

IDENTIFICATION OF THE CAUSES OF LITIGATION AMONG SECONDARY SCHOOL TEACHERS OF DISTRICT LAHORE

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ABSTRACT:

Litigation is becoming an emerging concern among school teachers these days. Litigation is negligence and malpractices of a lawsuit by the school teachers in performing their duties. The present research was planned to know the reasons for litigation; recognize various factors affecting the litigation among secondary school teachers and find out the effect of litigation on educators' performance. A qualitative research design was used to conduct the study. A semi-structured interview was administered for teachers under the supervision of a research expert keeping in view the research aims and literature. The interview protocol was validated by three experts in the field. The research instrument was divided into three parts three aspects; Pre-Litigation experience, Litigation experience, and post-litigation experience. The population of the study consisted of all secondary school teachers teaching in district Lahore. Fifteen secondary school teachers were selected purposively for the sample of the study who have experienced litigation. Researchers interviewed respondents. Consent was taken from the teachers to record their interviews. Researcher interviews the respondents and guides them if they need any help. Respondents' answers were written by the researcher. After collecting the data, it was coded, organized, and generalized. Misuse of Government resources, low academic achievements of students, shortage of attendance, corporal punishment, and student dropout were the main findings of the study.

Key Words: Litigation, Secondary School teachers, Lawsuit, Negligence

Introduction

PEEDA act (2006) was introduced by the Government in which it was exposed that litigation among teachers is increasing speedily. Which is harmful both for teachers and students as well? The deep effects of teacher litigation can be seen in teachers' professional and family life. Penalties have been decided separately on different misconduct. As per lawsuit for teachers, there are different penalties as compare to the other Government servants. Teachers who are not doing their work according to the PEEDA Act are answerable in front of litigation officers and if teachers are not contented with the choice of authorities they can go for justice in courts and it is teachers' litigation. All teachers working from primary to secondary school level have the right to go to court for justice. The expert teachers are giving training on accountability in the classroom, and have an understanding of how to keep away from inconvenience by going to courts. Change is the basic aspect of life for human beings in every field of life and results in someone being more organized and. This change is necessary for everyone individually and in the organization. In educational institutions especially in schools both teachers and administrators are needed to bring change in themselves incredibly in different ways. Responsibility, in different professions, considered one side where flexibility in community settings brought about more prominent requests being claimed of all callings including that of educating. In such a manner lawful responsibility is of significant worry to schools as legitimate issues progressively sway on school approaches, practices, and techniques.

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There is information that is required in the area of law affecting schools for educators. Through the last few years mindset of our nation have been changed where litigation has been increased and its harmful effects on the people life. Institutions and teachers both are affected by this change but teachers are more affected. Additionally, Professionals are required to pay attention to the lawful part of their work. Experts have been noted litigious rules become commonly accepted by the administration of school especially from the side of learners' misconduct, institutional plan policy, and practices in the classroom. Various causes legitimize the need for educators to comprehend the legitimate facts of their training. The research was aimed to see and clarify the reasons for litigation on teachers at the secondary school level. It is working in a school environment and gave valuable suggestions to avoid litigation or at least abilities to reduce the litigation.

Definition of Litigation

The business dictionary defined litigation as a lawful process for settling different opinions or questions among people, associations, and this situation is known as litigation. In litigation, a reason was carried under the watchful eye of an official courtroom appropriately enabled to hear the case, by the gatherings in question (the defendants) of goal (the evaluation).

Litigation and Teachers

Litigation has become more common in every aspect of culture and educational institutions are not exempted. Experts the most of the time were being considered more responsible for their activities. Parents and learners are more aware of their responsibilities and are involved in litigation. They seem more agreed to get their rights through litigation. A legitimate reason for activity may come up in many cases. The case may follow penetrates of the Education Act, carelessness, break of agreement, misconduct, and ignoring educational laws or malpractices. (Newnham, 2000). Teachers are responsible and needed to protect the students' health and safety and their welfare (Llewellyn, 2012).

Intentional Tort

Deliberately doing misdeed when an individual tried or "means" to make hurt t another called an intentional tort. For the purpose to survive, one must know that it will injure or caused the consequence of doing intentionally tort (Mathews, Goddard, Lonne, Short, and Briggs, 2009). Assaulting allow effort, someone, to hurt or make a sentiment of dread/fear of harm. There shouldn't be real physical contact all together for an attack. Power is the real physical act that is undermined by the attacker.

Negligent Torts

Carelessness in institutions or misbehavior highlighted aspects of litigation (Newnham, 2000). Negligence is known as a misdeed wherein one's inadvertent conducts breaks an obligation of care and harms someone else or people. The School side should care for children from sensibly predictable dangers of other relevant persons. At that time teachers do not know what the meanings of the safety of the students are, they think they are not responsible for the harm of their students because most injuries are those which are not considered or enlisted in school rules

and they are accidental. For these injuries, no legal action can be taken, and officially school administration cannot reasonably handle the situation. In, (Wagner, 2008). Teachers are responsible for concern for children to have sufficient management. It can be seen on playgrounds, field trips, and extracurricular activities (Littleton, 2008).

Duty to Report Child Abuse

The meanings one draw from child mistreatment and carelessness, Child abuse is the main term used in the world used to highlight the four basic types of children's ill-treatment: physical maltreatment; psychological mistreatment; sexual maltreatment; and disregard (Atkinson, 2002). Physical maltreatment is described by conscious injury to a kid emerging from extreme control or discipline in acts, such as beat, shakes, punch, strike, gnawing, hitting, cutting, copying, limiting, tossing, or stifling. Enthusiastic and mental maltreatment is obvious in examples of practices towards youngsters, such as overlooking, dismissing, confining, threatening, tainting, loudly attacking, and over-constraining (Farooq and Sardar, 2015). The duty to highlight and report this happens is not clearly defined. However, exists in every institute. It is probably going to implement instances of clear careless inability to report known genuine maltreatment, or circumstances where an educator should have announced speculated misuse (Des and Methew, 2007). Carelessness can happen in situations when the inability to tell can be shown to contain comprised penetration of the obligation (Hutt and Tang, 2013).

Educators of any country should know the basic information, abilities, and understandings of institutional law if they want to become expert teachers of the school and known as trained professionals (Teh, 2009). There are many reasons how teachers' low knowledge of law impacts on his duty and their students. Teachers' knowledge of the law should be measured during teacher education programs before certifications. (Walsh, Laskey, McInnes, Farrell, and Mathews, 2011). Various reasons legitimize the requirement for educators to comprehend the lawful role of their training. Regardless of whether the reasoning is a polished skill, strengthening, backing, or self-protection, the individuals who urge instructors to all the more likely appreciate the legitimate setting where they work mention that obliviousness of the law can prompt prosecution (Greenwold, 2000).

Poor teaching

Teachers being careless and legitimately subject to low standard teaching causes the students to fail in their studies and not understandable for them. Teaching results in poor expected learning outcomes must report and solved. Gajda, (2012) exposed that there is a developing pattern of lawful procedures coming educators, warning teachers for fewer marks in skill. The obligation inferred on instructors to guarantee the instructive prosperity of their students and penetrate of obligation (Wagner, 2008).

Statement of the Problem. It was rightly said that teachers' quality of teaching largely affects educational institutions' quality. Teaching may be affected by several factors. There may be factors that cause the wastage of time for teachers. Therefore the following study aimed to know the reasons for litigation and its effects on teachers' professional life.

Objectives of the Study

Following were the objectives of the Study:

1. To know the causes of litigation of teachers at the secondary school level

2. to identify various factors accountable for litigation among teachers at the secondary school level
3. To know the effect of litigation on teachers' performance.

Research Questions

1. What were the main reasons for litigation among teachers at the secondary school level?
2. What are the factors responsible for litigation in teachers at the secondary school level?
3. What is the effect of litigation on teachers' performance?

Delimitation

The present research was enclosed to the educators, teaching in schools at the secondary school level at Lahore district only.

Research Methodology

Nature of the Study

A qualitative research method was adopted to carry out this study as the qualitative research method investigates the problem in depth. The interview technique was employed to collect the data. A structured interview protocol was designed for data collection. During the interview, the researcher not only gets the answers of the interviewees but also noted their facial expressions and thinking style. The main aim was to know the causes of litigation and its impact on teachers' performance. A study with deep understanding was needed to carry out the research and fulfill the qualitative paradigm.

Population

The targeted population of the research was all teachers working in secondary schools in district Lahore.

Sampling

As the main objective of the study was to explore the causes of teachers' litigation, who have faced litigation during their work experience. A purposive sampling technique was used to select the sample of the study. Fifteen school teachers were selected for the sample of the study who experienced litigation.

Instrumentation

To collect the data an interview protocol was administered after an extensive review of the literature. Interview questions were comprised of semi-structured questions having various features of litigation. The interview protocol was validated by three experts and then finalized. A pilot study was also conducted in three secondary school teachers.

Pilot Testing

Before collecting the data pilot testing of the research instrument was make sure. The interview protocol was validated by three experts. They checked the content validity of the instrument. Modifications were made according to the suggestions of the experts. There was no major problem with the instrument. Three mock interviews were also conducted for validity and check the language of the questions.

Data Collection

The first step to retrieve the facts from the respondents was the collection of data. Permission was taken from DEO in the first phase and then the meeting time was fixed with the school principal. After giving a brief introduction to the principal it was making sure that information will be taken confidential. The request was made to the principal to show the teachers who

experienced litigation in their workplace. In the third phase, a meeting with school teachers was scheduled and written consent was signed that their identity and names will not be exposed in the research report. Information provided by them will be used only for this study. In meeting time for the interview was decided. In the next phase, an interview was conducted with selected teachers. After the consent of the teachers' interview was recorded by the researcher and notes were also made.

Data Analysis

Analysis of data is a systematic process to collect facts, organize them, and then interpret according to the research needs. Data was qualitative in nature collected through interviews. One separate sheet was used for each question to note down the answers to the questions. The researcher collects all the data and writes it in one place then overviews the data before interpretation. Data were classified into major themes as Reba and Afridi, 2011; West et al. (2010), and answers of the same categories were combined on another sheet. The percentage of the data was computed, illustrated in tabular form, and findings were made. The major findings of the study were included in the discussion part. Analysis of each question was completed through observing the interviewee's expressions, narration, and summarizing the interview.

Research Ethics

Following were the research ethics considered during the study:

1. Respondents were not forced for information
2. All subjects of the study take part on their own will
Consent was taken both from informants and administrators
3. The identity of the informants was kept confidential
4. No psychological or physical harm was given to respondents

Findings and Discussion

Pre-Litigation Experience

Teachers' litigation is going to become a rising issue in Pakistan. There were many reasons for teacher litigation which are highlighted in this study. The present study was aimed to know the reasons for litigation. The findings of the study were generalizing overall secondary school teachers teaching in schools of district Lahore. Study results revealed that teachers face litigation due to their shortage of attendance, misuse of the property provided by Punjab Government, misuse of resources (free books given by government, stationary and land) teachers' behavior to their students' low achievements absent from workplace without informing their authorities. Teachers also went to the court for their promotion which Government has ignored. Teachers gave corporal punishment to their students for which the Education Department take action against them. Students' rate of the dropout was also a reason for their litigation. One of the respondents was eligible for an appointment under the employee quota that's why she went to court. A respondent went for her transformation in rationalization rule. Study results are the same as the finding of the study (Walsh, Laskey, McInnes, Farrell, and Mathews 2001). They exposed in their research that the basic causes of litigation of teachers were mistreatment with students and corporal punishment. Teh (2009) added in research findings that educators' lack of understanding of school law and rules was caused by teacher litigation. In this study researchers see from the data legal issues of school was the cause of litigation of teachers where school rules were also specifically the reason for litigation.

Some teachers went to court due to civil servant rules. It was shown that all teachers willing that " to have the awareness of rules and regulations of the institution was necessary for teachers in case lack of this awareness they faced litigation and their students were harmed. Teachers who attended training courses about the school laws and get certification were omitted from litigation" (Walsh, Laskey, McInnes, Farrell, & Mathews, 2011). Study results were the same as the findings of (Gajda, 2009) he added to the knowledge that lack of teachers' abilities in understanding the lawsuit causes teachers litigation. In the answer to the question did teachers come into litigations on their own or not? Respondents answered they came with their own choice. Subjects of the study feel satisfied so they come in litigation raise their voice for their rights. Some respondents were forced to come in litigation as there was no other choice for them. Many of the subjects were not in the teaching profession by their own choice so they were not interested in knowing about the lawsuit. Teaching was their mother's choice so, they joined the teaching but never fulfill the responsibilities of the teaching. Study findings were opposite to the study of Mutshaeni, Denhere, and Ravhuhali (2015). Research outcome similar to the findings of the study of Armstrong (2009), his study exposed that teaching was the favorite profession for many persons so, they come in the teaching profession with their own choice. Litigation awareness can be given to teachers in various ways. The present study shows that competent authorities aware of their teachers on litigation after that teacher was given show-cause notices by their higher authorities. Present study results were the same as the results of the study of Tang (2013)

Litigation Experience

There are many types of tort law one of them is negligence. Findings of the present study also show that negligence was the main reason for the teachers to come in litigation. Hut and Tang (2013) stated that malpractices in education are negligence which is the type of litigation. By facing litigation alone one cannot be successful. Support by their institutional authorities and family is necessary. The findings of the study show that some respondents were supported by their competent authorities, their fellow teachers, AEOs, and their family. Litigation was money consuming for teachers. Teachers spent the amount differently on litigation. It was ranged from twenty thousand to forty thousand.

Post-Litigious Experience

While experiencing the litigation hurdles from different people is a necessary part of the litigation so, secondary school teachers also face resistance from various people and factors. These hurdles were from their school administrators, colleagues, education officers, financial problems, students' guardians, and many other factors. Non-cooperative behavior was also shown by higher authorities. Findings of the study of Mead (2012) matched with the present study results. Slavens (2015) gave the results of his study the same as the present study that guardians of students were not satisfied with the teachers who were facing litigation. Wanger (2008) was against the results of this study he exposed that school administration accepted the litigation process of teachers and helped them. The results of the study also show that not all teachers were successful in litigation but some teachers. Similar findings of the study were given by The (2009) he stressed that educators got justice in litigation.

When suggestions were asked from the teachers to avoid the litigation they respond that enhance the understanding of litigation, whenever feel difficulty consult with seniors, keep up good

relations with authorities, Study PEEDA Act (2006). One teacher suggested to involve yourself in school co-curricular activities. Schools of District Lahore teachers must have an understanding of the PEEDA Act 2006. Teachers will fall into the Act of litigation if they don't have awareness of the PEEDA Act. Litigation also causes an increment in one's knowledge. Findings of the research also show that teachers' knowledge was gained after facing the litigation. Questioning from the teachers about their knowledge and experience of litigation is reasonable as it shows their knowledge of school law.

Teachers who want to come into litigation must take suggestions from seniors and seniors should share their experiences with junior teachers. A friendly environment will be created when staff will share their experiences. Teachers also share how authorities give them justice. After that teachers show more responsible behavior in schools and classrooms. Study results of Atkinson(2002) sustain the results of the present study that teachers should get help from other teachers to organize themselves. Study findings of Des & Methew (2007) were different from the present study results that one should use critical thinking skills to avoid litigation as this act can be harmful to the students as well. Greenwold, (2000) argued that this type of study gives teachers awareness of litigation.

There are few studies in which teacher litigation has been discussed. Some studies linked litigation exposure to the respondents that they feel relaxed when they were facing litigation. Even they do not follow the timetable of the school, teach for less time, and spent their time with seniors in getting help about their case. Teachers were advised by the experienced teachers to arrange a substitute teacher when they were busy in court matters. They should also adopt strategies to keep them calm and peaceful during teaching. Wagner (2008) when teachers have a threat of litigation they will not teach well and their focus will be steered. Financial problems were also faced by the teachers. They were stressed, mentally disturbed, household activities were harmed when they were experiencing litigation. Litigation had affected the teachers' performance in the classroom. They were performing better before coming into litigation. Teachers were not able to do duties with full devotion because they were tired.

Conclusions and Recommendation

Teachers experience litigation due to their shortage of attendance in a record, misuse of Government resources (free books by Government and stationary), misuse of school land, low academic achievements of students, and absence from school without informing the school principal. They went to court for their due promotion, corporal punishment to their students, and students' dropout. One of the respondents went to court for her appointment under the employee quota. One cause was to stop her transfer to another school. Based on the findings of the study teachers should provide in-service training which enhances their knowledge of the PEEDA Act. Full-time checks and balances should be ensured to stop the misuse of institutional property and resources. Senior teachers should guide their juniors and justice should be given by the higher authorities.

Many factors can be seen which were causes of litigation, these were negligence, and to gain their rights. Other factors involved in litigation were misconduct, lack of responsibility, and no compromise with authorities. It was suggested that colleagues should share their knowledge and experience. Colleagues should try to solve other problems.

The performance of teachers was affected by litigation. Before coming into the litigation teachers' performance was better than after. Teachers left to take part in extracurricular activities. Most of the time teachers feel tired they were not able to do their duties as they were performing before litigation. Teachers stop paying their attention to students' matters as they were not having much time and potential. They stopped working according to the school timetable when they were facing litigation, they teach minimum time and most of the time they spent with their seniors in resolving their issues. It was suggested based on the study results that the litigation process should be completed in the defined time.

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