An Equal Education report on the provision of water and sanitation at 18 schools in Ga-Mashashane, Limpopo
Cover Image: Equal Education members in Limpopo gathered before a picket outside the offices of the Limpopo Department of Education in Polokwane on 7 October 2015. At the picket we demanded the release of the Department’s Norms and Standards implementation plan, and compliance with the school infrastructure law.

Title: Schools without Dignity (Sepedi)
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EXECUTIVE SUMMARY

In July 2017, Equal Education (EE) visited 18 schools in Ga-Mashashane, in the Capricorn District of Limpopo Province. The school visits were conducted in response to persistent calls for action by EE’s high school members, Equalisers. Equalisers insisted that the confident claims made by the Limpopo Department of Education (LDoE) and the national Department of Basic Education (DBE) about progress in the provision of water and sanitation in Limpopo’s schools did not match the reality within their schools.

Our engagement with the LDoE prior to the school visits revealed the lack of urgency with which the Department approaches the provision of infrastructure in accordance with the legally binding Norms and Standards for School Infrastructure. According to the Norms and Standards, by 29 November 2016, all public schools must have had access to water and sanitation facilities. By 29 November 2020, all schools must be provided with access to adequate water and sanitation facilities.

The Equal Education team visited schools in the area in which we work, to draw attention to the incongruence between the Department’s claims and the reality on the ground. During each of our 18 school visits, we interviewed school staff and conducted a survey of the school’s observable conditions. We collected data on the infrastructural conditions in the school, with a focus on water and sanitation.

Our observations confirm that the data used by the LDoE is unreliable and that the Department underestimates the extent of the water and sanitation crisis – a holistic and urgent intervention is needed in order to meet the legally stipulated standard of a dignified and healthy learning environment.

The Norms and Standards state that by 29 November 2016 all schools must have access to sanitation. Plain pit latrines and buckets do not constitute access to sanitation according to this law. Ventilated improved pit (VIP) latrines, which have a ventilation pipe and a screen fitted to the top outlet of the pipe, do count as access to sanitation.

With regards to the provision of sanitation, of the 18 schools we visited:

- Eleven have only plain pit latrines, and therefore no access to sanitation in terms of the Norms and Standards. These schools are in violation of the law;
- Six have an acceptable form of sanitation, but too few toilets according to the Norms and Standards;
- Only one has enough toilets according to the Norms and Standards, but most of its toilets were broken or not in a usable condition.
- Not one has enough usable toilets to meet what is required by the Norms and Standards

With regards to hygiene maintenance, of the 18 schools we visited:

- Only two have toilet paper inside a toilet stall;
- Only two have a tap in or near the learner toilets;
- Not one has soap in or near the learner toilets;
- Not one has sanitary bins in or near the learner toilets; and
- Eleven have no maintenance staff.
With regards to the provision of water, of the 18 schools we visited:

- Four have no water supply at all, which violates the law;
- Six schools have unreliable access to water; and
- Eight have reliable access to water.

The findings from these 18 schools, coupled with an analysis of the LDoE’s school infrastructure plans and publications, and the Auditor General’s evaluations of the LDoE’s financial management, reveal a department in disarray. The LDoE is unable to effectively plan, implement or maintain urgent water and sanitation projects.

Our analysis details how the lack of capacity and ensuing mismanagement in the LDoE has led to poor project and procurement planning. This, in turn, has led to widespread non-compliance with supply chain management legislation, substantial amounts of irregular expenditure, and the failure of the LDoE to build, repair, upgrade and maintain the province’s schools. Our analysis supports a demand for the LDoE to implement stronger governance systems and internal controls in order for financial accountability and transparency to take root.
GLOSSARY OF ABBREVIATIONS

ASIDI: Accelerated Schools Infrastructure Development Initiative
BAC: Bid Adjudication Committee
B-BBEE: Broad-Based Black Economic Empowerment
BED: Bid Evaluation Committee
DBE: Department of Basic Education
CFO: Chief Financial Officer
CSIR: Council for Scientific and Industrial Research
ECDoE: Eastern Cape Department of Education
EE: Equal Education
HDI: Human Development Index
HOD: Head of Department
IDMS: Infrastructure Delivery Management System
LDoE: Limpopo Department of Education
LRC: Legal Resources Centre
MEC: Member of the Executive Council
NEIMS: National Education Infrastructure Management System
PAIA: Provision of Access to Information Act
PARI: Public Affairs Research Institute
PFMA: Public Finance Management Act, 1999 (Act No. 1 of 1999)
SCM: Supply Chain Management
SIPDM: Standard for Infrastructure Procurement and Delivery Management Standard
SASA: South African Schools Act
U-AMP: User-Asset Management Plan
INTRODUCTION

Introduction to Equal Education

Equal Education (EE) is a membership-based, mass democratic movement of learners, parents, teachers and community members striving for quality and equality in South African education, through analysis and activism. EE collectively identifies systemic and localised problems affecting the quality of education provided to learners throughout South Africa, and then develops strategic interventions. Our public actions and advocacy draw on mass mobilisation, policy research, and media to build public pressure on the relevant education stakeholders. When appropriate, EE uses legal interventions through its partner, the Equal Education Law Centre.

EE’s core members are Equalisers – high school activists from grades 8 to 12. Along with teachers, parents and community members they build campaigns to effect change in their schools, and in their wider society. EE works by building an understanding of the social and political challenges facing poor, Black South Africans through regular weekly meetings of thousands of youths and parents across the country. Today, there are over 5 000 Equalisers spread across five provinces: the Eastern Cape, Gauteng, KwaZulu-Natal, Limpopo and the Western Cape. The work done by EE’s researchers begins from and returns to the daily experience of its members.

EE members have undertaken several campaigns over the years in response to the continued inequality in the education system, including around libraries, sanitation, school safety and scholar transport.

History of the Norms and Standards Campaign

Section 29 of the South African Constitution enshrines the right to basic education as an immediately realisable right. In doing so, it imposes a positive obligation on the State to promote and provide education by implementing and maintaining an education system that is responsive to the country’s needs. However, when EE began its work no guidelines had ever been introduced that described what the standard of infrastructure ought to be to fulfil the minimum requirements of a basic education.

Section 5A of the South African Schools Act (SASA) allows for the development of such guidelines:

“The Minister [of Basic Education] may, after consultation with the Minister of Finance and the Council of Education Ministers, by regulation prescribe uniform Norms and Standards for school infrastructure.”

The National Policy for the Equitable Provision of an Enabling School Physical Teaching and Learning Environment was adopted in June 2010, and binding Norms were meant to follow by the end of March 2011.

EE members – recognising the relationship between bad learning conditions, poor learning outcomes, and persistent inequality in society – began to campaign for Basic Education Minister Angie Motshekga to promulgate legally binding regulations for Norms and Standards for School Infrastructure, in line with her responsibilities under SASA.
Beginning in 2011, EE members marched, picketed, petitioned, wrote countless letters to Minister Motshekga, went door-to-door in communities, fasted, and slept outside of Parliament. On Human Rights Day of that year, we led a march of 20 000 EE members and supporters to Parliament to demand that Minister Motshekga adopt the Norms and Standards.

Our approach has always been to win gains politically rather than through litigation. However, in 2012 it became increasingly apparent that resorting to the courts was the necessary next step. The Legal Resources Centre (LRC), on behalf of EE and the infrastructure committees of two schools in the Eastern Cape, filed an application in the Bhisho High Court against Minister Motshekga, all nine MECs for Education, and the Minister of Finance, to secure Minimum Norms and Standards for School Infrastructure. Shortly before the case was to be heard, Minister Motshekga settled and agreed to publish Norms and Standards. But, she then missed the deadline she had agreed to, and EE returned to court to enforce her commitment.

On 29 November 2013 Minister Motshekga complied with a court order and promulgated legally binding Norms and Standards, which describe what makes a school a school. This was a historic victory for learners, teachers and parents.

The Norms and Standards also set deadlines for when different kinds of infrastructure must be provided, counted from the date on which the regulations were published.

By 29 November 2016:
- All schools entirely made of inappropriate materials such as mud, asbestos, metal or wood had to have been replaced by new schools.
- Schools with no access to water, electricity or sanitation had to have been provided with these basics.

By 29 November 2020:
- All schools must be provided with an adequate supply of classrooms, electricity, water, and sanitation.
- Electronic connectivity and perimeter security must be provided to all schools.

By 29 November 2023:
- Libraries and laboratories must be features of all schools.

By 29 November 2030:
- All other Norms must be completely provided for.
- This includes school halls, sports fields, walkways, parking lots and disability access.

The promulgation of the Norms and Standards provided fresh direction to our campaign for school infrastructure: our focus turned to monitoring the implementation of the regulations. By 29 November 2014 each of the nine Education MECs were required to provide Minister Motshekga with a Norms and Standards implementation plan: a document detailing the backlogs in school infrastructure and a plan for how the province would fix schools in accordance with the various deadlines. The implementation plans for all provinces were required exactly one year after the Norms were promulgated.
Between December 2014 and March 2015, EE wrote to the Minister about publicly releasing these plans three times – to no response. In March 2015, EE lodged an application in terms of the Provision of Access to Information Act (PAIA) to secure their release. With the Department of Basic Education (DBE) promising to release the nine provincial implementation plans “in a few weeks”, without committing to a date, hundreds of EE members staged sleep-ins outside Parliament in Cape Town, and outside the offices of the Eastern Cape Department of Education (ECDoE) in Zwelitsha, and protested outside the DBE offices in Pretoria.

Despite criticising EE on the eve of the protests, the DBE later that month responded to its legal obligations in terms of PAIA, and asked that EE grant it an extension on the deadline to release all the implementation plans, until May 2015. EE agreed, but the DBE missed this negotiated deadline as well! On 29 May, over 2 000 EE members and supporters marched to the ECDoE offices, again demanding the release of all the plans. Two weeks after that march, the implementation plans for eight provinces were finally released to the public, a full six months late.

**Engagement with the Limpopo Department of Education**

By June 2015, the Limpopo Department of Education (LDoE) was the only province that had not made its implementation plan publicly available. Instead it had released another document called the User-Asset Management Plan (U-AMP). Without the Norms and Standards implementation plan, it remained incredibly difficult for learners and community members to hold the LDoE accountable.

EE wrote to the LDoE numerous times asking it to publish the plan, as required by the regulations. The national DBE was also aware that Limpopo had not given the public access to its plan, but did not take any public action against it.

In October 2015 EE members picketed outside the offices of the LDoE in Polokwane, demanding the release of the implementation plan and compliance with the school infrastructure law. It became worryingly clear, from a subsequent meeting held between EE’s leadership and the Limpopo Education MEC, Ishmael Kgetjepe, that the LDoE was unaware of the requirements and timeframes for fixing schools under the law.

Sustained activism yielded progress when, in November 2015, the LDoE released its implementation plan – however it was unreliable and incomplete. Alarmingly, the plan stated that:

- The LDoE did not know whether there was an adequate water supply, or any water available at all, to learners in 75% of Limpopo schools.
- The LDoE did not know what sanitation facilities were available in 66% of the province’s schools.

Among other things, the plan lacked detailed information, contained budget inconsistencies, and planned to fail to meet the deadlines and targets for Norms and Standards implementation. It exposed both a lack of oversight by the LDoE, as well as the absence of political will to obtain accurate data and to act on it.
Throughout 2016, EE members across the country held actions; engaged schools, communities, and Parliament; and used media advocacy to drive home the urgency of the November 2016 deadline. For instance, EE picketed during the Finance Minister’s budget speech in February, raising awareness that no additional money beyond what was already planned had been devoted to education infrastructure since the publication of the Norms and Standards – despite the significant legal obligations the Norms created. And in May, we again held a picket outside the offices of the LDoE to remind it of its legal obligation to provide proper infrastructure to schools across the Limpopo province.

While the unreliable data presented by the LDoE continues to make it difficult to track the progress towards the implementation of the Norms and Standards, EE’s National Organising team has remained committed to holding the LDoE accountable, even when national government refuses to do so.

![Image](image.png)

**Figure 1:** An Equaliser holds a placard that reads “Out of all provinces, why Limpopo?” at an October 2015 picket outside the offices of the LDoE in Polokwane.

**A Focus on Water and Sanitation**

Since 2015, Equalisers in Limpopo have repeatedly raised water and sanitation at their schools as a significant barrier to quality teaching and learning. During in-school meetings and youth groups, Equalisers explained that when there are few or no functioning toilets at school, it is difficult to participate actively in one’s education. Learners explained how not having access to water left them...
dehydration and unable to concentrate. Together, inadequate sanitation and a lack of water make it difficult to maintain a hygienic schooling environment.

Since the LDoE’s admission in its Norms and Standards implementation plan that it does not know what the sanitation conditions are in two thirds of schools, nor whether there is an adequate water supply in three quarters of schools, EE members have learnt to question its ability to plan for effective infrastructure delivery.

According to data from the National Education Infrastructure Management System (NEIMS), that is published annually by the DBE, as at June 2016, there were (supposedly) zero schools in Limpopo with no water supply, zero schools without access to sanitation, and 941 schools that must contend with pit latrines alone as a form of toilet.

However, according to a report by the Council for Scientific and Industrial Research (CSIR), released in July 2016, there were eight schools with no access to water. The report noted that, in addition: “Due to the drought a number of boreholes have dried up and the schools have indicated that they also do not currently have access to water”. The CSIR report stated that a further eight schools had no access to sanitation, and 897 schools had pit latrines only. The CSIR assessment identified 139 urgent school water and sanitation projects in the province, and 225 water provision projects that had been “started and not completed” – but with no explanation as to why this was the case.

The Norms and Standards Progress Reports

The LDoE’s Norms and Standards progress report, made public in December 2016, details the results of the CSIR report discussed above. The CSIR findings revealed “a serious backlog of infrastructure maintenance, and a shortage of facilities in terms of the Norms”.\(^2\)

Importantly, the progress report notes that all projects aimed at addressing the Norms backlogs in the provision of water and sanitation, including the existence of only pit latrines at some schools, were to be completed in the 2016/2017 financial year. However, the targets set in the progress report are completely inconsistent with the identified need. Perhaps that is why the list of completed projects, as of half way through the financial year, are also inconsistent with the targets. The table on the following page illustrates this incongruence.

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\(^2\) Ibid. p.4.
Table 1: Inconsistent figures contained in the LDoE’s Norms and Standards progress report

<table>
<thead>
<tr>
<th>Item</th>
<th>Number of schools according to CSIR report</th>
<th>Claim made in LDoE progress report</th>
<th>2016/2017 targets in LDoE progress report</th>
<th>2016/2017 achieved in quarter 1 and quarter 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools without access to water supply</td>
<td>8</td>
<td>To be completed in 2016/2017 financial year</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>Schools without access to sanitation</td>
<td>8</td>
<td>To be completed in 2016/2017 financial year</td>
<td>210 (schools to be provided with sanitation)</td>
<td>98 (schools to be provided with sanitation)</td>
</tr>
<tr>
<td>Schools with pit latrines only</td>
<td>897</td>
<td>To be completed in 2016/2017 financial year</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

It is confusing that the LDoE would claim that all the projects above would be completed in the 2016/2017 financial year, and then in the same report, list targets that reveal that is does not plan to complete those projects. Furthermore, the targets listed by the LDoE – zero schools to be provided with water and 210 to be provided with sanitation – are completely inconsistent with the results of the CSIR report which notes 139 urgent water and sanitation projects.

Currently, the LDoE allocates about 20% of its infrastructure budget to water and sanitation. At this rate it would take the Department at least 10 to 12 years to complete the projects necessary to provide schools with access to water – not necessarily access to an adequate water supply.³ Again, it is worrying that a nine-page report makes such drastically different claims – on the one hand the LDoE commits to eradicating the water access backlog identified in the CSIR report in the 2016/2017 financial year, but on the other it admits that at the current pace it will take it 10 to 12 years to do so.

From the LDoE’s 2016 progress report (the only progress report that has thus far been publicly released), it is clear that the Department has no sound understanding of the scope of the dire infrastructure problems in Limpopo, or any reliable plan to deal with it. In this context, it is bewildering for Minister Motshekga to claim that Limpopo met the first Norms and Standards deadline (having no schools without access to water, and no schools without access to sanitation).⁴

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³ Ibid. p. 8.
Equal Education’s School Visits

Our Limpopo members scrutinised the LDoE’s reports, and found that the situation the Department was describing – and the lack of urgency with which it addressed these failures – was incongruent with their lived reality: that of hazardous and undignified sanitation, and of irregular water supply at schools.

We decided to visit schools in the area in which we work, the villages surrounding Ga-Mashashane in Capricorn District, to draw attention to this incongruence. During each of our 18 school visits we interviewed school staff and conducted a survey of the school’s observable conditions. We collected data on aspects including: learner to classroom ratios; water and electricity supply; the number, condition and functionality of toilets; and the materials out of which the schools are constructed (whether mud, zinc, asbestos, wood or brick). Our observations from our school visits confirm that the data used by the LDoE is unreliable and that the Department underestimates the extent of the water and sanitation crisis. A holistic and urgent intervention is needed in order to meet the legally stipulated standard of a dignified and healthy learning environment.

Figure 2: Equal Education facilitator Jackson Manamela inspects a block of pit latrines during the July 2017 school visits.
CONTEXT

Prior to 1994, Limpopo province was made up of different homelands: Gazankulu, Lebowa and Venda, that existed within the Transvaal province. The three homelands, and the northern part of the Transvaal, were amalgamated after the 1994 national elections and named Northern Transvaal. The following year the region was renamed Northern Province, and in 2003 it was renamed to Limpopo, the name of the province’s most important river.

A Legacy of Neglect

Prior to 1910 there was scarcely any education for Black learners in the former Transvaal province. Education policies under the South African Union, formed in 1910, aimed to reinforce “an overall structure of differentiation and domination”. Government spending was over forty times more per head on the white population than per head on the Black population. The Bantu Education Act No 47 of 1953, which was introduced by the apartheid government in 1953, aimed to further entrench relations of domination and subjugation. Education departments were organised along racial and ethnic lines, with each of the ten homelands having its own education department. There were also separate education departments for white, Coloured, Indian and Black African people living outside the homelands. Race determined school funding as well as curriculum, with black learners being confined to an education that deliberately prepared them for unskilled and semi-skilled labour.

After the introduction of Bantu Education, funding for Black learners was cut even further: feeding schemes were abolished and school fees were introduced for Black learners to "supplement" the cost for Black education. While Black schools were severely underfunded across the board, rural areas suffered the most. In 1987, R1.2 billion was spent on 1.9 million urban Black learners, the same amount of funding allocated for the education of 4.7 million rural Black learners. By the early 1970s, only 52% of the budget for Black education went to the rural areas of the former Bantustans, despite the fact that they were home to 70% of Black learners. Given the menial budget, the building of schools in rural areas was largely the responsibility of the community, by means of school committees.

In 1994, South Africa’s then four provinces and ten homelands were brought together to form one unified country with nine provinces. The former homelands of Gazankulu, Lebowa and Venda were combined to form what is now the province of Limpopo. This new province inherited the huge infrastructure backlogs which were the result of fragmented apartheid bureaucratic institutions and historic underfunding. The legacy of the region’s neglect and mismanagement is evident in the

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5 Amalgamate: to combine or unite to form one structure.
7 Ibid. 29.
8 Ibid.
10 Seroto, J., “A Historical Perspective of Formal Education for Black People in the Rural Areas of South Africa with Special Reference to Schools in the Northern Province,” p. 34.
11 Ibid. 38
12 Ibid. 35.
current high levels of poverty and joblessness, and the lack of access to basic services such as healthcare, water and sanitation. It can be seen, too, in the high rates of labour migration and in that the majority of households are female-headed.

Limpopo also has an unusually high dependency ratio of 81.6% compared to the national average of 59.1%: this means that employed people in Limpopo carry a greater burden to support the economically inactive than in other provinces.13 While poverty levels14 have decreased in South Africa as a whole post-apartheid, they have increased in Limpopo. In the period 1995 to 2010, Limpopo’s poverty rate increased from 73.4% to 77.7%, at a poverty line of R7 116 per annum. Significantly, the poverty rate of South Africa as a whole decreased over this time from 64.2% to 58.3%.15 Approximately 47.6% of households in the province access social grants, the highest proportion in the country. The province’s Human Development Index (HDI) – which measures a variety of socio-economic indicators such as literacy levels, child mortality rate, and life expectancy – is 0.47, the lowest in the country by far!

**Education in Limpopo post-1994**

The LDoE is an amalgamation of the following eight former departments of education:

- Department of Education and Culture: House of Representatives (DEC: HoR) – for Coloured people
- Department of Education and Culture: House of Delegates (DEC: HoD) – for Indian people
- Department of Education and Training (DET) – for Black people who were not in homelands
- Gazankulu Education Department (GED) – for Tsonga/Shangaan-speaking Black Africans
- Lebowa Education Department (LED) – for Northern Sotho (Sepedi)-speaking Black Africans
- Transvaal Education Department (TED) – for white people
- Venda Education Department (VED) – for Venda-speaking Black Africans16

Beginning in 1994 the LDoE had to “integrate the diverse organisational structures and education systems of all these entities into a coherent whole”.17 Since the end of political apartheid, Limpopo has been one of the worst performing provinces against almost any measure of educational attainment. At the end of apartheid, 90% of teachers in what was then the Northern Province were unqualified or underqualified.18 The former Northern Province achieved a matric pass rate of only

14 Poverty rates were calculated using data from the Income and Expenditure Survey (IES), conducted by Statistics South Africa in 1995, 2000, 2005/2006 and 2010/11 and poverty lines derived by StatisticsSA. For simplicity, this report discusses only the statistics relating to the upper bound poverty line of R7 116 per capita income per annum, based on prices from 2000. The trend discussed, however, holds true using the lower bound poverty line of R3 864. The numbers cited in this report were taken from research done by Fru Awah Wanka entitled “The Impact of educational Attainment of Household Poverty in South Africa: A Case Study of Limpopo Province.” Unpublished Master’s thesis, University of the Western Cape, 2014. For a detailed explanation on how poverty rate was calculated, see pages 40 - 52 of that paper.
17 Ibid.
18 Seroto, J., p. 4.
Today the state of education in the province is marked by exam paper leaks, schools being torched during service delivery protests, the non-delivery of textbooks, and the death of Michael Komape, the five-year-old boy who died when he fell into a pit latrine at his primary school in Chebeng, near Polokwane.

A 2013 Stats SA report shows that Limpopo has the lowest literacy rate in the country. The adjusted net enrolment rate in primary school, and the primary school completion rate by age 15 are higher in Limpopo than the national average, but from Grade 9 onward large proportions of learners are repeating grades, with an unusually high amount (even when compared to other rural provinces) dropping out of school before matric. This trend seems to be worsening. The graph below shows the number of learners who wrote the matric exams in KwaZulu-Natal, Eastern Cape and Limpopo in the years 2010 to 2013.

The number of learners who wrote the matric exams for selected rural provinces, from 2010 to 2013. Source: Stats SA

Over this period, KZN’s net learner enrolment numbers increased from 122 444 to 145 278, and the Eastern Cape’s increased from 64 090 to 72 138, but Limpopo’s decreased from 94 632 to 82 483. According to the 2013 Stats SA report, only a third of individuals aged 20 to 24 years in the province have completed secondary school, compared to the national average of 46%. Those learners that do remain in school until matric fare poorly. Limpopo is seen by some educationists to have “the most complex education history in the country”. The statistics represented above show that the provincial education department is failing to reverse the legacy of that complicated history.

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19 Ibid. 2.
21 Buccus, I., “Understand the burning of schools in #Vuwani” The Mercury. 19 May 2016.
22 Molefe, O., “Limpopo textbooks - only the beginning of basic education's woes” Daily Maverick. 28 June 2012.
23 John, V., “Motshekga denies responsibility in toilet death” Mail & Guardian. 2 October 2015.
25 The percentage of the total population of primary school-aged children who are currently enrolled in primary or high school.
26 Ibid.
27 Ibid.
provincial education department today is characterised by mal- and misadministration, a lack of capacity, poor project management and a record of failing to deliver.  

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30 A more in-depth look at the (mis)functioning of the LDoE is provided later on in this report. See page 46
SCHOOL VISITS FINDINGS

Sanitation

The section of the Norms and Standards that speaks to sanitation reads as follows:

12. (1) All schools must have a sufficient number of sanitation facilities, as contained in Annexure G, that are easily accessible to all learners and educators, provide privacy and security, promote health and hygiene standards, comply with all relevant laws and are maintained in good working order.

(2) The choice of an appropriate sanitation technology must be based on an assessment conducted on the most suitable technology for each particular school.

(3) Sanitation facilities could include one or more of the following:
   - (a) water borne sanitation;
   - (b) small bore sewer reticulation;
   - (c) septic or conservancy tank systems;
   - (d) ventilated improved pit latrines; or
   - (e) composting toilets.

(4) Plain pit and bucket latrines are not allowed at schools.31

Note: Underlining our own.

According to the Norms and Standards, every school must have been provided with some form of sanitation by 29 November 2016. The other requirements relating to the extent and nature of the sanitation provided must be fulfilled by 29 November 2020.

Our analysis of the state of sanitation in the 18 Limpopo schools that we visited therefore deals with the following criteria:

1. Number of sanitation facilities;
2. Accessibility of sanitation facilities;
3. Privacy and security of sanitation facilities;
4. Measures to promote health and hygiene standards around sanitation facilities;
5. Maintenance of sanitation facilities; and
6. Type of sanitation technology.

In addition, we briefly discuss the dangerous state of the structures that house the toilets.

1. Number of toilets

Section 12(2) of the Norms and Standards, included above, details what classifies as a sanitation facility. A plain pit latrine is not included in that list. For the first part of this section, we have classified pit latrines as toilets. Categorising plain pit latrines as toilets allowed us to have richer data on the state of sanitation in schools. The categorisation of plain pit latrines as toilets in no way represents an opinion that plain pit latrines are acceptable in terms of the Norms and Standards, or

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an acceptable form of sanitation at all. According to the Norms and Standards, Ventilated improved pit (VIP) latrines, which have a ventilation pipe and a screen fitted to the top outlet of the pipe, do count as access to sanitation.

Regardless of the form of sanitation provided, EE’s school visits revealed that the existence of a toilet does not necessarily guarantee access to sanitation. At the schools we visited, many toilets, despite being acceptable forms of sanitation according to the Norms and Standards, were completely unusable. In order to accurately reflect the realities learners face in schools, we have therefore distinguished between toilets that are functional and those that are non-functional. For functional toilets, we have further distinguished between toilets that are usable and not usable.

We define a **functioning toilet** to be one that has four walls and a door (of any material), and is at the most basic level able to fulfil its function. For a flush toilet, this means that the toilet must be able to flush. For a pit latrine, this means that there must be a hole that is not completely obstructed by objects such as bricks, and is not completely full of human waste.

We define a **usable toilet** as one that you could reasonably expect someone to use, even if it is dirty and needs to be cleaned. A toilet is **unusable** if it is in such bad condition that the school visits team agreed, unequivocally, it was undignified.

Even when we count plain pit latrines as toilets, four schools had no **functioning** toilets, and ten of the 18 schools that we visited had no **usable** toilets.

![Figure 4: Three pit latrines at differing levels of functionality.](image)

Given this very low standard of acceptability, where excrement-stained pit latrines surrounded by unstable zinc walls still qualified as **usable**, it is shocking that ten of the schools that we visited did not have a single usable toilet.

Annexure G of the Norms and Standards sets out the number of toilets, basins and urinals that schools should have for learners and staff, depending on their enrolment numbers for each gender.\(^{32}\)

\(^{32}\) DBE (Department of Basic Education), *Regulations Relating to the Minimum Uniform Norms and Standards for School Infrastructure*, p. 28.
Table 2 below, shows the number of toilets for learners at each school that we visited (as well as the
number of urinals, presented in brackets), the number of functioning toilets (and urinals) for
learners, and the number of usable toilets (and urinals) for learners for each gender identity.

The final column displays the requirements for the appropriate number of toilets (and urinals) as
outlined in Annexure G of the Norms and Standards. By comparing the final column to the three
preceding columns, we can see how few schools have the correct number of toilets – whether in
correspondence to the number of toilet structures, the number of functioning toilets, or the number of
usable toilets.

Not one school that we visited had enough usable toilets to meet the Norms requirements. Only
one school had enough functioning toilets to match the Norms requirements. And only seven
schools had enough toilet structures, regardless of functionality, to meet the requirements. Schools
with too few usable toilets to meet the Norms requirements are indicated with yellow, schools with
too few functioning toilets to meet the Norms requirements are indicated with orange, and those
with too few numbers of toilets to meet the Norms requirements are indicated with red. Urinal
numbers are in brackets. For the purpose of this table, the term “toilets” includes pit latrines.

Table 2: The supply of toilets at the 18 schools visited by EE

<table>
<thead>
<tr>
<th>School</th>
<th>Enrolment</th>
<th>Number of toilets (regardless of functionality or usability)</th>
<th>Functioning toilets</th>
<th>Usable toilets</th>
<th>What the Norms require</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Jawe Jawe Ledwaba High School</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Boys</td>
<td>140</td>
<td>6 (12)</td>
<td>6 (0)</td>
<td>6 (0)</td>
<td>2 (4)</td>
</tr>
<tr>
<td>Girls</td>
<td>128</td>
<td>7</td>
<td>1</td>
<td>1</td>
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<tr>
<td>2. Joel Sibasa High School and Seemole Maraba High School</td>
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<tr>
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<tr>
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<tr>
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<td>7. George Moragula Secondary School</td>
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<td>Boys</td>
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<td>10</td>
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</table>

33 These two schools have merged but have not yet been renamed.
<table>
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<tr>
<th>School</th>
<th>Enrolment</th>
<th>Number of toilets (regardless of functionality or usability)</th>
<th>Functioning toilets</th>
<th>Usable toilets</th>
<th>What the Norms require</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Milente Secondary School and Botsikane Secondary School&lt;sup&gt;34&lt;/sup&gt;</td>
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<td>0</td>
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<td>14. Morelebakganyago Primary School</td>
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<td>15. Mashionoke Primary School</td>
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<tr>
<td>Boys</td>
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<td>0</td>
<td>0</td>
<td>2(4)</td>
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<td>6</td>
<td>0</td>
<td>0</td>
<td>6</td>
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<tr>
<td>16. Madenathakga Primary School</td>
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</tr>
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<td>Boys</td>
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<td>3</td>
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<tr>
<td>Girls</td>
<td>33</td>
<td>11</td>
<td>3</td>
<td>0</td>
<td>3</td>
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<tr>
<td>17. Jupiter Preschool (Grade R)</td>
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<tr>
<td>Girls</td>
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<td>2</td>
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</tr>
<tr>
<td>18. Dr M J Madiba Secondary School and Mathetha Ledwaba Secondary School&lt;sup&gt;35&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boys</td>
<td>160</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>2(4)</td>
</tr>
<tr>
<td>Girls</td>
<td>117</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5 696</strong></td>
<td><strong>87</strong></td>
<td><strong>59</strong></td>
<td><strong>49</strong></td>
<td></td>
</tr>
</tbody>
</table>

Table 2: The number of toilets each school has for boys and girls, as compared to the legal requirements for toilet numbers.

It is important to remember, however, that according to the Norms and Standards, plain pit latrines do not count as access to sanitation. We have reproduced Table 2 below, this time disqualifying those schools that have plain pit latrines only. The results are even more harrowing.

When we included pit latrines we saw that:

- Not one school that we visited had enough **usable** toilets to meet the Norms requirements.
- Only one school had enough **functioning** toilets to match the Norms requirements.
- Only seven schools had enough toilet structures, regardless of functionality, to meet the requirements.

<sup>34</sup> These two schools have merged but the merger is not yet official.

<sup>35</sup> These two schools have merged, but the merge is not yet official.
Now, when plain pit latrines are excluded from those numbers:

- Still, not one school that we visited had enough **usable** toilets to meet the Norms requirements.
- Not a single school had enough **functioning** toilets to match the Norms requirements.
- Only one school had enough toilet structures, regardless of functionality, to meet the requirements.
- Eleven schools have no sanitation whatsoever, and are thus in violation of the first Norms and Standards deadline of 29 November 2016.

### Table 3: The supply of toilets at the 18 schools visited by EE, with pit toilets excluded

<table>
<thead>
<tr>
<th>School</th>
<th>Enrolment</th>
<th>Number of toilets (regardless of functionality or usability)</th>
<th>Functioning toilets</th>
<th>Usable toilets</th>
<th>What the Norms require</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Jawe Jawe Ledwaba High School</td>
<td>Boys 140</td>
<td>6 (12)</td>
<td>6 (0)</td>
<td>6 (0)</td>
<td>2 (4)</td>
</tr>
<tr>
<td></td>
<td>Girls 128</td>
<td>7</td>
<td>1</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>2. Joel Sibasa High School and Seemole Maraba High School³⁶</td>
<td>Boys 159</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2 (4)</td>
</tr>
<tr>
<td></td>
<td>Girls 122</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>3. Kgolokgotlha Ledwaba Secondary School</td>
<td>Boys 171</td>
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<td>0</td>
<td>0</td>
<td>2 (4)</td>
</tr>
<tr>
<td></td>
<td>Girls 128</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>4. Matshehina Primary School</td>
<td>Boys 309</td>
<td>2 (0)</td>
<td>0</td>
<td>0</td>
<td>2 (4)</td>
</tr>
<tr>
<td></td>
<td>Girls 276</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>5. Mmatshi Primary School</td>
<td>Boys 250</td>
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<td>4(4)</td>
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<tr>
<td></td>
<td>Girls 202</td>
<td>4</td>
<td>2</td>
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<tr>
<td>6. Tlakale Mashashane High School</td>
<td>Boys 449</td>
<td>6 (16)</td>
<td>6 (16)</td>
<td>6 (16)</td>
<td>4(6)</td>
</tr>
<tr>
<td></td>
<td>Girls 467</td>
<td>4</td>
<td>8</td>
<td>0</td>
<td>12</td>
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<tr>
<td>7. George Moragula Secondary School</td>
<td>Boys 194</td>
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<td>0</td>
<td>0</td>
<td>2(4)</td>
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<tr>
<td></td>
<td>Girls 148</td>
<td>6</td>
<td>3</td>
<td>3</td>
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</tr>
<tr>
<td>8. Milente Secondary School and Botsikane Secondary School³⁷</td>
<td>Boys 114</td>
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</tr>
<tr>
<td></td>
<td>Girls 115</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
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</tbody>
</table>

³⁶ These two schools have merged but have not yet been renamed.
³⁷ These two schools have merged but the merger is not yet official.
<table>
<thead>
<tr>
<th>School</th>
<th>Enrolment</th>
<th>Number of toilets (regardless of functionality or usability)</th>
<th>Functioning toilets</th>
<th>Usable toilets</th>
<th>What the Norms require</th>
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<tbody>
<tr>
<td>9. Rantshu Primary School</td>
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<tr>
<td>Boys</td>
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<td>0</td>
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<tr>
<td>Girls</td>
<td>87</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>10. Seipone High School</td>
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<tr>
<td>Boys</td>
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<tr>
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<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>11. Tutwana Primary School</td>
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<td></td>
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<tr>
<td>Boys</td>
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<td>0</td>
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<td>4(4)</td>
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<tr>
<td>Girls</td>
<td>188</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>12. Napo Primary School</td>
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<tr>
<td>Boys</td>
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<tr>
<td>13. Mphatlalatsane High School</td>
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<td>Boys</td>
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<td>17. Jupiter Preschool (Grade R)</td>
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<td>18. Dr M J Madiba Secondary School and Mathetha Ledwaba Secondary School</td>
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<tr>
<td>Boys</td>
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<td>4</td>
<td>2(4)</td>
</tr>
<tr>
<td>Girls</td>
<td>117</td>
<td>4</td>
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<td>Total</td>
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<td>262</td>
<td>121</td>
<td>59</td>
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</tbody>
</table>

Table 3: The number of toilets each school has for boys and girls, as compared to the legal requirements for toilet numbers, with pit toilets excluded.

2. Accessibility of toilets

Of the 18 schools we visited, only five had toilets that were accessible to people with physical disabilities. Only three of those five schools had functioning toilets for the physically disabled. This dynamic is depicted in the pie chart on the following page.

---

38 These two schools have merged, but the merge is not yet official.
3. Privacy and security of toilets

Of the 262 learner toilets that we inspected in Limpopo, only 26 (9.92%) had a door that locked in any sort of way (i.e. makeshift locks made out of wire were not disregarded). Of the 62 teacher toilets, only 31 (50%) could lock. Privacy is clearly an important component of dignity.

We witnessed learners using various pieces of broken furniture and rubble to prop doors closed. Schools told us that toilets were simply built without doors, or with doors that were never able to close! Perhaps the greatest breach of privacy is when learners find that the toilets available to them are unusable, and must relieve themselves in the open.

The large hole in the fence of Seipone High School was made by learners who leave the school premises to relieve themselves, in an attempt to get some privacy! This has consequences for the safety of the learners. School learners should not be made to choose between safety and privacy as they attempt to relieve themselves during the school day.

Figure 6: Learners at Seipone High School do not have access to functioning toilets and must forego privacy and security to relieve themselves in an open veld.
Figure 7: At Madenathakga Primary School, learners use the leg of a broken desk to attempt to prop the door closed. The doors are not able to close completely (as explained by Figure 9). The only other toilets available to learners are very old pit latrines constructed of mud. They are crumbling and covered in rubble, and appear not to have been used for years.

Figure 8: Two pit latrines beside each other with no partition between them, and no door. These pit latrines are in the newest toilet block at the school, built by the LDoE in 2004. Not a single toilet at Napo Primary School was built with a door.
Figure 9: At Mandenathakga Primary School the pit latrines were built too small, making it impossible to close the doors completely. As explained by Figure 7, the only other toilets available to learners are pit latrines constructed of mud and covered in rubble.

4. Measures to promote health and hygiene standards around toilets

We visited 18 schools, and only twice found working taps inside the toilets or anywhere near the toilet blocks. Two schools, George Moragula Secondary School, and Tlakale Mashashane High School, had a single working tap each, inside one learner toilet block. George Moragula Secondary also had two working taps outside its toilet blocks, and Tlakale Mashashane High had one. Two other schools, Matshelana Primary School and Mashionoke Primary School, had working taps situated outside the toilets, nearby.

At 14 of the 18 schools, however, the school visits team saw no available water source for washing one’s hands – not inside or anywhere near the toilets.

Not at a single school did we find soap in or around learners’ toilets. Tlakale Mashashane High was the only school where we saw soap in the male and female teacher bathrooms.

Not at a single school did we find a sanitary bin in or around learners’ sanitation facilities.
At Mphatlalatsane High School, and at Jupiter Preschool, there was toilet paper in some of the learner toilet stalls. Although it was also at Jupiter Preschool that members of our school visits team saw learners headed into toilets with discarded chip packets and notebook paper in hand, to use as toilet paper.

At Morelebakganyago Primary School, Mashionoke Primary School, and Jupiter Preschool there was toilet paper in some stalls for the use of teachers.

Table 4: Access to components of healthy sanitation practice in the 18 schools visited by EE

<table>
<thead>
<tr>
<th></th>
<th>Water</th>
<th>Soap</th>
<th>Sanitary bin</th>
<th>Toilet paper</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of schools with access</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Number of schools with no access</td>
<td>14</td>
<td>18</td>
<td>18</td>
<td>16</td>
</tr>
</tbody>
</table>

The graph on the following page represents learners’ exposure to components of healthy sanitation practice. The yellow area represents access to those facilities. The red area represents no access.
Access to components of healthy sanitation practice in the 18 schools

![Bar chart showing access to components of healthy sanitation practice in the 18 schools](image)

Figure 11: The availability of water, soap, sanitary bins and toilet paper in the 18 schools visited by EE.

![Image of a plain pit latrine at Tlakale-Mashashane currently being used by learners](image)

Figure 12: A plain pit latrine at Tlakale-Mashashane currently being used by learners. It has no door, is full of human waste, and is unsafe. While learners do have access to newer VIP pit latrines, either the quantity or state of those is clearly insufficient.

5. Maintenance of toilets

Of a total of 262 toilets in the 18 schools, only 59 toilets are in a usable condition. What was apparent in some of the schools we visited is that new ventilated improved pit (VIP) latrines had been built within the last 10 years. At a distance, the latrine blocks looked new, but as we approached we noticed the broken windows, the holes in the plastic covers that cover the pit, and the damaged vent pipes. When we entered, the toilets were often so filthy that they had been rendered unusable, and we would see learners choosing to use the old mud or zinc pit latrines, or even the bush. Given these conditions, we were not surprised to observe sanitary pads and excrement stains on the floors.

Of the 18 schools we visited, 11 had no maintenance staff at all. These schools are depicted in red in the table below. A further six had only one maintenance staff member. And the one remaining school had two maintenance staff members. Of the seven schools that did have a maintenance person, they had an average of one maintenance person to 383 learners.
### Table 5: Maintenance staff numbers at the 18 schools visited by EE

<table>
<thead>
<tr>
<th>School</th>
<th>Enrolment</th>
<th>Cleaning</th>
<th>Repairs</th>
<th>One person for both cleaning, repairs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jawe Jawe Ledwaba High School</td>
<td>268</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Joel Sibasa High School and Seemole Maraba High School</td>
<td>281</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Kgolokgotlha Ledwaba Secondary School</td>
<td>299</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Matshelana Primary School</td>
<td>585</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mmatshipi Secondary School</td>
<td>452</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Tlakale Mashashane High School</td>
<td>966</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>George Moragula Secondary School</td>
<td>342</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Milente Secondary School and Botsikane Secondary School</td>
<td>229</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rantshu Primary School</td>
<td>178</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Seipone High School</td>
<td>182</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Tutwana Primary School</td>
<td>381</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Napo Primary School</td>
<td>363</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mphatlalatsane High School</td>
<td>196</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Morelebagnyago Primary School</td>
<td>346</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Mashionoke Primary School</td>
<td>273</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Madenathakga Primary School</td>
<td>66</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Jupiter Preschool</td>
<td>58</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dr M J Madiba Secondary School and Mathetha Ledwaba Secondary School</td>
<td>277</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Table 5: The number of maintenance staff at each of the schools that EE visited.

![Figure 13: This pit latrine at Mashionoke Primary School is full of human waste and on the verge of overflowing. Proper maintenance could have prevented this.](image-url)
6. Type of sanitation technology

The only types of sanitation technology that we encountered were plain pit latrines, VIP pit latrines, and flush toilets. A VIP pit latrine differs from a standard pit latrine in that it has a pipe extending from the pit to allow for better ventilation. VIP pit latrines are allowed by the Norms and Standards, but plain pit latrines are not.

Eleven of the eighteen schools we visited had only plain pit latrine toilets. Five others had VIP pit latrines as well as plain pit latrines. One school, Mmatshipi Secondary, had four flush toilets for boy learners, but they were all broken and in filthy condition.

Dangerous structures

Learners at Joel Sibasa High School and Seemole Maraba High School (two schools that are being merged, and exist on one property) use toilets built by the community. When one block collapsed the LDoE built another one, but it was built so poorly that it was deemed unsafe by the school leadership and it isn’t used at all. At Rantshu Primary School, a toilet block collapsed, leaving the pits exposed. The school covered the holes with zinc sheets, but it is very unsafe.

At Seipone High School the unstable walls of the girls’ toilets leave learners afraid to relieve themselves when it is windy or there is a rainstorm. At Mphatlalatsane High School the pit latrines are currently slowly collapsing – the school encourages learners to use the new VIP pit latrines, but because there is a shortage of those they continue to use the old pit latrines.

Again and again our school visits team was shown toilet blocks that had collapsed or were on the verge of collapsing. In general, the schools we visited had far too few toilets, with very little regular maintenance and almost no provisions to ensure basic hygiene. It is expected, then, that the toilets and the structures that house them will have a diminished lifespan. However, the sheer number of dilapidated and collapsed toilet structures that we saw also points to a pattern of poor quality construction. Some of the reasons behind the poor planning and implementation of construction projects will be discussed in the analysis section.
Figure 15: At Tutwana Primary School, this zinc structure (left) collapsed, leaving the pit latrines (right) exposed. The other toilets available to learners at Tutwana are also not functional.

Figure 16: One block of toilets at the merged Joel Sibasa and Seemole Maraba high schools collapsed. It was built by the community years ago. Of the other pit latrines available to learners, eight are functioning, but not one is in usable condition.
Figure 17: The VIP pit latrines at Morelebakganyago Primary broke soon after they were constructed.

Figure 18: Most of the VIP pit latrines encountered by the EE team were broken, such as this one at Tlakale Mashashane High School, leaving the large pits exposed. When the pits are exposed, and the air vents are broken, VIP pit latrines are functionally no different from plain pit latrines, which are not allowed by school infrastructure law.
Figure 19: A collapsing pit latrine at Jupiter Preschool. The pit latrines were built by the community. The school made a request to the LDoE to fix or upgrade the toilets, but there has been no response.
Water

The section of the Norms and Standards that speaks to water provision reads as follows:

11. (1) All schools must have a sufficient water supply which complies with all relevant laws and which is available at all times for drinking, personal hygiene and, where appropriate, for food preparation.
(2) Sufficient water-collection points and water-use facilities must be available at all schools to allow convenient access to, and use of, water for drinking, personal hygiene and, where appropriate, for food preparation.
(3) The choice of an appropriate water technology must be based on an assessment conducted on the most suitable water supply technology for each particular school and must be maintained in good working order.
(4) Sources of water supply could include one or more of the following:
   (a) A municipal reticulation network;
   (b) rain water harvesting and, when so required, tanker supply from municipalities;
   (c) mobile tankers;
   (d) boreholes and, when so required, tanker supply from municipalities; or
   (e) local reservoirs and dams. 39

Note: Underlining our own.

According to the Norms and Standards, every school must have been provided with some form of water supply by 29 November 2016. The other requirements relating to the reliability and accessibility of the water provided must be fulfilled by 29 November 2020.

Our analysis of the state of water provision in the 18 schools that we visited is therefore focused on availability of water and accessibility of water.

1. Availability of water

Four of the schools that we visited had no water supply at all. These schools are forced to make ad hoc plans to provide water to their learners as frequently as possible. In some cases, the schools purchase water from a community member who sells water from his/her borehole. In other cases, a volunteer from the community delivers water from the community borehole to the schools. Some schools request that learners bring their own water every day for certain periods of the year.

Six schools had unreliable access to water, and eight had reliable access to water.

We classified a school as having no water supply if it did not have at least one of the water supply types listed above in section 11 (4) of the Norms and Standards regulations.

“Tanker supply from the community” refers to an organised system whereby the municipality uses a mobile tanker to deliver water to houses/other institutions on a regular basis. Some of the schools we visited had benefitted from this system in the past, but none were currently being served by this system.

Instead, many reported “buying from the community”. This means that water is purchased from a member of the community who has a borehole. That individual then delivers the water to the school. Water is not delivered regularly, but instead when there is a need, and when the school has sufficient funds to purchase it. Schools that used this system were classified as having no water.

The regulations list “borehole” as a suitable form of water supply. Because they do not provide any more specifications on this, we classified schools that get water from a community borehole as having water.

The table below shows whether a school had a water source at the time of our visit, and what type of water availability that water source allowed for. Schools that have no water source available are marked in red.

**Table 6: Water availability at the 18 schools Equal Education visited**

<table>
<thead>
<tr>
<th>School</th>
<th>Water Source</th>
<th>Water Availability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jawe Jawe Ledwaba High School</td>
<td>Borehole</td>
<td>Reliable</td>
</tr>
<tr>
<td>Joel Sibasa High School and Seemole Maraba High School</td>
<td>Borehole</td>
<td>Reliable</td>
</tr>
<tr>
<td>Kgolokgotlha Ledwaba Secondary School</td>
<td>Borehole</td>
<td>Reliable</td>
</tr>
<tr>
<td>Matshelana Primary School</td>
<td>None</td>
<td>Unreliable. Must be purchased from community.</td>
</tr>
<tr>
<td>Mmatshipi Secondary School</td>
<td>Community borehole</td>
<td>Unreliable</td>
</tr>
<tr>
<td>Tlakale Mashashane High School</td>
<td>Borehole</td>
<td>Reliable</td>
</tr>
<tr>
<td>George Moragula Secondary School</td>
<td>Borehole</td>
<td>Unreliable</td>
</tr>
<tr>
<td>Milente Secondary School and Botsikane Secondary School</td>
<td>None</td>
<td>Unreliable. Must be purchased from community.</td>
</tr>
<tr>
<td>Rantshu Primary School</td>
<td>None</td>
<td>Unreliable. Must be purchased from community.</td>
</tr>
<tr>
<td>Seipone Secondary School</td>
<td>Borehole</td>
<td>Unreliable</td>
</tr>
<tr>
<td>Tutwana Primary School</td>
<td>Municipality</td>
<td>Unreliable</td>
</tr>
<tr>
<td>Napo Primary School</td>
<td>Borehole</td>
<td>Reliable</td>
</tr>
<tr>
<td>Mphatlalatsane High School</td>
<td>Borehole</td>
<td>Reliable</td>
</tr>
<tr>
<td>Morelebakganyago Primary School</td>
<td>Borehole and purchases from the community.</td>
<td>Unreliable</td>
</tr>
<tr>
<td>Mashionoke Primary School</td>
<td>Borehole</td>
<td>Reliable</td>
</tr>
<tr>
<td>Madenathakga Primary School</td>
<td>Municipality</td>
<td>Unreliable</td>
</tr>
<tr>
<td>Jupiter Preschool</td>
<td>None</td>
<td>Unreliable. Donated by a community member.</td>
</tr>
<tr>
<td>Dr M J Madiba Secondary School and Mathetha Ledwaba Secondary School</td>
<td>Borehole</td>
<td>Reliable</td>
</tr>
</tbody>
</table>

2. **Accessibility of water**

Regardless of the water source, learners are rarely freely able to access water whenever they want to. This is because there are very few taps on school premises, and when there are the infrastructure is often broken, or the taps are not connected to a water source. It seems as though the few taps that are on school premises have been installed without an understanding of the water technology that the school would be making use of. Those taps that did function were clearly overused, and
seemed to have broken soon after being installed. Of the 33 taps that we inspected, only 13 were working.

Figure 20: The taps at Madenathakga Primary School are broken, and without water.

Figure 21: Broken sinks with missing taps are the norm at schools visited by EE, such as this one at George Moragula Secondary School.
School Profiles

Below we provide profiles of four of the schools that we visited. We want to put names to the LDoE’s failures, to prevent the water and sanitation crisis from being reduced to statistics. The real impact of the LDoE’s failure to effectively plan, implement, or maintain urgent water and sanitation projects, is on these learners, teachers, parents, and broader school communities.

School 1: Matshelana Primary School

<table>
<thead>
<tr>
<th>Area</th>
<th>Mandela Village, Capricorn District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of learners</td>
<td>585 (309 boys, 276 girls)</td>
</tr>
<tr>
<td>Number of teachers</td>
<td>13</td>
</tr>
<tr>
<td>Number of classes (groups)</td>
<td>9</td>
</tr>
<tr>
<td>Average class size</td>
<td>65</td>
</tr>
<tr>
<td>Number of functioning learner toilets</td>
<td>2 (0 for boys, 2 for girls)</td>
</tr>
<tr>
<td>Number of usable learner toilets</td>
<td>2 (0 for boys, 2 for girls)</td>
</tr>
<tr>
<td>Ratio of usable learner toilets to learners</td>
<td>Boys none, girls 1:138</td>
</tr>
<tr>
<td>Toilet type</td>
<td>VIP pit latrines</td>
</tr>
<tr>
<td>Maintenance staff</td>
<td>0</td>
</tr>
<tr>
<td>Water source</td>
<td>0</td>
</tr>
<tr>
<td>Water availability</td>
<td>Unreliable</td>
</tr>
<tr>
<td>Electricity supply</td>
<td>Reliable power supply</td>
</tr>
</tbody>
</table>

Matshelana Primary has a serious shortage of toilets, and no maintenance staff to help ensure that the existing toilets remain in usable condition. There are two functioning pit latrine toilets for 276 girl learners - with no toilet paper, no sanitary bins and no soap. There are also only two VIP pit latrine toilets for the 309 boy learners, but they were full of waste at the time of our visits and therefore not functioning. The boys pit latrines also did not have toilet paper or soap.

The school has no access to water, and must purchase it from the community. Thus, learners only have access to water irregularly. Only two taps were observed on the school grounds, but their functionality is dependent on the school having water. On days when the school is unable to purchase water, learners are sometimes given milk to keep them hydrated.

The school is built of three prefabricated (prefab) units that have been there since 2010, even though a prefab unit is supposed to be a temporary building structure. It does not have a sports field, a science lab or a library.

The school and its school governing body (SGB) reported the poor and inadequate infrastructure to the LDoE, and directly to the MEC’s office. The principal explained to the school visits team that the Department made promises about replacing the toilets and improving the infrastructure, but these did not materialise. According to the school, the head of the LDoE’s Infrastructure Department phoned the school to plan a visit, but the visit never happened.

The school has no mode of communication - such as a telephone, fax machine or internet - and they thus use the principal’s personal phone for school business.
Figure 22: Paper and duct tape to patch a broken window of this prefab classroom.

Figure 23: Broken VIP pit latrines in a block that looks relatively new.
Mmatshipi Secondary School appears to have good infrastructure at first glance. A new admin block was built in 2013. According to the school’s deputy principal: “The school was performing well, and was therefore rewarded with an admin block”. However, the lack of access to water and dignified sanitation is a serious barrier to the education of its learners.

In the past, the school made use of its own borehole. Although it was far from the school premises, it was a reliable water source. However, the borehole required electricity, and when the electricity cables were stolen, it meant that the school no longer had access to that water. It now depends on the community borehole, but it is very unreliable. At times the school is forced to purchase water. There are periods when there is no water at all. Learners at the school explained that for certain periods of the year, from around May to August, they are asked to bring their own water to school each day. One former learner of Mmatshipi Secondary School, an Equal Education facilitator who was part of the school visits team, reported that the school would have to give the learners milk on the occasions when there was no water. Of the five taps on the school premises, two are broken.

Mmatshipi Secondary School is the only school of the 18 that we visited that has flush toilets for learners. However, the toilets are in disrepair, with urine and waste covering the floors. There is no dignified sanitation available to learners. There are no taps, bins, or soap anywhere near the learner toilets. In fact, the EE school visits team didn’t see soap or sanitary bins in any of the toilets on the school premises.

The school has a field that is used for sport, but it has no goal posts and no white markings. It does not have a library or a science lab. A building intended to serve as a science lab, is entirely empty save for a few desks.

There are large holes in the fence, and the gate is not properly guarded. There is one person responsible for safety, for maintaining the grounds, and doing small repairs. There have recently been three break-ins at night, which prompted the school to have an alarm installed.

There is a phone, but no internet.
Figure 24: A large hole in the roof above a learners’ pit latrine toilet.

Figure 25: Urine and faeces lie in a puddle on the floor of this non-functional flush toilet, meant for boy learners. The only other functioning sanitation facility available for the 250 boy learners is one pit latrine that is dirty and undignified — deemed by our school visits team as unfit for use.
Figure 26: This hall was intended to be a science lab.
Seipone High School has a borehole, but it does not provide reliable access to water. A construction company once visited the school, and told them that they were going to build a new borehole, but never returned.

The toilets are in shocking condition - learners have no choice but to relieve themselves in a veld adjacent to the school. There are no toilets for the boy learners, and the toilets for girl learners are on the verge of collapse. There is a major furniture shortage, and learners without desks must make due by placing the seat of a broken chair on top of a tree stump. One classroom has no furniture whatsoever – learners sit on pieces of wood and use an old chalk board as a table.

The school has no maintenance staff, and learners do small maintenance jobs.

There is not a proper fence around Seipone High School, and no one guards the entrance and exit to the school. The school has been burgled on more than one occasion. This is particularly worrying given that learners regularly leave the school grounds to relieve themselves.

The school does not have a sports field, a library or a science lab. Books are stored in the same room that food is stored. The school hall is used as the principal’s office, the admin office, and the staff room.

One of the school buildings is partially made of zinc.

The school has no phones or internet.
Figure 27: Seipone High School learners use tree stumps as chairs and an old chalkboard as a desk. Every classroom has a shortage of furniture.

Figure 28: A collapsing zinc toilet block with pit latrines that is still in use. This block, and another one that is in similar condition, are the only toilets available to learners.
School 4: Milente Secondary School and Botsikane Secondary School

Area | Ka Kgasha Village, Capricorn District
--- | ---
Number of learners | 229 (114 boys, 115 girls)
Number of teachers | 14
Number of classes (groups) | 5
Average class size | 46 (grades 8 and 9 share a classroom)
Number of functioning learner toilets | 7 (3 for boys, 4 for girls)
Number of usable learner toilets | 7 (3 for boys, 4 for girls)
Ratio of usable learner toilets to learners | Boys 38:1, girls 29:1
Toilet type | Pit latrines
Maintenance staff | 0
Water source | None
Water availability | Unreliable
Electricity supply | Unreliable

Milente Secondary School and Botsikane Secondary School have merged, and they currently share the Milente Secondary School grounds, but the merge is not yet official. The merged school has only one block of pit latrine toilets that is used by 229 learners, as well as the teachers. Only half of the girls’ toilets have doors. With far too few toilets, no maintenance staff, and no water, soap, toilet paper, or sanitary bins available to assist learners to maintain a hygienic environment, the toilets are in terrible condition.

Of the eight classrooms, one is used as the principal’s office, one as a staff room, and another as an admin office. The grade 8s and 9s share a classroom. In 2014 and 2015 the school contacted the LDoE to request that more classrooms be built and that more furniture be provided, but is still waiting. An email to the MEC for Education, via the circuit manager, was not responded to.

The school spends R600 per month buying water, but it is not enough to ensure a constant supply. In 2016, it requested a borehole from the LDoE but received no response. There is only one tap on the school premises that learners are permitted to make use of.

The school has a netball court donated by The National Lottery, but has no science lab or library. The kitchen is constructed from zinc.

They were promised transport before the merging but are still waiting for the LDoE to provide busses.

The school has no electronic connectivity. The principals use their personal cell phones for school business.
Figure 29: A dirty and crumbling pit latrine, with no door. The school has a total of eight toilets that are used by 229 learners, as well as the teachers.
ANALYSIS OF GOVERNANCE ISSUES WITHIN THE LDOE

The LDoE has recently stated that one of its strategic goals is to “ensure that the physical infrastructure and the environment of every school inspire learners to come to school and learn, as well as teachers dedicated to teaching”.  

Our school visits revealed a reality in which, far from being inspired, learners are pushed away from learning environments by undignified sanitation conditions and a lack of water, among other things.

Even though each of the schools we visited faced unique challenges, a lack of access to water and poor sanitation was a consistent issue among all schools. Unlike the results we collected about some other aspects of the schooling environment, such as classroom shortages or dysfunctional feeding schemes, water and sanitation problems appear to be truly systemic in the province.

The disheartening experiences that principals and SGBs have had with the LDoE illustrate the current state of the Department. It is a Department in disarray. The conditions that we observed in just the 18 schools we visited, coupled with an analysis of the LDoE’s various plans and publications, as well as the Auditor General’s evaluation of the Limpopo provincial government, together reveal inadequacies in planning, budgeting, implementation, and maintenance. In addition to the need to replace crumbling infrastructure, the LDoE is overwhelmed with severe maintenance backlogs that are not adequately funded. Structures which could have been maintained must be replaced due to the deterioration caused by the prolonged backlog in maintenance. As a result, the LDoE is unable to keep schools at the required level of functionality. According to the LDoE’s 2015 U-AMP document: “Replacement costs can be up to 25 times more than the maintenance cost of a facility”.

This section will outline how a lack of capacity and mismanagement in the LDoE has led to poor project and procurement planning, which has in turn led to widespread non-compliance with supply chain management legislation; substantial amounts of irregular expenditure; and the failure of the LDoE to build, repair, upgrade and maintain the province’s schools.

Poor Project Planning

Poor planning in the LDoE is a result of:

1. Perpetual instability within the LDoE;
2. Lack of capacity within the LDoE; and
3. Shortcomings in the legal and policy framework governing infrastructure development.

1. Perpetual instability in the LDoE

The South African administrative system, established through the Constitution of the Republic of South Africa 1996, has nine provincial administrations. Each of the provincial departments has the offices of the Members of the Executive Council (MECs) – the political head of the department – and

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41 Ibid. 20.
42 Ibid. 19.
43 Ibid. 19.
the offices of the Heads of Department (HODs). The HOD implements policy based on the mandate from the MEC.\textsuperscript{44}

The current leadership structure of provincial departments allows for MECs to influence the administrative functioning of a department, and thus leaves departments susceptible to political interference. In provincial departments such as the LDoE, the political head exerts influence over the hiring of key personnel such as senior management, the general manager and senior general manager.\textsuperscript{45} Because the appointment of MECs and key staff is tied to broader competing political networks, political divisions lead to appointments that are intrusive and antagonistic to the overall organisational structure. While the appointment of key management personnel are supposedly guided by non-political, merit-based interviewing processes, a 2006 study into the LDoE revealed the political nature of the appointments made in the LDoE at that time.\textsuperscript{46} The study revealed that the MEC and members of the legislature frequently overstepped their mandate by intervening in administrative functions and overseeing implementation, thus undermining the powers of the HOD.\textsuperscript{47}

Recently, the LDoE has been at the centre of allegations of corruption in Limpopo province. The non-delivery of textbooks to Limpopo schools in 2011, which came to be known as “the textbook saga”, revealed high levels of fraud, corruption, mismanagement and maladministration within the LDoE.\textsuperscript{48} Forensic investigations into mismanagement of funds within the LDoE that occurred soon after the scandal showed that senior officials in the LDoE were allegedly responsible for gross mismanagement.\textsuperscript{49} At that time, former Limpopo MEC for Education Dickson Masemola was an ally of Julius Malema and former Limpopo Premier Cassel Mathale. During his term, Masemola was accused of large-scale procurement fraud, often to the benefit of Malema-Mathale allies.\textsuperscript{50} Despite widespread reporting of Masemola’s involvement in the procurement fraud, as well as his role in the textbook saga, Masemola was not fired when the new Premier, Stan Mathabatha, took up his position in 2013 and fired eight MECs. It is believed that this was because Masemola had subsequently left Malema’s anti-Zuma camp and proved his allegiance to Zumas allies.\textsuperscript{51} Masemola has since been removed from his position as MEC, but the pattern of appointments based on allegiances has continued, as have allegations of corruption within the LDoE.\textsuperscript{52}

\textsuperscript{44} Mogashoa, M W., “The Interface between politics and administration in the Limpopo Department of Education.” Unpublished Master’s thesis, University of Limpopo. p. 15.

\textsuperscript{45} Ibid. 33

\textsuperscript{46} Mogashoa, M W., “The Interface between politics and administration in the Limpopo Department of Education.” p.50

\textsuperscript{47} Ibid. 54.


\textsuperscript{49} South African Government, Basic Education on section 100 intervention in Limpopo. Media Statement. 18 December 2014.

\textsuperscript{50} See, for example, Wa Afrika, M., Rose, R., and Hoftatter, H., “Friend who gave him R1.2m car is in tender trouble” Times Live. 07 August 2011 and Rampedi, P., “Fraudulent tenders milk Limpopo treasury.” IOL. 29 January 2012.

\textsuperscript{51} “Limpopo’s Dickson Masemola runs out of lives.” City Press. 21 May 2014.

\textsuperscript{52} See, for example, “SCOPA: Education’s copy and paste answers” Bosveld Review. 20 January 2017. and “Limpopo Dept of Education’s Assistant Director arrested for corruption” Bosveld Review. 17 May 2017.
What we describe above is what a 2017 report by the Public Affairs Research Institute (PARI) defines as “perpetual instability”. Perpetual instability refers to how recurring and competing factional intrusions both disrupt and rupture administrative processes crucial to the implementation of government policy.\(^{53}\) As a highly-regarded educationist and former Basic Education Ministry special advisor describes it, the LDoE is today characterised by “covert asset-stripping networks; the absence of rules and routines, hierarchies and observed bureaucratic procedures; and conflict over the meanings of skill, authority, hierarchy and budgetary rituals”.\(^{54}\)

**2. Lack of capacity in the LDoE**

The LDoE suffers from a high number of vacancies and a very high staff turnover.\(^{55}\) In 2013 former HOD Morebudi Thamaga was suspended, along with the Chief Financial Officer (CFO) and members of the bid evaluation committees (BEC) and bid adjudication committees (BAC) due to suspicious awarding of tenders. BECs and BACs are appointed groups which determine how government tenders are awarded, and to which private companies or individuals. Since then, the position of HOD has usually been filled with acting candidates who do not last long.

The Auditor General reports that, at the time of writing its 2013/2014 Public Finance Management Act (PFMA) Report, Limpopo provincial HODs served an average of 12 months in the position.\(^{56}\) In general, positions remained vacant for over six months as the province struggled to attract competent and qualified personnel.

The turnover rate of leadership did decrease slightly in the following years. Yet at the time of publishing of the LDoE’s 2015/2016 Annual Report, the LDoE had an acting HOD, no chief officer of supply chain management (SCM), and no chief officer of physical resources. These three positions are crucial to efficient infrastructure delivery. The policies that guide infrastructure provisioning rely chiefly on the oversight of these three posts. Furthermore, the organogram provided in the Annual Report is simplified and likely hides other core vacancies such as the two posts for chief works inspector advertised on the LDoE’s website in September 2017. A March 2017 presentation by the DBE to the Portfolio Committee on Basic Education revealed that only 34 of 60 posts required in the LDoE’s infrastructure unit are filled.\(^{57}\)

In December 2011, responding to reports on “trends in provincial under-spending, overspending and challenges with supply chain management,”\(^{58}\) national government placed the Limpopo provincial government under a Section 100 (1)(b) intervention. This extreme constitutional measure allows members of the National Executive to assume responsibility for provincial departments to the extent necessary to:

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\(^{54}\) Chisholm, L., “The textbook saga and corruption in education.” p. 11


\(^{57}\) DBE (Department of Basic Education), *Infrastructure and rationalisation of small and non-viable schools*, presentation to the Portfolio Committee on Basic Education, 7 March 2017, p. 15.

● Maintain essential national standards or meet established minimum standards for the rendering of a service;
● Maintain economic unity;
● Maintain national security; or
● Prevent that province from taking unreasonable action that is prejudicial to the interests of another province or to the country as a whole.59

The LDoE was one of the five Limpopo departments placed under administration, and was specifically pinpointed for the gross mismanagement of funds to the extent that the Department was almost R1.2 billion in the red.60

On 9 July 2014, Cabinet resolved to allow all five the departments to transition from a Section 100 (1)(b) intervention to a Section 100 (1)(a) intervention. This means that the MECs regained full executive powers to run the departments, and the accounting officer role reverted back to the HODs of the respective departments. However, the LDoE was the only one of the five Limpopo departments put under a Section 100 intervention that year that did not improve while under national administration.61 As a result, it was put under administration as per section 18 of the Public Finance Management Act (Act No. 1 of 1999). Provincial Treasury seconded a team that included an acting HOD, as well as other senior officials, and committed to improve financial management within the LDoE over a period of two years.62 The intervention team started its work in August 2015 and continued through the 2016/17 financial year. In the 2016/2017 financial year the LDoE improved to a qualified audit opinion, from receiving a disclaimer of opinion63 for five consecutive years. Nevertheless, the LDoE accounted for R892 million of the province’s irregular expenditure for the 2016/2017 financial year, and the Auditor General reported findings related to the Education Infrastructure Grant (EIG) specifically.64

It remains to be seen whether the extended period of functioning under national administration will lead to a sustained improvement in organisational capacity and financial management within the LDoE. The Auditor General’s 2016/2017 PFMA report shows that the systematic challenges related to implementing and monitoring competitive procurement processes have not been adequately addressed and still require urgent attention. The appointment of skilled officials in the SCM units and the implementation of consequences for any transgressions must be intensified to ensure improvement going forward.65

3. The legal and policy framework

59 LRC (Legal Resources Centre), “Section 100 Intervention” Realising Rights Blog. 5 March 2013.
63 Those auditees with the worst finding, a disclaimed opinion with findings, could not provide the Auditor General with evidence for most of the amounts and disclosures in the financial statements. The auditors were unable to conclude or express an opinion on the credibility of their financial statements.
65 Ibid. 35.
The current legal and policy framework governing infrastructure planning and the implementation of infrastructure projects can be inefficient (at best) and corrupt (at worst) in how it facilitates the procurement of contractors and professional service providers who build school infrastructure.\textsuperscript{66} Procurement is the process which creates, manages, and fulfills contracts between the state and private companies - in this case, between the LDoE and the contractors and professional service providers who design and build sanitation facilities.

The 2010 Infrastructure Delivery Management System (IDMS), and the 2016 National Treasury Standard for Infrastructure Procurement and Delivery Management (SIPDM), govern the process through which the needs of a school project are established, tender offers are solicited and evaluated, and contracts are awarded and administered. Not only are these policies cumbersome, making compliance low\textsuperscript{67}, but they also allow for a great deal of discretion to LDoE officials and implementing agents to make procurement decisions behind closed doors.\textsuperscript{68} Implementing agents are organisations that give both managerial support and project implementation support to the LDoE so that it can build school infrastructure. There are five implementing agents for the LDoE: Independent Development Trust (IDT), Mvula Trust, CSIR, Limpopo Economic Development Agency (LEDA), and Limpopo Department Public Works Roads and Infrastructure (LDPWR&I).

Once the bid evaluation criteria have been determined, a BEC invites and evaluates bids. The SIPDM requires that once all potential contractors have achieved at least 60% on a “functionality” test, either the LDoE or the implementing agent awards tenders based on a criteria that takes into account B-BBEE\textsuperscript{69} scores and the contractors’ proposed cost. Functionality criteria are developed by a procuring department to measure the quality, reliability, viability, or durability of the goods and services being procured. The test could evaluate information such as records of past performance, formal qualifications of service providers, and the number of staff required to deliver a service.

The bid evaluation formula, which is based solely on cost and B-BEEE status, incentivises contractors to bring their costs down as low as possible in order to win the tender, even by compromising quality.\textsuperscript{70} When the BEC has evaluated the bids received, it submits three recommendations to a BAC, which then awards the contract.

The BAC need not select the contractors with the highest score, so long as their selection is then approved by the accounting officer, and is explained to the Auditor General of South Africa, National

\textsuperscript{66} PARI (Public Affairs Research Institute), \textit{Betrayal of the Promise}. PARI: 2017. p. 16.
\textsuperscript{67} PMG (Parliamentary Monitoring Group), \textit{Supply Chain Management Review by Chief Procurement Office} delivered to Standing Committee on Appropriations, 28 July 2015.
\textsuperscript{68} PARI, \textit{Betrayal of the Promise}. PARI: 2017. pp. 42 - 43.
\textsuperscript{69} B-BBEE, or Broad-Based Black Economic Empowerment, is a government policy government that aims to further economic transformation and enhance the economic participation of black people in the South African economy by rewarding companies that fulfill certain criteria of black representation and leadership at various levels of employment.
\textsuperscript{70} Zitha, H. E., Compliance to Procurement Processes, Deviant Behaviour, and Effects on Service Delivery in the Public Sector, Limpopo Provincial Treasury: 2016, pp. 67 - 69. The link between the legal and policy framework, malicious compliance and poor quality products and services is also discussed in National Treasury’s Supply Chain Management briefing, delivered to the Standing Committee on Public Accounts on 17 September 2014.
Treasury, and the relevant provincial treasury. The process by which the BAC selects the final contractor is not transparent, in that it often occurs among the high level staff of an implementing agent. LDoE officials are invited to sit in these procurement committee meetings, but the minutes or registers of the meetings are not published, and it is impossible for the public to know whether they ever attend. This lack of transparency in terms of who makes a procurement decision and why leaves the process of appointing a contractor and professional service provider vulnerable to non-compliance and corruption.

**Poor Infrastructure Delivery and Maintenance**

Failure to plan properly results in budget over expenditure, slow appointment of contractors, and ultimately a delay in the delivery of school infrastructure that has tragic consequences for learners and teachers. As the findings have shown, the LDoE and the implementing agents which have built schools on behalf of the LDoE, have persistently done just that. The poor infrastructure planning and execution has resulted in the dire water and sanitation conditions which this report has highlighted.

According to the Auditor General’s PFMA reports for 2014/2015 and 2015/2016, the LDoE was the only provincial education department to receive the worst category of achievement for the 2014/2015 and 2015/2016 financial years. The LDoE could not provide evidence for most of the amounts and disclosures in its financial statements, leaving the Auditor General simply unable to make any judgement on the credibility of their financial statements. Auditees who receive this classification are also, typically, unable to provide any proof of their stated achievements in their annual performance reviews and, in general, they are not complying with key legislation. In the 2015/2016 financial year most provinces did not receive that ranking for any of their departments. Yet the LDoE retained this severe ranking for five consecutive years.

Poor infrastructure planning can be linked to poor infrastructure delivery through the following mechanisms:

1. Poor supply chain management; and
2. Inadequate spending of the budget.

1. Poor supply chain management

Government service delivery and financial accountability has, since the early 2000s, increasingly become the responsibility of provincial and municipal bodies, and public entities. In an attempt to modernise the public sector, in line with international trends toward the decentralisation of government service delivery, the national government in September 2003 adopted a SCM policy to replace the procurement and provisioning practices of the past. SCM is concerned with the oversight, coordination, and monitoring of inputs, outputs, and outcomes of projects.

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72 Auditor General of South Africa, PFMA 2015-2016, 2016, p. 282
73 Ibid.
In the early 2000s, policy makers and National Treasury believed that decentralising authority over programmes would improve accountability.\textsuperscript{75} The authority over SCM-related processes was devolved to accounting officers/authorities, which in the case of education is the HOD of the LDoE as well as the chief executive officers (CEOs) of implementing agents. However, decentralisation has meant that procurement decisions are being made by a myriad of actors with differing proximity to government leaders and with varying experience in supply chain management. In many cases, this results in very poor compliance with SCM legislation.

The Auditor General’s report on the audit outcomes of Limpopo for 2013/14 PFMA cites massive problems with the LDoE’s budget management. Education accounted for 51\% of the province’s annual budget in 2013/14 but 61\% of the province’s R3.6 billion irregular expenditure\textsuperscript{76} in that financial year. A staggering 97\% of the province’s irregular expenditure was a result of non-compliance with SCM legislation. As a result of a weak SCM unit, the procurement processes followed were unfair or uncompetitive, contracts were managed poorly, and the whole process of inviting bids, assessing the bids according to specific criteria, and awarding tenders was not managed properly.\textsuperscript{77} The 2013/2014 report notes the Auditor General’s concern that the LDoE was “showing no improvement despite the efforts of the administration team” and that, in fact, its irregular expenditure had increased in the previous years.\textsuperscript{78} It is the accounting officer’s responsibility to detect and investigate irregular expenditure, but in the 2013/2014 financial year, a large portion (73\%) of Limpopo’s irregular expenditure was only identified during the audit process and not by the auditee. This was especially the case for the LDoE, where poor planning and lack of capacity “made it impossible” for the LDoE to prevent and detect irregular expenditure.\textsuperscript{79}

To investigate the key causes of irregular expenditure in Limpopo, the Auditor General tested 307 contracts (with an approximate value of R2 billion) and 2 254 quotations (with an approximate value of R192 million). It tested whether the prescribed procurement processes had been followed, which would allow all suppliers an equal opportunity to compete. It also focused on contract management, as shortcomings in this area can result in delays, wastage, as well as fruitless and wasteful expenditure, which in turn have a direct impact on service delivery. Finally it assessed the interests of employees of the auditee and their close family members as suppliers of the auditee (the auditee being the LDoE). Legislation requires employees and prospective suppliers to declare their financial interests as a safeguard to corruption.

Some of the most common findings about procurement in the province were:

- Quotations worth R83 million at three departments (Education, Health and Sports, Arts and Culture) could not be audited, as the departments could not produce evidence that awards had been made in accordance with the requirements of SCM legislation.

\textsuperscript{75} Ibid. p. 9.

\textsuperscript{76} The percentage of irregular expenditure was calculated using the values for the LDoE irregular expenditure and the irregular expenditure of the province as whole (pp. 31 of PFMA Limpopo General Report). The percentage of the provincial budget was calculated by looking at the amount allocated to education (R23.475 billion) from the budget speech (p. 10).


\textsuperscript{78} Ibid. p. 35.

\textsuperscript{79} Ibid. p. 30.
In 25 cases, with an overall value of R9.4 million, the supplier used was one in which employees of the auditee had a financial interest. In 68% of these cases, the supplier did not declare the interest, while the employee did not declare the interest in 88% of the cases.

In 28 cases, totalling R5.6 million, the supplier used was one in which close family members of the auditee’s employees had an interest. In 75% of these instances, the supplier did not declare the interest, while the employee did not declare the interest in 61% of the cases.

The most common findings on uncompetitive and unfair procurement processes in Limpopo were that three written quotations were not obtained; the most competitive bids were not invited and this deviation from the regulations was not justified; and points were incorrectly allocated resulting in the unfair awarding of the tender.

Moreover, there is evidence that implementing agents’ procurement processes are out of line with the PFMA and relevant Treasury regulations, which results in further amounts of irregular expenditure related to school infrastructure delivery. The Mvula Trust has the highest number of school infrastructure projects in Limpopo (384 projects). Mvula Trust in Limpopo is responsible for R277 000 of fruitless and wasteful expenditure (money which has been spent in vain) and R31 391 000 of irregular expenditure. Mvula Trust acts as an implementing agent for the allocated infrastructure delivery projects in Capricorn, Greater Sekhukhune and Waterberg District Municipalities. IDT has the second highest number of projects (330 projects). IDT in Limpopo is responsible for R9 254 000 of irregular expenditure.

The LDoE’s inability to follow proper SCM and procurement processes violates Section 217 of the Constitution, which outlines that procurement must happen in a fair, transparent and equitable way.

2. Inadequate spending of the budget

While more funding is needed for infrastructure and maintenance, the money that is available to the LDoE is not spent well. Provincial education departments are in need of a greater budget to maintain and build school infrastructure. The current equitable share formula, which National Treasury uses to allocate funds to provinces, does not take into consideration the increased costs of education provision in rural versus urban areas, nor the historic underfunding of these areas. This leaves predominantly rural provinces such as Limpopo short of money relative to its needs. However, the money that is allocated to building school infrastructure in Limpopo has not been spent consistently or efficiently. Poor project management, stemming from bad SCM and procurement processes, has led to inadequate spending of the budget. The LDoE’s 2016/2017 Annual Report states that Programme 6, its Infrastructure development programme “under-spent by R284.4 million or 25.5 %

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80 Limpopo Department of Education Annual Report 2015/16, page 90.
81 Department of Basic Education Annual Report 2016/16, page 310.
82 Limpopo Department of Education Annual Report 2015/16, page 90.
83 Department of Basic Education Annual Report, page 310
of its total budget of R 1.1 billion. This represents a startling increase from the infrastructure programme’s under expenditure the previous year, which amounted to R 24.7 million.

Budget underspending negatively affects schools desperately in need of water and sanitation upgrades, and the teachers and learners who use those facilities. Projects which were planned to take place in a given year, and for which there were sufficient funds, are delayed. This indicates poor financial management on behalf of the HOD of the LDoE, who is the chief accounting officer of the Department. It also speaks to poor project management capacity to adjust the department’s output to match the available funding.

Limpopo’s own budget allocations have not shown a consistent or substantial commitment to school infrastructure development. The EIG funding is ring-fenced for use on school infrastructure, but provinces also contribute to this area through the general pot of money made available to them (the equitable share). The table below shows the yearly allocations made to school infrastructure by the LDoE. The Norms and Standards, which place a significant legal obligation on provincial education departments to build and maintain adequate school infrastructure, were published in 2013. Shockingly, the Limpopo’s yearly allocation to school infrastructure has decreased since the Norms were introduced:

<table>
<thead>
<tr>
<th>Year</th>
<th>2013/14</th>
<th>2014/15</th>
<th>2015/16</th>
<th>2016/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount (000)</td>
<td>R1,147,038</td>
<td>R1,305,710</td>
<td>R1,127,578</td>
<td>R546,610</td>
</tr>
</tbody>
</table>

Figure 5: Limpopo’s contribution to education infrastructure development for the four year period from 2013/2014 to 2016/2017. Source: Limpopo EPRE 2014/15, 2015/16, 2016/17.

Budget under-spending results in incomplete projects for a particular year. It also limits the province’s future ability to build school infrastructure. Provincial government will see no need to contribute increasing amounts of its equitable share to school infrastructure while the LDoE is unable to completely spend its conditional grant funding. Moreover, unspent funds means that National Treasury will give less funds to Limpopo in the future.

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86 Ibid. p. 64.
CONCLUSION

As this report is being finalised, the Polokwane High Court is hearing the case brought against the LDoE by the parents of Michael Komape, the five-year-old boy who fell into a pit latrine at his school and died. Among the various damning accounts of neglect on the part of the Department presented to the court, was a letter that Michael’s school had sent to the LDoE in July 2009. Among other things, the letter states: “The learners’ toilets are sinking so the school [is] going to buy temporary steel toilets for learners”. Almost five years and many pleas later, Michael fell into the pit latrine.

Michael’s tragic death could have been prevented. In the same financial year that he died, the LDoE had planned 66 toilet projects, but achieved not one. In the same year it had a R2 billion unauthorised expenditure balance. 87

The conditions that EE’s school visits team observed were dangerous and undignified. This is not a surprise, considering the LDoE’s delayed public release of an inaccurate Norms and Standards implementation plan; the LDoE’s lack of information on the state of infrastructure in schools; widespread non-compliance with supply chain management legislation; and staggering amounts of irregular expenditure. The LDoE will continue to fail its learners and teachers if it does not increase its capacity, improve its project and procurement planning, and enhance controls on spending. Given the protracted interventions by the national legislature, and the seemingly impenetrable culture of maladministration, these changes seem unlikely without a major shift in political will.

The onus for change is also on national government departments. We have read how the apartheid government constructed a society in which Black learners, especially those in rural areas, were afforded lower standards of dignity, so that learning conditions deemed undignified for urban white learners came to be seen as fit for rural Black learners. The democratic government of South Africa must demonstrate the commitment necessary to alter both the material reality and perceived possibilities for rural Black learners.

National Treasury must revise the equitable share formula – the formula that determines how the country’s budget is divided between provinces – so that the funding allocation reflects a commitment to undoing the deliberate underdevelopment of rural provinces. Of equal importance, National Treasury must intensify consequences for transgressions in spending on vital programmes such as infrastructure delivery and maintenance. National Treasury should, for example, compel the LDoE and implementing agents to add delinquent contractors to National Treasury’s Database of Restricted Suppliers – the contractor blacklist. The LDoE has never added a contractor or an implementing agent to the supplier blacklist, which would bar them from doing business with the State for five years. 88

National Treasury should also develop a guideline for how HODs of provincial education departments should allocate projects to implementing agents, based on implementing agents’ current capacities. The SIPDM, which National Treasury recently promulgated, sets out control frameworks for good governance around infrastructure procurement and delivery. Now, the challenge of national and provincial treasuries is to ensure that the LDoE and other provincial

departments are adequately implementing this system. Enforcing the initial project stage gates of the SIPDM would lead to proper and detailed infrastructure planning and budgeting. Treasury must also encourage the spending of funds which are dedicated to capacitating infrastructure units within provincial education departments, as outlined in the HR Capacitation Framework which was promulgated in 2010 by National Treasury.

The DBE must hold provincial education departments to account, demanding the transparency and efficiency in their procurement of contractors that the law requires. Such oversight measures will only carry weight if the DBE is itself able to plan and spend its budget effectively, which is not the case at present.

This report focuses on 18 schools in rural Limpopo, but we believe that their experience on the margins "reveal the centre as it cannot reveal itself". The structural and interconnected nature of the issues presented here cannot and will not be forgotten. This report will be used by EE members and communities to advocate for the departments mentioned above, and all other relevant stakeholders, to commit to substantially changing learning conditions in these 18 schools, and in all under resourced schools in Limpopo and in the country.

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ACKNOWLEDGEMENTS

Equal Education thanks the principals, teachers and learners who shared information about their schools for this report.

Thanks to all those from EE who contributed towards the writing, data collection and logistical work that went into the creation of this report:

GLOSSARY OF TERMS

**Accelerated Schools Infrastructure Development Initiative (ASIDI):** introduced in 2011/12 to target the worst-off schools across the country, easing the load of infrastructure backlogs for provinces with insufficient funding.

**Accounting officer:** the head of a department, or the chief executive officer, of a constitutional institution. The accounting officer prepares the budget of the relevant institution, and is then responsible for implementing policy and managing the budget.

**Auditor General of South Africa (also referred to as Auditor General or AGSA):** a Chapter 9 institution tasked with monitoring the use of public money. The Auditor General annually produces audit reports on all government departments, public entities, municipalities and public institutions.

The overall audit outcomes that auditees receive fall into five categories:

1. Auditees that received a **financially unqualified opinion with no findings** (a “clean audit”) are those that were able to:

   - Produce financial statements free of material misstatements (material misstatements mean errors or omissions that are so significant that they affect the credibility and reliability of the financial statements)
   - Measure and report on their performance in line with the predetermined objectives in their annual performance plan, and in a manner that is useful and reliable
   - Comply with key legislation.

2. Auditees that received a **financially unqualified opinion with findings** are those that were able to produce financial statements without material misstatements, but are struggling to:

   - Align their performance reports to the predetermined objectives to which they had committed in their annual performance plans
   - Set clear performance indicators and targets to measure their performance against their predetermined objectives
   - Report reliably on whether they had achieved their performance targets
   - Determine which legislation they should comply with, and implement the required policies, procedures and controls to ensure that they comply.

3. Auditees that received a **financially qualified opinion with findings** face the same challenges as those that were financially unqualified with findings in the areas of reporting on performance and compliance with key legislation. In addition, they were unable to produce credible and reliable financial statements. Their financial statements contained misstatements which they could not correct before the financial statements were published.

4. The financial statements of auditees that received an **adverse opinion with findings** include so many material misstatements that we disagree with virtually all the amounts and disclosures in the financial statements.

5. Those auditees with a **disclaimed opinion with findings** could not provide the Auditor General with evidence for most of the amounts and disclosures in the financial statements. The auditors were unable to conclude or express an opinion on the credibility of their financial statements.
Broad-Based Black Economic Empowerment (B-BBEE): a government policy that aims to effect economic transformation and enhance the economic participation of Black people in the South African economy by rewarding companies that fulfil certain criteria of Black representation and leadership at various levels of employment.

Bid evaluation committee: the committee that, during the procurement process for a specific government contract, is responsible for evaluating the bids received. The committee must submit a report and recommendations regarding the award of the bid to the bid adjudication committee.

Bid adjudication committee: the committee that, during the procurement process for a specific government contract, either makes the final award for a bid or makes recommendations to the accounting officer/authority to make the final award.

Dependency ratio: the proportion of the population not in the workforce who are ‘dependent’ on those of working-age.

Education Infrastructure Grant: a conditional grant which allocates funding for the construction, maintenance and upgrading of school infrastructure to all nine provincial education departments.

Equitable share: the revenue allocated annually to each province from National Treasury. Treasury is not prescriptive about how this revenue must be spent by provinces. In addition to the equitable share, provinces also receive revenue in the form of conditional grants.

Fruitless and wasteful expenditure: expenditure which, according to the Public Finance Management Act, was made in vain and could have been avoided had reasonable care been exercised.

Flush toilet: a toilet that disposes of human waste by using water to flush it through a drainpipe to another location for disposal.

Functional toilet: a toilet that has four walls and a door (made of any material) and is at the most basic level able to fulfil its function. For a flush toilet, this means that the toilet must be able to flush. For a pit latrine, this means that there must be a hole that is not completely obstructed by objects such as bricks, and is not completely full of human waste.

Infrastructure Delivery Management System (IDMS): a government management system for planning, budgeting, procurement, delivery, maintenance, operation, monitoring and evaluation of infrastructure

Implementing agents: are organisations that manage the building of schools on behalf of provincial Departments of Education as well as the national Department of Basic Education.

Irregular expenditure: unauthorised spending which breaches either the Public Finance Management Act (PFMA), the State Tender Board Act, or provincial legislation relating to procurement procedures. Expenditure incurred without complying with the applicable legislation.

Maintenance: the combination of all technical and associated administrative actions during an item’s service life, to retain it in a state in which it can satisfactorily perform its required function.

Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure. (Also referred to as the Norms and Standards, or the Norms): regulations that define the
infrastructural conditions that make a school a school. They stipulate the basic level of infrastructure that every school must meet in order to function properly.

Norms and Standards progress report: a report that provincial education MECs are required to submit annually to the Minister of Basic Education, detailing the progress of their province in implementing the Norms and Standards for School Infrastructure.

Pit latrine: a type of sanitation facility that collects human waste in a hole in the ground. Plain pit latrines are banned by the Norms and Standards. Only VIP pit latrines are permissible.

Poverty rate: the ratio of the number of people (in a given age group) whose income falls below the poverty line.

Poverty line: the minimum level of income deemed adequate in a particular country. This report uses poverty lines derived by StatisticsSA for the relevant year.

Procurement: the process through which government or other entities award contracts for goods and services, often through tenders or a competitive bidding process.

Section 100 intervention: a section of the Constitution which may be used by national government, as an extreme measure, to take over the functions of provincial government when service delivery has broken down, and to restore the province to a basic level of functioning.

Standard for Infrastructure Procurement and Delivery Management (SIPDM): a legally enforceable standard for supply chain management for infrastructure delivery. The SIPDM establishes control frameworks for the planning, design, and execution of infrastructure projects and infrastructure procurement by creating project “gates” and standards for procurement which apply to all government departments.

Supply chain management (SCM): procuring goods and services through a tender process, and monitoring the quality and timeliness of the goods and services provided.

Usable toilet: a toilet that people could reasonably be expected to use, even if it is dirty.

Unusable toilet: a toilet is unusable if it is in such bad condition that the schools visits team agreed, unequivocally, it was undignified.

User-Asset Management Plan (U-AMP): a plan that a national or provincial department must write that details infrastructure delivery over a three, seven, and ten year period, with a project list and budget information included. The plan describes the management processes the department will undertake to ensure that the value of the immovable assets it intends to use in support of its service delivery objectives is optimised throughout its life cycle.

Ventilated improved pit latrine (VIP pit latrine): a pit latrine with a pipe (vent pipe) fitted to the pit for improved ventilation, and a screen (flyscreen) fitted to the top outlet of the pipe.