate internal and external stress

100% of the 10LL population on table 4.22 indicated that they received support from facilitators, when they experienced welfare problems. They were allowed to be absent for two days when having problems. All the facilitators at the school for military justice were very supportive towards the learners throughout the duration of the course., 100% of the 2011 LL population indicated that they got support from facilitators; they always made sure that members get medical support and even help after hours if there are challenges with the work that must be done. One indicated that his/her problem was beyond the powers of the facilitators. 100% of the 2012 LL population indicated that they got support from facilitators. The facilitators were always there when they needed them most. They provided learners with the specific outcomes which they must meet, although not enough time is given for revision in the morning, at least thirty minutes is required.

The synthesis of the responses from 10LL, 11LL and 12LL allows the researcher to cluster these under two main categories i.e. internal and external stress. 100% of the population of 10LL, 11LL and 12LL indicated that they received support from facilitators when they experienced welfare problems however they indicated that in terms of external stress, external stress is something that

every learner attending Advanced Military Law Course will encounter. They never went to the facilitators with external stress matters.

It can be concluded from table 4.22 that the majority of the learners on Advanced Military Law Course received support from facilitators, when they experienced welfare problems. It can also be concluded that the all the facilitators at the SoMJ were very supportive towards the learners throughout the duration of the course. They even availed themselves after hours by supplying the learners with their contact numbers in case someone encountered problems with the work after hours.

Learner performance on Advanced Military Law Course

11% of the 10LL population on table 4.23 indicated that learner performance was not bad at all due to the fact that they received full support of the SoMJ facilitators meanwhile 89% of the population highlighted that only 6-7 learners initially passed the course but they don't know how many were found competent after the remedial training. The facilitators are aware that the course is strenuous. They indicated that not all of them will make it. It is a given that not all of them will be found competent., 22% of the 2011 LL population indicated that learner performance improves as the course progresses, from the start more learners were found incompetent and as the course progressed to Commanding Officer's Disciplinary Hearing (CODH), Preliminary Investigation(PI), and Board of Inquiry (BOI), Operational Law (Ops Law) etc. more became competent meanwhile 78% of the population highlighted that learner performance is very poor due to the time given for the course to be presented. They indicated there were around 30 learners in the class, only 9 managed to pull through. Learner performance is not good. 44% of the 2012 LL population indicated that they have been competent this far. Some learners are performing some are struggling for various reasons e.g. workload, complexity of content and various personal circumstances. For some the approach is new, hence they struggle to adjust meanwhile 56% of the population highlighted that it is difficult but it is not that bad because they are given time to rewrite, .one is assessed through assessment criteria to be found competent. The synthesis of the responses from 10LL, 11LL and 12LL on table 4.23 allows the researcher to cluster them under one main category i.e. Poor learner performance on the Advanced Military Law Course.

26% of the population of 10LL, 11LL and 12LL indicated that that learner performance was not bad at all due to the fact that they received full support of the SoMJ facilitators meanwhile 74% indicated that learner performance is very poor due to limited course duration. The course puts learners under pressure, if the course period can be extended maybe the performance rate will increase.

A sign of high incompetence rate

100% of the 10LL population on table 4.24 indicated that there is a high incompetence rate and contributory factors are the design of course you must be found competent on the unit standard not a subject as a whole. Some of the learners deliberately failed two or three assessment criterion for the last two weeks remedial training because either they don't want to return to their home units or they already drew S&T for the duration of the course and know they must pay back the money for returning two weeks earlier to their home units as well as the short period of time to study for exams. Some learners are not used to the assessment criteria. It is a good way of assessing the learners. It is a foundation for the LLB course. Accommodation for learners should be provided as they would be expected to do the study work after hours. Learners go there (to the course) with the aim of getting in more knowledge and understanding on military law, but end up not completing the course because of the given time. 22% of the 2011 LL population indicated that there is no sign of high incompetence rate meanwhile for 78% there is a sign of high incompetence rate, the course is presented in a short period contributory factors are age, workload i.e. people not coping, the content of the course is like a semester course offered at the university meanwhile it is presented for four days in the military, time constraints, functions at the city hall distracts learners, delay and missing out on subject matter due to ablution facilities that are shared by both learners and people attending functions at the City hall and overlapping of subjects, assessments and reassessments. 33% of the 2012 LL population indicated that there is no sign of high incompetence rate, the facilitators understand their job well and they make it easy for the learners to understand the work.

The level of incompetence is low as every one on course knows the content of the course and can apply what have been thought of in his/her working environment but the extension of the 1st three weeks would be advisable as the work is too much meanwhile 67% of the population highlighted that there is a sign of high incompetence rate; the reason could be the short duration of the course. Not everyone copes well under pressure, the complexity of content, personal circumstances and struggling to adjust to new approach. Assessment method used i.e. assessing per criterion.

The synthesis of the responses from 10LL, 11LL and 12LL allows the researcher to cluster them under two main categories i.e. high incompetence rate and the performance. 19% of the population of 10LL, 11LL and 12LL indicated that the level of incompetence is not high meanwhile 81% indicated that the level of incompetence is high.

It can be concluded from table 4.24 that the majority of the learners on the Advanced Military Law Course confirmed that the level of incompetence is high.

The standard of SoMJ facilities

100% of the 10LL population on table 4.25 indicated that the facilities are in order and conducive for training however when memorial services are held it depends on the programme it could affect learning. The facility is kept clean as well as the toilets however the structure is very old. 100% of the 2011 LL population indicated the facilities are outstanding and conducive to training. The classrooms are very neat and there is enough space. The projector, the air conditioner everything was fine. The classrooms are up to standard. 100% of the 2012 LL population indicated that the standard is good. Everything is well organized for learners so as to enhance training or acquire knowledge that they need, learning aids are great, facilitators are approachable and the equipment is accessible and understandable.

The synthesis of the responses from 10LL, 11LL and 12LL allows the researcher to cluster them under two main category i.e. High standard of facilities and Challenges experienced. 100% of the population of 10LL, 11LL and 12LL indicated that the standard of facilities is high.

It can be concluded from table 4.25 that the majority of the learners on the Advanced Military Law Course indicated that the standard of facilities is high however the following challenges were noted: memorial services are held at the city hall almost every week, it depends on the course programme at

that time, it might affect learning negatively, no medical facility for the training venue is not conducive for learning e.g. is part of the city hall, functions at the hall distracts learners and causes delays and no mess facilities.

Is it difficult being competent on the Advanced Military Law Course?

44% of the 10LL population on table 4.26 indicated it's not difficult to be competent on Advanced Military Law Course due to the fact that the classrooms are learner friendly, leaner material is good, and everything is given out on time and always available and the environment is clean and neat in general and 11% was incompetent due to the fact that they didn't master only two specific outcomes and the two could not hamper him/her from doing his/her job properly at the workplace as learning material is used as a reference at the workplace meanwhile 44% indicated that it's difficult to be competent on Advanced Military Law Course, because a lot of studying is needed/rest as some used multivitamins to be energetic on course. The majority usually sleep at 12:00 midnight. It is recommended that the course be residential. New methods of assessment should be looked into, as 50% on each and every specific outcome is making the course difficult. One's concentration and focus must be on the course at all times. The workload is putting a lot of strain on the learners. 56% of the 2011 LL population indicated that it is very difficult due to a lot of work that must be studied in a short period of time. It is difficult because of OBE assessment criteria even if you get 90% you will still be incompetent as long as you didn't obtain 50% on all assessment criteria meanwhile 44% of the population highlighted that if one is dedicated to her work you can be found competent at the end. It was a huge challenge, but endurance and hard work is the virtue. 44% of the 2012 LL population indicated it is rather it challenging. The problem is when they first attend class they are clueless. There is too little time, too much theory and too much pressure. It is difficult because most of the learners are used to infantry courses that are not broad when it comes to content, meanwhile 56% of the population highlighted that it is not difficult but needs effort and hard work from individual. The facilitators are always there to assist however time is still a factor. It is presented within a short time and a lot to study is needed, they suggest that more time be added especially for Criminal law and Law of evidence.

The synthesis of the responses from 10LL, 11LL and 12LL allows the researcher to cluster them under two main categories i.e. the challenging course and complexity of the course. 33% of the

population of 10LL, 11LL and 12LL indicated it's not difficult to be competent on Advanced Military Law Course meanwhile 67% indicated that there are serious challenges that hamper them from being competent.

It can be concluded from table 4.26 that the majority of the learners on the Advanced Military Law Course have serious challenges that hamper them from being competent. It can also be concluded that the contributory factors indicated are incompetent due to mastering only two specific outcomes, lot of studying is needed, lack of rest i.e. fatigue, traveling from home, method of assessment should be looked into, as 50% on each and every specific outcome is making the course difficult to be competent, one's concentration span and focus, workload is putting a lot of strain on the learners, OBE assessment criteria even if you get 90% you will still be incompetent as long as you don't obtain 50% on all assessment criteria, too little time too much theory and too much pressure as well as the workload of Criminal law and Law of evidence.

The impact of legislation and policies such as Appointment Contracts, Assessment policies on Learner performance

67% of the 2010LL population on table 4.27 indicated that there was no impact to legislation due to the fact that Advanced Military Law Course is not a requirement to be appointed in a post. The assessment policies of the modules does not have impact because it motivates one to study and understand the module in order for them not to rewrite or supplement or fail all in all they give guidelines meanwhile 33% of the population highlighted that there was impact due to the fact that Advanced Military Law Course is a requirement to be appointed in a post. Attending the course contributed positively to their current appointments. They were pushed to work even harder as they could not function without being competent on military law. 89% of the 2011 LL population indicated that there was no impact due to the fact that Advanced Military Law Course is not a requirement to be appointed in a post. As line officers the appointment contract doesn't state or encourage the members of the DOD to do Advanced Military Law Course. The assessment policy states that as a learner you need to obtain 70/50% pass mark as per assessment criteria. Even though its difficult to know the content of the book and not only to concentrate on a specific part of the work meanwhile 11% of the population highlighted there was impact due to the fact that the Advanced Military Law Course is a requirement to be appointed in a post, this motivated him to study further.

78% of the 2012 LL population indicated that no impact due to the fact that Advanced Military Law Course is not a requirement to be appointed in a post meanwhile 22% of the population highlighted that there was impact due to the fact that Advanced Military Law Course is a requirement to be appointed in a post, as an adjudant it boosts your level of understanding to grasp, apply, adopt and adapt. One's appointment and what is expected of you motivates one through each step of the learning.

It can be concluded from table 4.27 that the majority of the learners on the Advanced Military Law indicated that legislation prescripts have no impact on learner performance due to the fact that course is not a requirement to be appointed in a post. It can also be concluded that majority highlighted that policies are important and they need to be studied as they serve as guidelines with regard to what is expected of them.

Comprehension of subject matter

44% of the 10LL population on table 4.28 indicated that the subject matter is not difficult to comprehend it just needs the understanding, the learning material is used as a reference at the workplace. Learners who knew what they were at SoMJ for, worked hard not only to get the qualification but to gain knowledge on legal aspects of the military meanwhile 56% of the population highlighted that Law of evidence and Criminal law are difficult to comprehend, because of the amount of content, is not easy to grasp and presented in a short space of time but all in all it is not difficult to comprehend. 100% of the 2011 LL population indicated that the subject matter is not difficult to comprehend. It needs dedication from you as a learner. If one is given enough time to study it will be much easier. Some are of the content is familiar some is new. 33% of the 2012 LL population indicated that the subject matter is not difficult to comprehend as the facilitator ensures and explains to learners, the learner also have opportunity to consult the facilitators for more explanation meanwhile 67% of the population highlighted that the subject matter is difficult to comprehend due to the fact that when you go home to study, you must read a sentence, one paragraph at least three times to get the gist of things. It is good to keep the law terms but the English should be simplified, otherwise, a glossary should be provided with the learner guide. It is a bit complex.

The synthesis of the responses from 10LL, 11LL and 12LL allows the researcher to cluster them under two main categories i.e. Complexity of the subject matter and the comprehension of the subject matter. 59% of the population of 10LL, 11LL and 12LL indicated that the subject matter is not difficult to comprehend meanwhile 41% indicated the subject matter is difficult to comprehend.

Measures to put in place by the ETD section to improve the learner competency level

10LL population on table 4.29 suggested that the assessment be reviewed, own accommodation of learners with mess facilities, own sickbay (medical facility) to be provided and the capacity of instructors to be increased in order to improve learner performance at SoMJ. The 11LL population suggested that the course be extended by plus, minus 3 months, transport be provided for learners to take them to the mess for lunch, allow for social activities during the course, the sequence of the subjects and assessments and as well as the reassessments should be revisited. The modules should not overlap without completion of assessments and reassessment, study periods (supervised) should be added on the programme, overtime allowances i.e. for facilitators to be paid, workbooks to be issued to learners, own accommodation with mess facilities and the level of the course and notional hours. awarded to the course as well as credits should be revisited meanwhile the 12LL population suggested that the workload be reduced, maybe not to rush things because they come from different background, if you are not familiar with the law and it is the first time you come into contact with the course it might be difficult. If the course can be extended, in terms of group work the facilitators should have a standardized way of assessment and not use their own way as other learners with certain assessors managed with specific assessors and other assessors are viewed to be difficult, evenly spreading the content as some weeks are so hectic and some are so relaxed and the school must have their own accommodation where the learners can study in silence however one respondent feels that nothing should be improved.

The synthesis of the responses from 10LL, 11LL and 12LL, clearly highlighted common measures that were suggested by all the population i.e. accommodation with mess facilities, assessments and as well as the reassessments should be revisited, standardisation of assessments, extension of the course as well as increasing the number of facilitators however there were also other suggestions that were not common to all groups such as own sickbay (medical facility), allow them for social

activities during the course, the modules should not overlap without completion of assessments and reassessment, study periods (supervised) should be added on the programme, overtime allowances.

It can be concluded from table 4.29 that the majority of the learners on the Advanced Military Law suggested measures should be put in place to improve learner performance at SoMJ. It can also be concluded that there is dire need for improvement.

## 5.8 ANALYSIS WITH REGARD TO RESEACH QUESTIONS

Is there high learner incompetence rate at the School of Military Justice?

Top management, facilitators as well as learners confirmed this in similar and different ways. Table 1.1: SoMJ statistics on learner performance from 2010 to 2012 drawn from files confirm that there is a high learner incompetence rate as well as table 4.1, statistics provided by one facilitator during individual interviews. The lowest class average pass mark is 28% that was obtained by two courses of 2010, from 28% a noticeable improvement was shown to 30% then 32%. The highest class average ever obtained since the implementation of OBE is 54%, obtained recently in 2012 when the researcher was already busy with the study. The interview evidence also supports the evidence found on the documents.

What are contributory factors to learner performance at the School of Military Justice (SoMJ)?

Facilitators highlighted that the other a huge challenge is the question of unit standards during interviews. The unit standards that were harvested are of a high academic level and are not commensurate to the level of their clients. One facilitator is of a view that the unit standard of Law of evidence and Criminal law specifically are of a master's degree level. The time allocation for the course is not commensurate with the work load. Time is too little as compared to the presentations and assessment that should be conducted. Furthermore facilitators suggested that an extra two weeks be provided for the course. Lack of facilitators is also a contributing factor. The facilitators have on many occasions overemphasized the importance of getting more people as well as the reserve force personnel to assist them.

One of the main concerns for the SoMJ remains the accommodation at Gerbera. Those members staying in and around Pretoria are prevented from living-in as members, since learners from outside

the geographical area of the SoMJ receive preference on the limited amount of available beds. Learners who return home in the evenings are at a distinct disadvantage, since their family responsibilities do not cease simply because they are on course. They are further isolated from the rest of the group in as far as informal discussions and sound boarding with colleagues is concerned. When the course reaches the stage of practical evaluations and syndicate work, learners who are staying out have to make additional arrangements to be accommodated after-hours work.

The mess[6] is not a facility only for members on course, but a living-in mess. Members who stay at the mess on a permanent basis (rightfully) regard Gerbera as their home therefore they party as well as entertain at periods when the learners need to study. The majority of the learners on the Advanced Military Law Course confirmed that the level of incompetence rate is high.

[6] Accommodation facility

# CHAPTER 6: RECOMMENDATIONS AND CONCLUSION

## 6.1 RECOMMENDATIONS

### Introduction

Based on documented evidence and the participants' experiences, the following improvements were recommended as well as interventions to assist in improving the level of competence on the Advanced Military Law Course as well as meeting national prescripts. The literature review highlighted how learning environments should be structured to enhance learning, Tate, (Feb 2006) furthermore cited three spheres of importance that needs to be balanced and satisfied in order for an adult learner to cope with learning i.e. work, family and school. The following were recommended to remedy or improve the current situation:

a. The SoMJ facilitators are not designers of programmes, they are facilitators hence specialists should be employed to design programmes that will yield the expected results and be evaluated from time to time.

b. Authorities should take into consideration that if the ratio of facilitator/learner is not correct both the facilitators and learners will be forever stretched in terms of expected output.

c. Policy - Management recommended that some policies should be reviewed e.g. the current assessment policy should be reviewed. The current 70% pass mark for MLPs should be reduced to a 60% pass mark. The current Appointment letter and Acceptance letters should be revised and stipulate clearly the developmental path of the MLPs and the duration thereof, it should be clearly stated that an MLP will be on probation until he acquires his the Advanced Military Law Course.

d. Dynamic approach to assessment is recommended. Assessment is central to the recognition of achievement in the outcome of learning.

e. Programme review - The challenge of two different target groups in class i.e. MLPs (who have a law background) and Line officers (who do not have a law background) should be looked into. The fact that majority highlighted the overload of work and

congested programme, DLSD should consider extending the course to include issues such as a course break, social activities, the sequencing of the subjects and assessments and as well as the reassessments should be revisited. The modules should not overlap without completion of assessments and reassessment; study periods (supervised) should be added on the programme, the level of the course and notional hours awarded to the course as well as credits should be revisited. Evenly spreading the content as some weeks are hectic and some are so relaxed. The facilitators should have a standardised way of assessment during practical and not use their own way of assessment, as other learners with certain assessors managed to be competent and other assessors are viewed to be difficult. The ETD section should develop a separate course for line officers, design a more practical course or even have a basic course or follow-up course before learners are admitted on course, there should be a boundary between the two courses, it should be hands on i.e. more practical. The MLP courses should be detailed and more intense training. ETD section needs to identify course outside the target group's environment to supplement the knowledge base and professionalism. There should be a form of admission exam as a form of determining acceptance to the course.

f. Quality assurance - Each and every programme needs to be evaluated, monitored to check whether it yields expected results , if not it needs to be reviewed from time to time therefore quality assurance of programmes is very important, currently the school does not have one. The following should be put in place to improve on ETD within the DOD, establishment of SANDF Training Inspection Team, encouraging commanders and training co-ordinators to meet on regular basis, establishment of mentorship and coaching programme, further verification and validation of issues raised, ETD challenges within the DOD as well as the establishment of a Task Team to investigate contributory factors to poor learner performance as well as ETD challenges.

g. Facilities - The structure does not reflect the capacity to respond to the expected output therefore the authorities should put the approved structure in place; other members of the division should be recruited and detached at the school for a specific

period so that the DLSD should have a pool of facilitators in future. There should be accommodation with proper mess facilities for all learners as well a sickbay (medical facility). The DLSD should purchase of presentation software for the school as this will reduce the overload of work from the facilitators. Internet should be made available for both facilitators and the learners for research purposes.

h. Overtime of facilitators - The benefit is suggested due to the fact that the majority highlighted the overload of work and congested programme. Furthermore the facilitators work after hours without being compensated. Applying for leave is also a challenge due to the shortage of personnel therefore the DLSD should remunerate facilitators for working overtime and doing over and above tasks of programme designing and evaluation.

Conclusion

The above recommendations are based on individual interviews as well as data gathered from official documents. In order for SoMJ to achieve the desired outcome, the researcher is of a view that the recommended interventions can be explored further and piloted at SoMJ to yield better results or learner performance.

## 6.2 CONCLUSION

The study aimed at addressing two research questions i.e. is there high learner incompetence rate at SoMJ? As well as what are contributory factors to learner performance at SoMJ? Qualitative approach was used to explore data from primary as well as secondary data. Statistics on table 1.1 as well as table 4.3 confirmed that there is a high level of incompetence on rate on the Advanced Military Law at SoMJ. Individual interview responses on table 4.9 also confirmed the matter.

A lot of factors that might be contributing to poor learner performance on the Advanced Military Law at SoMJ emerged. Those highlighted were related to assessment, facilities, the programme, target group, quality assurance, policy, complexity of the subject matter, and the level of content as well as external stress.

As understood in terms of what Leona indicated about military education, the author describes it as an instruction for purpose of intellectual development for learners. This prepares the serviceman for optimally functioning at his unit (Leona, 2008:404). Hence the learners at SoMJ need to be properly trained within the correct time line.

Accreditation & Quality Assurance: CHR Instruction No. 47/12 argues that military education has four building blocks of Formal Training, Force Training., Combat Readiness Training as well as Mission Readiness Training. It becomes very clear when looking at the building blocks that constitute military education that if a learner produces unexpected results i.e. performing poorly at the end of the course this might affect personnel utilisation at the work place. Another issue is how the service man will serve the nation without proper training?

The findings of the study led to the conclusion that indeed there is a high level of incompetence rate at SoMJ. Top management, facilitators as well as learners confirmed that in similar and different ways. The learning environment should be appropriate and conducive for learning this was why Mok and Flynn (1997) argued that an environment that is most effective in enhancing learning has adequate learning resources, the environment that most enhances learning is one that is supportive; is free from threat; encourages openness, inquiry and trust; and avoids competitive judgments of performance. Learning is enhanced by trainers who demonstrate accurate empathy, non-possessive warmth, respect for the learner, and consistency in their own approach to the preceptor/learner

relationship as well as the fact that learning content that is most effective is relevant, useful, and clearly organized around exploration of problems perceived as significant by the learner.

The SoMJ learning environment according to evidence gathered is situated within the public/community city hall that distracts learners during functions. A lot of other challenges pertaining to the facilities were mentioned i.e. no accommodation, no sickbay, no transport to take learners for lunch etc. The structure does not reflect the capacity to respond to the expected output.

An adult learner needs to strike a balance between three elements (family, school and work) that are intertwined and might cause stress to learners as Tate, (2006) agued that this might cause a learner not to perform well. All the SoMJ learners are adults; some of them are single parents. Evidence from individual interviews revealed that some of the learners could not cope with the work load (content) on course as well as traveling from home to the course; they experienced serious challenges of studying for assessments.

The way the programme is designed for adult learner is very important as they get distracted easily e.g. functions at the City hall. Knowles, Holton and Swanson, (2005) agreed that adult learners approach learning from a perspective of life experience and seek out knowledge to help them cope with the challenges of life. Their life experiences have taught them that there will be more challenges in their future and that they have a need for knowledge to deal with them. Their independence shapes a desire to have control over how the learning will occur hence the participants gave some recommendation to improve the current situation at SoMJ (Knowles, Holton & Swanson, 2005).

Lastly the researcher encountered some limitations. Allocation of a supervisor was delayed. Difficulty in getting all the interviewees in time also was a challenge. Finally not having access to all documents in the DOD was a set back as only unclassified documents were used.

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**APPENDIX: A**
**INTERVIEW INVITE**
**FOR TOP MANAGEMENT**

Telephone: 012 355-5250 (Work)
012 661 6638 (Home)
Mobile: 071 514 1813

Facsimile: 012 355-5372
Enquiries: MS M. M. Make

**INVITATION TO PARTICIPATE IN AN INTERVIEW (FROM WITS UNIVERSITY): LEARNER PERFORMANCE AT THE SCHOOL OF MILITARY JUSTICE (SOMJ)**

Dear Sir or Madam:

My name is Maria Make. I am a postgraduate student in the School of Public and Development Management (P&DM) at the University of Witwatersrand. I am conducting a research study as part of the requirements of my Masters degree in the field of Management in Security Studies.

The importance of the study is to investigate (if any) contributory factors to poor learner performance at the School of Military Justice on Advanced Military Law Course, the trend that was noticed after the implementation of Outcome-Based Education(OBE) in 2009. Determination of the nature of challenges that might contribute negatively to learner performance at SoMJ will be concluded. My hypothesis is that since SoMJ was accredited as a service provider and started implementing Outcome-Based Education a trend of poor learner performance until current has been noticed. This might impact negatively on the South African National Defence Force (SANDF) and ultimately poor performance at the workplace.

It would be extremely useful for me to learn about your expert experience and knowledge on learner performance at the School of Military Justice (SoMJ).In order to investigate actual contributory factors to learner performance at the School of Military Justice (SoMJ), management processes and methods, I would be very grateful if you spend an hour to allow me to conduct a face-to-face interview. The time and date will depend on your agenda within the August month, and the interview will basically cover the following questions:

1. What are the target group and the basic requirements for learners to be on Advanced Military Law Course? Motivate your answer

2. How has learners been performing on Advanced Military Law Course since accreditation and the implementation of OBE?

3. As adult learners what form of support are they given to alleviate internal and external stress?

4. How does learners' performance on Advanced Military Law course influence personnel utilisation at the workplace?

5. Is there a sign of high incompetence rate? (Yes/No)If so what might be the contributory factors to that effect?

6. What is the Standard of SoMJ facilities e.g. Classrooms, teaching equipment etc.?

7. Is the current training area conducive for learning?

8. How does budget allocation impact on learner performance?

9. Is the school fully staffed to deliver good service, motivate your response?

10. How does legislation and policies such as appointment contracts, assessment policies etc. impact on learner performance?

11. Are there any measures that you would like the ETD section to put in place to improve the learner competency level, if so what are they?

You do not have to answer any questions that you do not wish to. Although you probably won't benefit directly from participating in this study, we hope that others in the Defence Legal Service Division in general will benefit due to the fact that the findings of this research will assist the Defence Legal Service Division to establish better measures to put in place to improve the learner performance on the Advanced Military Law Course at the SoMJ.

You can be assured that any information provided by you in the interview will be kept strictly confidential and used solely for academic purposes. Your identity will not be revealed. Your participation will significantly contribute to the success of this research and your help would be highly appreciated.

Should you have any queries, please feel free to contact me at tel: 071 514 1813 or email:maria.make@yahoo.com.

Thank you for your kind attention and I am looking forward to receiving your reply soon.

Have a nice day!

Yours sincerely,

Maria Make

The School of Public & Development Management (P&DM) University of Witwatersrand

**DATE**:.....

**APPENDIX: B**
**INTERVIEW INVITE**
**FOR FACILITATORS**

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Enquiries: MS M. M. Make

**INVITATION TO PARTICIPATE IN AN INTERVIEW (FROM WITS UNIVERSITY): LEARNER PERFORMANCE AT THE SCHOOL OF MILITARY JUSTICE (SOMJ)**

Dear Sir or Madam:

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1. What are the target group and the basic requirements for learners to be on Advanced Military Law Course? Motivate your answer

2. How has learners been performing on Advanced Military Law Course since accreditation and the implementation of OBE?

3. As adult learners what form of support are they given to alleviate internal and external stress?

4. How does the current learner performance on Advanced Military Law Course impact on you as facilitators?

5. Is there a sign of high incompetence rate? (Yes/No)If so what might be the contributory factors to that effect?

6. What is the Standard of SoMJ facilities e.g. Classrooms, teaching equipment etc.?

7. Is the current training area conducive for learning?

8. Do learners, as adult learners cope with the level of training?

9. Is the subject matter pitched at the correct level of the target group?

10. Is the duration of the course appropriate to the outcome that needs to be covered?

11. How does budget allocation impact on learner performance?

12. Is the school fully staffed to deliver good service, motivate your response?

13. What facilitation methods do you apply to enhance acquisition of knowledge?

14. How does legislation and policies such as appointment contracts, assessment policies etc. impact on learner performance?

15. Are there any measures that you would like the ETD section to put in place to improve the learner competency level, if so what are they?

You do not have to answer any questions that you do not wish to. Although you probably won't benefit directly from participating in this study, we hope that others in the Defence Legal Service Division in general will benefit due to the fact that the findings of this research will assist the Defence Legal Service Division to establish better measures to put in place to improve the learner performance on the Advanced Military Law Course at the SoMJ.

You can be assured that any information provided by you in the interview will be kept strictly confidential and used solely for academic purposes. Your identity will not be revealed. Your participation will significantly contribute to the success of this research and your help would be highly appreciated.

Should you have any queries, please feel free to contact me at tel: 071 514 1813 or email:maria.make@yahoo.com.

Thank you for your kind attention and I am looking forward to receiving your reply soon.

Have a nice day!

Yours sincerely,

Maria Make

The School of Public & Development Management (P&DM) University of Witwatersrand

**DATE**:.....

**APPENDIX: C**
**INTERVIEW INVITE**
**FOR LEARNERS**

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It would be extremely useful for me to learn about your expert experience and knowledge on learner performance at the School of Military Justice (SoMJ).In order to investigate actual contributory factors to learner performance at the School of Military Justice (SoMJ), management processes and methods, I would be very grateful if you spend an hour to allow me to conduct a face-to-face interview. The time and date will depend on your agenda within the August month, and the interview will basically cover the following questions:

1. Why did you apply do the Advanced Military Law Course, what motivated you to do the course?

2. As an adult learner do you cope with the level of training?

3. As adult learner what form of support are you given by facilitators and top management to alleviate internal and external stress?

4. How is learner performance on Advanced Military Law Course?

5. Is there a sign of high incompetence rate? (Yes/No) If so what might be the contributory factors to that effect?

6. What is the Standard of SoMJ facilities e.g. Classrooms, learning equipment etc.?

7. Is it difficult to be competent on Advanced Military Law Course, motivate you answer?

8. How does legislation such as appointment contracts, assessment policies etc. impact on learner performance?

9. Is the subject matter difficult to comprehend?

10. Are there any measures that you would like the ETD section to put in place to improve the learner competency level, if so what are they?

You do not have to answer any questions that you do not wish to. Although you probably won't benefit directly from participating in this study, we hope that others in the Defence Legal Service Division in general will benefit due to the fact that the findings of this research will assist the Defence Legal Service Division to establish better measures to put in place to improve the learner performance on the Advanced Military Law Course at the SoMJ.

You can be assured that any information provided by you in the interview will be kept strictly confidential and used solely for academic purposes. Your identity will not be revealed. Your participation will significantly contribute to the success of this research and your help would be highly appreciated.

Should you have any queries, please feel free to contact me at tel: 071 514 1813 or email:maria.make@yahoo.com.

Thank you for your kind attention and I am looking forward to receiving your reply soon.

Have a nice day!

Yours sincerely,

Maria Make

The School of Public & Development Management (P&DM) University of Witwatersrand

**DATE**:.....

**APPENDIX: D**
**CONSENT FORM**

Introduction

Maria M. Mmotsi, a Masters in Security Studies learner at the Witwatersrand University, conducting research as part of the requirement to fulfill towards acquiring this degree has been granted permission by General Officer Commanding (GOC)/Officer Commanding (OC) .....to conduct a research study on the research topic .....at (Military Base).....

Interviewee:

The interviewee has volunteered to participate in this research study. The participation in the study is entirely voluntary and your participation or non-participation will not be reported to supervisory staff. I understand that

1. I may refuse to participate and/or withdraw at any time without consequences to my employment.
2. Recorded information is strictly confidential.
3. Personal anonymity is guaranteed
4. Results of the research will be used for Academic purposes.
5. As data is presented I can choose to be identified as the source of that information.
6. I.....(researcher) has explained this study to the interviewee and all questions were answered. If the researcher have another question or research related issues, I will avail myself.

There are no other agreements written or verbal, related to this study beyond that expressed in this consent and confidential form. I, the undersigned, understand the above explanation, and I give consent to my voluntary participation in this research.

Signature of interviewee.....Date.....

Signature of researcher.....Date.....

**APPENDIX: E**
**INTERVIEW**
**QUESTIONNAIRE**
**FOR TOP MANAGEMENT**

**INTERVIEW QUESTIONAIRE FOR TOP MANAGEMENT**

**TOPIC:** Learner performance at School of Military Justice

**Name**..... **Date**.....

**Appointment**.....

**Signature**.....

Comment on the following variables with regard to learner performance on advanced Military Law course:

1. What are the target group and the basic requirements for learners to be on Advanced Military Law Course?

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2. How have learners been performing since accreditation and the implementation of OBE?

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3. As adult learners what form of support do they receive from top management to alleviate internal and external stress?

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4. How does learner performance on Advanced Military Law course influence personnel utilisation at the workplace?

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5. Is there a sign of high incompetence rate on the course? (Yes/No) If so what might be the contributory factors to that effect?

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6. What is the standard of facilities e.g. Classrooms, teaching equipment etc.?

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7. Is the current training area conducive for learning/training?

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8. Is the school fully staffed and well structured to deliver good service, motivate your response?

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9. How does legislation such as appointment contracts, assessment policies etc. impact on learner performance?

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10. How does budget allocated to SoMJ/training impact on learner performance?

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11. Are there any measures that you would like the ETD section to put in place to improve the learner competency level, if so what are they?

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**APPENDIX: F**
**INTERVIEW**
**QUESTIONNAIRE**
**FOR FACILITATORS**

**INTERVIEW QUESTIONAIRE FOR FACILITATORS**

**TOPIC:** Learner performance at School of Military Justice

**Name:**.....

**Appointment:**.....

**Signature:** ..... **Date:**.....

Comment on the following variables with regard to learner performance on advanced Military Law course:

1. What are the target group and the basic requirements for learners to be on Advanced Military Law Course? Motivate your answer

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2. How has learners been performing on Advanced Military Law Course since accreditation and the implementation of OBE?

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3. As adult learners what form of support are they given to alleviate internal and external stress?

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4. How does the current learner performance on Advanced Military Law Course impact on you as facilitators?

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5. Is there a sign of high incompetence rate? (Yes/No)If so what might be the contributory factors to that effect?

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6. What is the Standard of SoMJ facilities e.g. Classrooms, teaching equipment etc.?

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7. Is the current training area conducive for learning?

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8. Do learners, as adult learners cope with the level of training?

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9. Is the subject matter pitched at the correct level of the target group?

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10. Is the duration of the course appropriate to the outcome that needs to be covered?

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11. How does budget allocation impact on learner performance?

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12. Is the school fully staffed to deliver good service, motivate your response?

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13. What facilitation methods do you apply to enhance acquisition of knowledge?

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14. How does legislation and policies such as appointment contracts, assessment policies etc. impact on learner performance?

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15. Are there any measures that you would like the ETD section to put in place to improve the learner competency level, if so what are they?

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**APPENDIX: G**
**INTERVIEW**
**QUESTIONNAIRE**

**FOR LEARNERS**

**INTERVIEW QUESTIONAIRE FOR LEARNERS**

**TOPIC:** Learner performance at School of Military Justice

**Name**..... **Date of the course**.....

**Appointment**.....

**Signature**..... **Date**.....

Comment on the following variables with regard to learner performance on advanced Military Law course:

1. Why did you do the Advanced Military Law Course, what motivated you to do the course?

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2. As an adult learner do you cope with the level of training?

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3. As adult learner what form of support are you given by facilitators and top management to alleviate internal and external stress?

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4. How is learner performance on advanced Military Law course?

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5. Is there a sign of high incompetence rate? (Yes/No)If so what might be the contributory factors to that effect?

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6. What is the Standard of SoMJ facilities e.g. Classrooms, learning equipment etc.?

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7. Is it difficult to be competent on Advanced Military Law Course, motivate you answer?

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8. How does legislation such as appointment contracts, assessment policies etc. impact on learner performance?

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9. Is the subject matter difficult to comprehend?

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10. Are there any measures that you would like the ETD section to put in place to improve the learner competency level, if so what are they?

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.....

The Graduate School of Public and Development Management

2 St Davids Place, Parktown, Johannesburg

P.O. Box 601, Wits, 2050, South Africa, Telephone +27 (0)11 717 3500

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**PhD Convener:**
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Research Director:
**Prof Anne MacLennan**
**Tel: Oil 717 3519**
**Email: anne.maclennan@wits.ac.za**

**Tuesday, 17 January 2012**

**To whom it may concern**

**This confirms that** MARIA MAKE **student number** 415640 **is registered for the** Masters **in the Field and Public and Develoment at the Graduate School of Public and Development Management.**

**The title of the Research Proposal is: LEARNER PERFORMANCE AT THE SCHOOL OF MILITARY JUSTICE.**

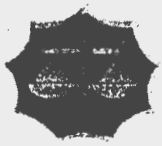
**It is recommended that she be given assistance in terms of information for research purposes wards her** master's **Degree. The information will be used for research purposes only.**

**Yours sincerely**

Professor Gavin Cawthra
**SUPERVISOR**
**The Graduate School of Public and Development Management**

CDLS 2/R/102/3

Telephone: 012 355-5250
SSN: 810-5250
Facsimile: 012 355-5372
Enquiries: Col. M. M. Make



Defence Legal Services Division
Private Bag X161
Pretoria
0001

11 May 2012

**AUTHORITY REQUESTED TO CONDUCT RESEARCH: 96853957PE Col M. M. Make**

**INTRODUCTION**

1. Permission is requested by the above-mentioned member to conduct research within the Defence Legal Services Division with regard to **Learner performance at the School of Military Justice (SMoJ).**

2. The member's hypothesis is that since SMoJ was accredited as a service provider and started implementing Outcome-Based Education a trend of poor learner performance until current has been noticed. This might impact negatively on the South African National Defence Force (SANDF) and ultimately poor performance at the workplace.

3. The objective of the research is twofold:

   a. Firstly to confirm the high learner incompetence rate at the School of Military Justice?

   b. Secondly to investigate the contributing factors to learner performance at the School of Military Justice (SMJ)?

**METHODOLOGY**

4. The following members will be requested to participate:

   a. 27 learners will be considered i.e. nine learners from the 2010 group, nine learners from the 2011 group and nine learners from the 2012 group.

   b. Specialists from the management group e.g. facilitators, Director Legal Services Support, Officer in Charge of SMJ and Chief Legal Service Support will be considered.

5. The method to prove the hypothesis of this study will entail qualitative method, the reason being qualitative method will describe social reality from the point of view of participants within the system studied as well as supported by the relevant data collected.

6. The findings of this research will assist the Defence Legal Service Division to establish better measures to put in place to improve the learner performance on the Advanced Military Law Course at the School of Military Justice.

7. The study is in line with The Constitution of the RSA, 1996, Section 226; the Defence Review, 1998 Chapter 10, Adult Education and Training Act 52 of 2000, White paper on Public Service Training and Education of 1998, White paper on Defence, 1996 as well as Defence Act 42 of 2002 Chapter 10.

8. I, 96853957PE Col M.M. Make hereby declare that security will not be breached in the conduct of this study.

9. For your kind consideration

**(M.M. MAKE)**
**SSO ETD DEFENCE LEGAL SERVICES DIVISION: COL**

**APPROVED/~~NOT APPROVED~~**

**(S.B. MMONO)**
**ACTING CHIEF DEFENCE LEGAL SERVICES: MAJ GEN**

DI/DCIC/R/202/3/7

Telephone: (012)315-0216
Fax: (012) 326-3246
Enquiries: Brig Gen E.L. Pule

Defence Intelligence
Private Bag X367
Pretoria
**0001**
/-^September 2012

**AUTHORITY TO CONDUCT RESEARCH IN THE DEPARTMENT OF DEFENCE (DOD): COLONEL M.M. MAKE**

1. Your request letter CDLS2/R/103/2 dd 16 August 2012 as well as the telephonic conversation between W01 K. Skweyiya (Defence Intelligence) and Col M.M. Make Defence Legal Services Division on the 10th August 2012 have reference.

2. Permission is hereby granted from a security perspective to Col M.M. Make to conduct research on the topic entitled **"Learner Performance at the School of Military Justice SoMJ)".**

3. The final research product must be submitted to Defence Intelligence (DI) Sub-Division Counter Intelligence (SDCI) for scrutiny before it is released to any entity outside the DOD.

4. For your attention.

**(MAJ GEN T. MATLAKENG)**
**CHIEF OF DEFENCE INTELLIGENCE: LT GEN**
**KS/KS**

**DISTR**

For Action

Defence Legal Services Division (Attention: Col M.M. Make)

Internal

File: DI/DCIC/R/202/3/7

**the sandf**
Department:
Defence
REPUBLIC OF SOUTH AFRICA

CDLS 2/R/103/2

Telephone: (012) 355 5250
Facsimile: (012) 355 5372
Enquiries: Col M.M. Make

Department of Defence
Defence Legal Services Division
Private Bag X161
Pretoria
0001
(b August 2012

**AUTHORITY REQUESTED TO CONDUCT RESEARCH: 96853957PE COL M. M. MAKE**

**INTRODUCTION**

1. Permission is requested by the above-mentioned member to conduct research within the Defence Legal Services Division with regard to **Learner performance at the School of Military Justice (SoMJ).**

2. The writer is appointed at Defence Legal services (DLSD) as Senior Staff Officer Education Training and Development (SSO ETD), which prompted the member to pursue this perspective of research. The writer was not aware of the correct procedure to be followed when conducting research within the Department of Defence (DOD) hence a letter of request was addressed to Acting Chief Defence Legal Services Division (A/CDLS) excluding Chief Human Resource (CHR) and Chief Defence Intelligence (CDI).

3. The member's hypothesis, purpose and methodology of the study are elaborated on the attached letter.

4. Attached hereto find the letter of request approved by A/CDLS at Division level and a copy from the university.

96853957PE CPL M.M. MAKE

**AUTHORITY REQUESTED TO CONDUCT RESEARCH: 96853957PE COL M. M. MAKE**

5. Four your consideration.

**(M.M. MAKE)**
**SSO ETD DEFENCE LEGAL SERVICES SUPPORT: COL**

ANNEXTURE: 1. Letter of request addressed to A/CDLS
2. A copy of request from the university

**APPROVED/NOT APPROVED**

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.....

**(T.M. NKABINDE)**
**CHIEF HUMAN RESOURCES: LT GEN**

**DISTR**

For Action

CDCI (Attn: Maj Gen T. Matlakeng)

For Info

CDI (Attn: A. M. Shilubane)

Internal

File: CDLS 2/R/103/2