



PLANNING TO FAIL

**Summary of Findings from Equal Education's Eastern Cape
School Visits, November 2016**

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Cover image: Without a storeroom in the school, books in this mud classroom near Mbizana in the Eastern Cape are piled on chalkboards, balanced precariously between rafters above learners' heads. Credit: Muntu Vilakazi

Executive Summary

In November 2016, Equal Education (EE) visited schools across seven districts in the Eastern Cape, investigating government's compliance with the *Regulations relating to Minimum Uniform Norms and Standards for School Infrastructure*, its legally binding commitment to fix all schools. In terms of the 'Norms and Standards', within three years from their date of publication:

- Schools that do not have access to any form of power supply, water supply or sanitation must be provided with these basics.
- Schools entirely made of inappropriate materials, such as mud, metal, asbestos or wood, must be replaced with new schools.

This deadline falls on 29 November 2016. The Department of Basic Education (DBE) has recently confirmed it will fail to meet the first three year deadline stipulated by law, but maintained both that its best efforts had been made, and that there had been significant progress: remaining backlogs are apparently small.¹

While EE celebrates every new school as a victory in the campaign to fix our schools, what we found in the Eastern Cape were crisis conditions. We visited schools with appalling infrastructure. Some were completely made of inappropriate materials or had no access to water or electricity. In total, 17 of the 60 schools we visited constitute an outright violation of the three year deadline.

In other instances, government has done the bare minimum to comply with the law, and has shown contempt for the spirit of the law. This contempt has manifested in denying any obligation to upgrade schools where every building on the school premises is made of an inappropriate material, save for the administration block. Where development has occurred, it frequently takes place in narrow ways which avoid breaking the law, but also avoid meaningfully providing basic services as is actually required. Some schools have been electrified only in the administration block; plain pit latrines are often provided as the only access to sanitation, with unacceptably high learner to toilet ratios.

These 60 schools do not just represent individual cases of failure. Rather, they illuminate the depth of systemic failure in Eastern Cape education. Basic Education Minister Angie Motshekga's claims of substantial progress made, and intense political will behind achieving the deadline, are both contradicted by our experience on the ground. We found a number of schools with serious infrastructural needs which were not on either provincial or national project lists for upgrades. These are the country's forgotten schools, left to languish. Either they are unknown, or the DBE sees no obligation to upgrade them. Further, poor or incomplete delivery of services exposes the minimal monitoring of contractors and implementing agents.

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<http://www.education.gov.za/Newsroom/Speeches/tabid/950/ctl/Details/mid/3816/ItemID/4171/Default.aspx>

All of these issues are reproduced on a provincial level. Data on backlogs are unreliable, and planning has been poor and chaotic. National and provincial infrastructure budgets have been left underspent, government is unable to monitor actual delivery of infrastructure, and responsibility for the governance of the ECDOE is disputed and unclear.

The DBE and the ECDOE planned to fail, and have failed to plan adequately in order to comply with the law. We expect this to be confirmed when the individual provincial progress reports are finally released, one full year late.

Of the 60 schools surveyed, we found:

Three year violations

- 17 schools constitute a violation of the three year deadline. These schools are entirely or substantially inappropriate or have no access to water, electricity or sanitation.
- Of these 17 schools, 41% do not appear on any list for infrastructure upgrades.

Inappropriate Structures

- 13 schools were either entirely or substantially inappropriate. These were almost all mud schools, with zinc shacks in some.
- 46 of the 60 schools visited had at least one inappropriate structure.

Water

- 44 schools reported that they only have access to water some of the time.
- While every school had access to some form of water supply, an overwhelming 42 schools had access to water through rainwater harvesting alone.
- Just 18 of the 60 schools had access to water that is supplied by the municipality.

Sanitation

- 15% of schools visited had flush toilets installed.
- At 52% of the schools there were more than 30 learners per toilet, and at 65% there were more than 30 learners per working toilet.
- Toilets were routinely filthy. Absolute shortages and broken toilets frequently led to entire schools depending on two or three pit latrines. At one school, the ratio of learners to working toilets was 294:1.

Electricity

- Four schools had no electricity whatsoever.
- Of the 56 schools EE visited that had a grid connection, 14% did not have regular access to electricity.
- More than a third of schools with access to electricity didn't have electricity throughout the school, with schools often only having power in the administration block and not in any of its classrooms.

Introduction

In November 2016, Equal Education visited schools in the Eastern Cape to investigate the Department of Basic Education (DBE) and the Eastern Cape Department of Education's (ECDOE) progress in addressing school infrastructure backlogs. Government is compelled by its own legally binding plan to fix infrastructure at all schools. The plan is formally known as the *Regulations relating to Minimum Uniform Norms and Standards for School Infrastructure*, or 'Norms and Standards'.

Equal Education's Campaign for Norms and Standards

Equal Education (EE) is a movement of learners, parents, teachers and community members working for quality and equality in South African education, through analysis and activism.

Before Norms and Standards were finally published in 2013, South Africa had never had a law stipulating that every school must have water, electricity, toilets, classrooms with a maximum of 40 learners, internet connection, libraries, laboratories and sports facilities.

Equal Education's concern over the unacceptable state of school infrastructure in many schools prompted us to initiate a sustained campaign to compel Minister of Basic Education, Angie Motshekga, to promulgate legally-binding regulations for norms and standards for school infrastructure in line with her responsibilities under the South African Schools Act (SASA).

Beginning in 2011, EE members marched, picketed, petitioned, wrote countless letters to Ms Motshekga, went door-to-door in communities, fasted, and slept outside of Parliament.

In 2012 it became increasingly apparent that resorting to the courts to compel the Minister to promulgate the norms was necessary. The Legal Resources Centre (LRC) on behalf of EE and the infrastructure committees of two applicant schools in the Eastern Cape, filed an application in the Bhisho High Court against the Minister, all nine MECs for Education and the Minister of Finance to secure Minimum Norms and Standards for School Infrastructure.

On 29 November 2013 Angie Motshekga complied with a court order and promulgated legally binding Norms and Standards for School Infrastructure.

In early 2015, EE opened an office in King William's Town, Eastern Cape, in order to better monitor implementation of the Norms and Standards in that province.

What the Norms and Standards require

Norms and Standards set out the basic infrastructure a school needs, to give learners a proper education. These regulations describe what makes a school a school. They also set deadlines for when different kinds of infrastructure must be provided, counted from when they were published, 29 November 2013.

In three years

- All schools entirely made of inappropriate materials such as mud, asbestos, metal or wood must be replaced by new schools.
- Schools with no access to water, electricity or sanitation must be provided with these basics.

In 7 years

- 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.

In 10 years

- Libraries and laboratories must be provided to all schools.

In 17 years

- All other norms must be completely provided.
- This includes school halls, sports fields, walkways and parking lots.

EE's school visits

In the lead-up to the first Norms and Standards deadline on 29 November 2016, EE visited 60 Eastern Cape schools. We sought to establish whether government would be in breach of its own commitments come 29 November. We wanted to understand how such a breach would affect individual schools, teachers and learners, but also the depth of the failure: whether the breach pointed to isolated or systemic failures by government.

In order to achieve this, we selected schools in seven districts: Butterworth, King William's Town, East London, Libode, Mbizana, Mount Frere and Mthatha. We intentionally selected schools that we had reason to believe could be in breach of the three year deadline. Selection was informed by EE's previous contact with schools in the province as well as school data we received through a 2014 PAIA request. Once we had selected schools, these were cross-referenced against the ECDOE project list attached to their Norms and Standards implementation plan and the national DBE's ASIDI (Accelerated School Infrastructure Development Initiative) list. This was done in order to check whether government planned to upgrade the schools, and once we had visited the schools, to assess whether its plans were implemented.

We interviewed school staff and conducted a survey on school infrastructure, collecting 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 (such as mud, zinc, asbestos, wood or brick).

Part I: Findings

Three year deadlines

In all, 17 schools of the 60 visited constitute a violation of the three year deadline. These schools are entirely or substantially inappropriate or have no access to water, electricity or sanitation.

Inappropriate Structures

In terms of Section 4(3)(a) of Norms and Standards, by 29 November “all schools built entirely from mud as well as those schools built entirely from materials such as asbestos, metal and wood must be prioritised.”

Of the 60 schools EE visited, four were entirely inappropriate, meaning that there was not a single suitable structure on the premises. These were either entirely made of mud, or a combination of mud buildings, zinc shacks and/or structures made of asbestos. For four schools to be found which are violations of the law is shocking.

However, it must also be understood that these four are only the schools which fall below an almost impossibly low standard for what constitutes an unacceptable school.

EE found schools completely built of mud with the exception of a brick toilet block, or brick administration building. Under the letter of the law, these are not entitled to being rebuilt by the Department of Education under the first three year deadline, or indeed under any of the longer deadlines. This is one of the reasons why EE has brought court papers against the DBE to close loopholes in the Norms and Standards, arguing that the provision around replacing inappropriate structures should be extended to “substantially inappropriate” schools as well. Where loopholes in the Norms and Standards allow such schools to be ignored, it is imperative for the State to act in the spirit of the Norms, as well as of the constitution itself, which guarantees every citizen with the basic right to education.

A further nine schools were substantially inappropriate. In most cases, the schools were made largely of mud or zinc (although wood and asbestos were also used). For the purposes of these surveys, schools were considered substantially inappropriate if the entire school was inappropriate with the exception of a single administration or classroom building or two blocks of toilets. A school with mud classrooms and brick toilets is equally deserving of upgrades, and the experience of learners and teachers at such schools remain untransformed by a single appropriate structure.

In total, 13 schools were either entirely or substantially inappropriate. These schools must all be seen as in violation of the Norms and Standards deadline.

At Mjanyelwa Junior Secondary School in Kayamnandi, near Mbizana, children as young as five played in and around collapsed mud classrooms. There is one brick structure, but the school is

largely made of mud, and two of its classroom blocks have collapsed. This school is a danger to the teachers and learners who attend it daily. Mjanyelwa is not on any list for upgrades.



Above: A collapsed classroom at Mjanyelwa JSS

In addition to schools that were either substantially or wholly inappropriate, another 33 schools were partially inappropriate – where at least one structure at the school was made of unacceptable materials. In many cases, however, there was far more than one structure. 20 schools had some zinc structures, 16 had mud classrooms, 4 had wooden structures and 5 had some asbestos component. These figures come to well over the total of 33, making clear that even schools classified as partially (but not substantially) inappropriate had more than one type of inappropriate structure.

When all of these schools are added together, a shocking 46 of the 60 schools had at least some inappropriate structures. While the 13 schools identified as substantially or entirely inappropriate speak to the violation of the first Norms and Standards deadline, all 46 speak to the broader infrastructure crisis in the Eastern Cape. A number of these schools are not found in the project lists of either ASIDI or the provincial Norms and Standards implementation plan.



Above: Exposed foundations of a mud classroom at Mjanyelwa JSS

Water

According to the Norms and Standards, schools “that do not have access to any form of power supply, water supply or sanitation” must be prioritised by 29 November 2016. The potential forms of water supply are: a municipal reticulation network, rain water harvesting, mobile tankers, boreholes, or local reservoirs or dams.

Of the 60 schools that EE visited, 44 reported that they only had access to water some of the time. While 18 schools had access to water supplied by the municipality, an overwhelming 42 schools had access to water through rainwater harvesting alone. While every school had access to some form of water supply, the figures on inadequate and unreliable supply indicate that there is an important distinction to be made between access to some *form* of water supply and access to *water*.

Schools reported that in dry seasons, they are unable to collect sufficient rainwater for food preparation and sanitation purposes. In some cases, this forces schools to buy their own water. The staff from Ntshetu Junior secondary School, for example, travel a long distance to town in Mthatha in order to buy water at the price of R1500 for 5000 litres. 5000 litres lasts about two weeks, highlighting the unsustainable nature of this solution.

In other cases, the lack of accessible water forces schools to draw from nearby rivers. Caba Senior Primary School is one of several schools that has only one rainwater tank. When the tank runs dry, the task of collecting water from a river is delegated to learners. This is not only physically demanding, but also a drain on learners' available time to focus on studies.



Above: The polluted river where learners at Caba Senior Primary collect water

As per Section 11 of the Norms and Standards, “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.”

A common sight on school grounds was the presence of large, green, “JoJo” tanks that schools use for rainwater collection. Oftentimes, tanks were kept in unsanitary conditions, exposed to dirt, overgrown plants, and stray animals.

The 42 schools which rely on rainwater harvesting do not have water that is available at all times, nor that complies with the optimal standards for drinking, personal hygiene, or food preparation. All JoJo tanks are lined with carbon black liner to prevent algae growth in the tank. However, the tanks do not provide any form of water filtration. According to the JoJo tank website, if one needs “drink the water in an emergency, it must be purified or boiled before it will be fit for human consumption.” In no school we visited was the water from JoJo tanks prepared like this in order to render it safe.

Moreover, our school visits highlighted the missed opportunities for providing learners with safe and reliable access to water from a municipal water supply in rural school districts. At Tyinira Junior Secondary School in the Butterworth district, two young learners shared the task of carrying a bucket of water from a communal tap to school. Although the school relies on rainwater harvesting, a tap used by the surrounding community is a mere walking distance from the school gates.



Above: At Tyinira JSS in Butterworth, learners rely on rainwater, yet a tap with access to water from the municipality exists meters outside of the school gates.

This example demonstrates the feasibility of installing working taps in rural schools. It reveals a category of schools where the DBE has clearly not done all it could: in villages which already have basic services, the local school is often left on the list of backlogs.

Sanitation

The first Norms and Standards deadline demands that the State provide sanitation where there is none. While plain pit and bucket latrines are not regarded by the DBE as an appropriate form of sanitation, they are legally permissible by the first timeframe of the Norms and Standards. These toilets must be eradicated by the second time frame, which stipulates that by 2020 all schools must be provided with appropriate sanitation. Forms of appropriate sanitation include flush toilets or ventilated improved pit latrines (VIPs). A VIP has a pipe fitted to the pit with a fly screen attached to the end, in order to decrease the presence of unpleasant odors and insects.

As of June 2016 there were 4,986 schools in the Eastern Cape that had access to pit latrines alone as a form of sanitation. 61 schools have no toilets at all. Of the 60 schools that EE visited, at only 15% were flush toilets installed. At 52% of the schools, more than 30 learners shared a single toilet, and at 65% more than 30 learners shared a single *working* toilet. These statistics speak to the depth of the sanitation crisis in the province.

In January 2014, five-year old Michael Komape died when he fell into a dilapidated pit toilet at his school in rural Limpopo. Afterward, the then Limpopo MEC for Education, Dikeledi Magadzi, said in an interview with eNCA: “You expect me to work in those toilets? I am an overseer of a big portfolio, and you expect me to go and deal with this isolated incident? If it happens that something happens, then so be it. I am not God. I can’t choose how things are supposed to be happening, unfortunately.”

In August 2015, school caretaker Mtundini Saphepha sunk into a two-metre deep pit of mud and human waste at Kalalo Primary, three hours’ drive from Stutterheim. He struggled to escape for nearly half an hour. “I’m just glad it was me, and not one of the learners. I was old enough to survive, but if it were one of the children - they wouldn’t have made it,” he said afterward. That same pit latrine has not been filled, and is still not entirely sealed off to learners.

At Amatolaville Primary in Stutterheim, in September of this year, the wood planks of the floor of the flush toilet gave way beneath a teacher. The teacher was taken to the hospital. At this school, the ratio of working toilets to learners is 1:124.

In Mthatha in the Eastern Cape, the principal of Lughogxo Junior Secondary worries that a Grade R learner may fall into a pit latrine. One “toilet” at this school is literally a hole in the ground. The ratio of toilets to learners is 1:49. The ratio of working toilets to learners is 1:294.

The toilets that EE inspected were poorly maintained, and were thus filthy and often did not work at all. Compounding the unhygienic environment was the fact that 57 out of 60 schools had no toilet paper. Fifty-nine out of 60 had no sanitary bins, and 58 out of 60 had no soap. The toilets themselves are often without doors or entirely unenclosed. At many schools learners choose to relieve themselves in open fields rather than use the unsanitary pit latrines. The dignity of learners – particularly girl learners – is severely compromised in this manner.



Above and below: At Lugxogxo Junior Secondary toilets are mere holes in the cement floor. Most toilets do not have doors.





Left: Since Kalalo Primary caretaker Mr Sapepha fell into this pit more than a year ago, it has not been entirely closed off.



Left: The toilet in a Grade R classroom at Amatolaville Primary, and the hole created when the floor gave way beneath a teacher.

Electricity

Without access to sufficient electricity, it is nearly impossible for schools to fulfil their core duty of facilitating teaching and learning. EE visited four schools that have no access to electricity.

As of 29 November, these schools constitute a breach of Section 10(1) of the Norms and Standards, which states that all schools “must have some form of power supply.” Acceptable forms of power supply include a grid connection, generators, solar power and wind energy.

At Ngweni Junior Secondary near Mthatha, learners struggle to read teachers’ notes on makeshift chalkboards as sunlight barely makes its way into the dark, mud classroom. In some of the classrooms, the only source of light is the door and a small window behind learners. When it’s cold, teachers have to make a choice between adequate lighting and keeping the classroom warm. Absent any electricity, it is also impossible for the school to heat classrooms. According to the principal, Mr Sobantu, teachers and learners regularly get sick as a result.



Learners at Ngweni Junior Secondary battle to learn in dark and cold mud classrooms.

At another school, Ngubeszwe Secondary School near Butterworth, learners have to light paraffin lamps in order to study. As some of them overnight in the kitchen area of the school, they often have to use these lamps close to flammable gas tanks.



Above: A lack of electricity can pose serious safety risk to learners at Ngubeszwe Secondary School

Not only does a lack of electricity threaten the safety of learners and prevent schools from providing adequate lighting in classrooms, it also denies schools access to important facilities that contribute to learning such as computers, televisions, copy machines, printers, projectors and internet connection. Schools' administrative tasks are further hampered by the absence of fax machines, telephones and intercoms.

While it is particularly shocking that some schools have absolutely no access to electricity, it is also worrying that where schools do have access, it is often insufficient or even dangerous.

Of the 56 schools EE visited that had a grid connection, 14% did not have regular access to electricity. Furthermore, more than a third of schools with access to electricity didn't have electricity throughout the school, with many only having power in the administration block and not in any of the classrooms.

EE also encountered schools where electrical wiring had not been properly planned for and installed. This was exacerbated by poor infrastructure, where collapsing ceilings and walls exposed the wires. Such situations are particularly dangerous when roofs leak and can result in short circuits.

Schools with dangerous, improper electrical wiring are not a priority for the DBE and ECDOE because they do not constitute an outright breach of the three year timeframe. However, attending to these schools is of immediate importance.



Wires hang from the roof at Ngweni Primary School near Mthatha after parts of the ceiling in the only brick building collapsed.

Seven Year Backlogs

The 29th of November 2016 marks only the first of several deadlines that are set out in the Norms and Standards. The next deadline is 29 November 2020. By then, government needs to provide schools with an adequate supply of classrooms, electricity, water, and sanitation.

In comparison to the 2016 deadline at which point schools should be provided with *access* to electricity, water, and sanitation, the 2020 deadline clarifies that schools need to have an *adequate supply* of all three, in addition to sufficient classrooms to meet the maximum of 40 learners per room, and 30 learners for Grade R. Electronic connectivity and perimeter security are further priorities for this date.

The data EE collected illustrate the effects of the technical distinction between *access* and *adequate supply*. Pit latrines and bucket toilets, which by government's own standards are not suitable sanitation for schools, are not prioritised under the three year deadline because they are considered to constitute *access* to sanitation, albeit not *adequate access*. Adequate sanitation that needs to be provided by 2020 constitutes flush toilets or VIPs. Schools that have extremely high learner to toilet ratios are also not prioritised under the three year deadline.

A similar technical distinction arises in terms of access to electricity and water. A school might be entirely without access to electricity, save for one administration building, but is still not a priority for the three year deadline.

Our research has highlighted that many schools which are not a priority under the three year deadline face significant infrastructure challenges. These schools will have to wait another four years before government is obliged to address their conditions and even then there is no guarantee that government will fulfill its mandate.

Although the data for this report is a small sample, there are already strong grounds to believe that without urgent planning, the DBE and ECDOE are well on their way to fail to meet the 2020 Norms and Standards deadline. Because of the requirement of *adequate access*, the 2020 deadline requires upgrades to far more schools than the 2016 deadline, although admittedly from a higher base.

Below are our findings for the relevant parameters of the seven year deadline of Norms and Standards:

Classrooms

- Of the 60 schools, 14 schools have a learner to teacher ratio of more than 40.
- 72% of school have one or more overcrowded classroom.
- Several concomitant factors contribute to overcrowded classrooms, including a teacher shortage in the province, issues with teacher post provisioning and a lack of classrooms.

Electricity

- Of the 56 schools EE visited that had a grid connection, 8 did not have regular access to electricity.
- More than a third of schools with access to electricity didn't have electricity throughout the school.

Water

- 44 out of 60 schools only have access to water some of the time.
- The overwhelming majority of schools we visited - 42 in total - do not have an adequate supply of water, because they depend entirely on rainwater harvesting.

Sanitation

- Close to a third of schools had access to plain pit latrines alone.
- 31 schools had access to at least some VIPs.
- A mere 9 schools had flush toilets.

Electronic Connectivity

- .49 schools, or 81% of schools visited, did not have internet access.

Perimeter security

- EE visited 9 schools that had no fence and a further 41 that did not have a safe fence.
- In total, 83% of schools visited did not have adequate fencing.

It is apparent that many of the issues to be addressed by 2020 are very urgent. The Norms and Standards deadlines represent the latest date at which the State should provide schools with infrastructure and resources. The safety and security of learners is an immediate and time sensitive priority, which can only be addressed through proactive planning and management.

Part II: Systemic Failure

The findings regarding these 60 schools do not just represent individual cases of failure. Rather, they illuminate the depth of systemic failure in Eastern Cape Education. Minister Motshekga's claims that (i) the DBE and provincial education departments are doing all they can to meet the Norms and Standards, and (ii) significant progress has been achieved, are both contradicted by our experience on the ground.² We found a number of schools in need which were not on any list for upgrades. Further, poor and incomplete delivery of services shines light on the poor monitoring of contractors and implementing agents. All of these issues are reproduced on a provincial level.

Knowledge of Norms and Standards

Of the 60 school principals or HODs interviewed by EE, half had no idea what the Norms and Standards for School Infrastructure were. This figure is likely higher in reality given that some principals might be reluctant to acknowledge their ignorance of Norms and Standards. This echoes EE's ongoing experiences in the Eastern Cape, monitoring the implementation of these Norms: schools may have known what they were morally entitled to, but almost none knew what they were *legally* entitled to.

It is worth considering this for a moment. It is fully three years since the Norms and Standards were published. They are binding legal documents with implications for almost all state schools. The DBE and provincial education departments have methods of communicating with schools, such as circulars. If they had wished to, they could easily have informed schools about this. However, it must be concluded that they chose not to.

The fact that numerous principals had never even heard of the Norms and Standards gives the lie to claims by the Minister that the DBE welcomes being held accountable – if it truly did, there would have been some governmental attempt at public education or at least communication to schools around what all schools were entitled to in terms of these regulations.

Poor, unreliable data

Of the 60 schools visited, 17 violate the first deadline. Of the schools which are violations, 41% (seven schools) were not on any project list for upgrades – neither the ECDOE project list, nor the national DBE's ASIDI list.

Once again, this echoes what is happening at a provincial and national level. The Eastern Cape Norms and Standards Implementation Plan, released in mid-2015, states that it has no up to date register of school infrastructure backlogs.³ As of February 2016, with only nine months to go until

²<http://www.education.gov.za/Newsroom/Speeches/tabid/950/ctl/Details/mid/3816/ItemID/4171/Default.aspx>

³<http://www.education.gov.za/LinkClick.aspx?fileticket=ibIphhew3Eo%3d&tabid=759&portalid=0&mid=3094>

the first deadline, the ECDOE and national DBE were still auditing the infrastructure needs of schools in the province and assessing their proximity to municipal services.

However, the problems with data do not end there. The Eastern Cape also does not have an accurate picture of how many schools it has, nor how many learners or teachers, thanks to allegations of massive fraud and out of date enrolment figures. This is a problem in many provinces with remote, rural schools. Unfortunately, these rural schools are often the schools which have the greatest needs.

Infrastructure planning has therefore been based on estimates rather than actual needs. As EE's school visits reveal, true infrastructure needs are likely even greater than the statistics show. If their needs are not recorded, there is no chance that the government will be able to address them.

This suggests two conclusions:

- i. Schools are left off the list because their conditions are not known. National and provincial education departments do not know the true extent of the infrastructure crisis in the Eastern Cape, and nationally.
- ii. The departments of education know about the schools in need, but are not including all of them in the planning for upgrades. This means that government is not taking the Norms and Standards seriously as legally binding deadlines.

Failing to plan

Unreliable data is linked to an inability to plan well. In some cases, infrastructure has already been replaced, or is only in need of repair and not replacement – but this is not reflected in the data. This throws up problems of its own – funds may be allocated to replacing a school's infrastructure when it already has that infrastructure, and the money involved should be spent on other schools in need. Without adequate data on how many learners attend a particular school, for example, the government may 'overbuild': build an unnecessarily large school for the number of learners who actually go there.⁴ This wastes money which could be used to build school infrastructure elsewhere.

In the Eastern Cape, EE has found schools which are on both the provincial project list, and the ASIDI project list, which means the funding available will not be allocated efficiently. EE also visited ASIDI-built schools which have received notices of closure due to low enrolment. This will allow state of the art resources to go to waste; it also suggests that up to date data and modelling was not used when planning the location and size of the school. Discrepancies between provincial planning and national ASIDI planning also raise issues around adequate communication between the two departments. In other cases, schools have received notice of closure and plans for their upgrades at the same time. There is very little sense in which infrastructure provision in the Eastern Cape happens systematically.

Planning to fail

⁴ <http://mg.co.za/article/2014-11-28-dodgy-data-leads-to-flawed-plans>

The Norms and Standards require each provincial education department to develop Implementation Plans within one year of the regulations being issued – that is, November 2014. These plans were released six months late, after protest by EE. What’s more, they have multiple problems, which makes them poor tools for communities to hold government accountable, and in fact poor plans of action for provinces.

The Eastern Cape is one province which has *planned to fail*. In other words, its plan acknowledges that it will not meet the deadlines. This places the ECDOE in violation of the law. In this sense the failure is not unexpected; however, this does make it any less unacceptable.

Even within the framework of an acknowledgement that it will not meet the deadline, the quality of planning is extremely poor. The Eastern Cape (like many other provinces), state that there is not enough money to meet the regulations, but it generally does not show what it will be able to achieve in the time frame given the money it *does* have. There are very few concrete promises in the Implementation Plans, be they the names of schools which have infrastructure backlogs, timeframes or real budget allocations. Overall, the plans seem to be documents which have been produced because there is a legal requirement to do so rather than because they are going to guide action.

All provinces, including the Eastern Cape, exclude schools which are already scheduled for some upgrades in the current budget cycle – but these upgrades themselves may not comply with the Norms and Standards.

Unspent funds

The money allocated to building school infrastructure has not been spent well. There has been repeated budget underspending by government. The most recent case of this was in the Eastern Cape, which underspent its Education Infrastructure Grant (EIG)⁵ allocation by R530 Million in 2015/16.⁶ This money was lost to the Eastern Cape, as National Treasury redirected it to other provinces. Of this, R450 Million went to Gauteng and the Western Cape, the two most highly developed provinces.

The Eastern Cape’s underspending not only leaves work undone for that year, but it also limits the province’s future ability to build school infrastructure. Treasury has reduced their EIG allocation by 12% for 2016/17, partly because they did not spend everything they received the previous year.⁷ In 2014/15, the Eastern Cape spent only 77% of its EIG funding.

⁵A grant transferred by National Treasury to Provincial Education Departments to manage and implement school infrastructure projects.

⁶<http://www.dispatchlive.co.za/r530-million-of-unspent-ec-budget-meant-for-poor-schools-given-to-other-provinces/>

⁷<http://www.equaleducation.org.za/article/2016-02-25-press-statement-equal-educations-response-to-minister-pravin-gordhans-2016-budget-speech-hit-and-miss>

ASIDI has also underperformed: of the total R 8,9 Billion budgeted between 2012/13 and 2016/17, only R5,94 Billion has been spent. This disproportionately affects the Eastern Cape, where most of ASIDI's projects are based.

Neither the DBE, nor provincial education departments have managed to plan and spend money effectively; this has slowed delivery of infrastructure even more than funding constraints themselves.

Sluggish implementation

A number of schools were sites of poor or incomplete service delivery. At one, a toilet block remained stalled and incomplete, three years since the project began. At another, a borehole was sunk but never finished, leaving the school dependent on rainwater collection tanks. Still others had been promised upgrades every year, but were gradually shunted along to later years – evidence that plans are not being implemented.

Provincially, the ECDOE is not achieving even the modest goals it has set itself. During the 2015/16 financial year the department planned to build 24 new schools. It built three. Service delivery in the province takes place at an aching slow pace. Two key issues in this regard are shortages of leadership and technical personnel in the ECDOE, and poor performance and oversight of implementing agents.

The Eastern Cape has a high rate of leadership turnover and vacant positions. In the past twenty years it has had 15 HODs, six MECs and several CFOs. "Acting" positions have become the rule rather than the exception. Epitomising this phenomenon, this year's Annual Performance Plan is signed off by an Acting Deputy General, an Acting Chief Financial Officer, and Acting Superintendent-General and the Member of the Executive Council.⁸ If the Eastern Cape is to have any hope of turning around the current education crisis, new and lasting leadership will be key.

The 2014/15 Auditor-General's report on the Eastern Cape found that the Eastern Cape Department of Education had not had a Head of Supply Chain Management, a senior position, for 27 months.⁹ Further, it had vacancies in senior management and finance departments of more than 20%. Without a full, skilled complement of staff and leadership, government will not have the capacity to wipe out infrastructure backlogs at the rate required.

Implementing Agents (IAs) are private companies who tender for contracts from government to build schools. This process can be very slow. The IAs themselves, however, do not always do a good job. There are some IAs who build poor quality schools to make fast money, or embezzle funds, with little consequences from government which does not always monitor the IAs adequately. At the same time, it is hard to work with government, for example because they often pay suppliers late. Some builders choose not to.

⁸ http://www.ecdoe.gov.za/files/resources/resource_297.pdf

⁹ <https://www.agsa.co.za/Portals/0/PFMA/201415/web%20EASTERN%20CAPE%20pfma%2015%20.pdf>

The report of the Auditor-General attached to the DBE's Annual Report found inadequate oversight on financial and performance reporting in infrastructure provision, stating that "the department's oversight was ineffective to detect non-compliance by implementing agents."¹⁰ The inability to detect non-compliance explains why incomplete upgrades are allowed to stagnate with no recourse against the contractor.

Governance

Education in the Eastern Cape is complicated by the section 100 intervention into the ECDOE by the DBE. Section 100 is an extreme constitutional measure by which national government can step in to support a failing provincial department. While the Eastern Cape intervention began in 2011, it has dragged on with little achieved. The ECDOE continues to be plagued by shortages of leadership and technical personnel, corruption and factionalism, and there are major failings in provision of scholar transport, school infrastructure and educator post distribution. Section 100 means that the DBE, rather than merely the ECDOE, is directly responsible for the chaos in the Eastern Cape.

The status of the intervention is unclear. Minister of Basic Education Angie Motshekga has twice this year asserted that the intervention remains in place (without specifying what specific actions were currently being taken in terms of the intervention), but this was recently contradicted by a judge of the Grahamstown High Court who ruled that it had in fact lapsed in 2014. In the meantime, the limbo in which the department finds itself hinders efforts to build schools.

¹⁰<http://www.education.gov.za/LinkClick.aspx?fileticket=kGj3dRRIJrw%3d&tabid=92&portalid=0&mid=4358>

Part III: Schools

School 1: Siseko Junior Secondary School

Area	Butterworth
Norms and Standards violation	School built entirely of inappropriate material (zinc and mud)
Number of learners	276
Number of teachers	8
Teacher: learner ratio	1:35
Number of learner toilets	11
Number of working learner toilets	11
Toilet: learner ratio	1:25
Working toilet: learner ratio	1:25
Toilet type	Pit latrines
Water supply	Rainwater harvesting, unreliable
Electricity supply	Grid connection, unreliable

Siseko Junior Secondary School is a Quintile 1 school located in the Butterworth District, in the Mnquma Local Municipality. The school was founded in 1982, but additional structures were built by the community for the school in 1993. Community members pooled money together to buy zinc for a Grade R classroom, and then physically helped to build it.

Siseko JSS has 276 learners spanning from Grade R to Grade 9. The Grade R classroom is made entirely out of zinc, and the rest of the classrooms are made out of mud. Both materials are considered inappropriate in terms of the Minimum Norms and Standards for School Infrastructure. When it rains, it becomes very difficult for the young learners to continue with classes. Already classrooms are packed, with Grades 2 and 3 learning together in a single classroom, and Grades 5 and 6 doing the same.



Above: Inside the Zinc Grade R classroom at Siseko

According to the ASIDI Inappropriate Schools list, Siseko JSS has been earmarked for the financial year 2012/2013. Four years later, this school has not received its promised upgrades. When we visited, the principal did not know that he was on the ASIDI project list.

“The Department of Education only makes promises telephonically,” he said. “We received a phone call from an employee from the Infrastructure Department in Bisho in 2012. A woman said that somebody from the department would come to survey the school. We also tried to contact our Circuit Manager. No one has come.”

The principal identified three structures at Siseko JSS that, without upgrades, are currently at risk of collapsing. The zinc roof of three structures has been destabilised due to windy and rainy conditions. In order to mitigate the risk of the roof falling in, the principal used bricks as makeshift weights to hold the material in place.

Siseko JSS does not have a kitchen. Instead, two pots sit on the ground outside for the school’s two cooks to prepare food. The women use water from a Jojo tank that collects rainwater. When there is no rainwater, the ladies fetch water from a river. We watched as pigs and dogs, which roam the school grounds, sat next to the unprotected, prepared food. A storeroom next to the kitchen is used as a library, a staff room, and a makeshift kitchen for staff members.

Although there is a fence around the school, it is kept open for much of the day and there are many holes that render it unsafe. Last month the principal reported a break in at the school, in which food and sports gear were stolen.



Left: The roof at Siseko JSS that is held down by two bricks



Right: The space outside of Siseko JSS that is used as a kitchen.

School 2: Noqhekwana Junior Secondary School

Area	Lusikisiki, Port St Johns
Norms and Standards violation	No electricity
Number of learners	440
Number of teachers	9
Teacher: learner ratio	1:49
Number of learner toilets	10
Number of working learner toilets	10
Toilet: learner ratio	1:44
Working toilet: learner ratio	1:44
Toilet type	VIP
Water supply	Rainwater harvesting, unreliable
Electricity supply	None

Noqhekwana Junior Secondary School sits high on the mountains above Port St Johns, accessible only by 1 narrow dirt road which winds at times precariously close to a sheer mountain face.

Serving 440 learners, the school has recently received upgrades; however these have only been forthcoming after visits from the DBE and not the ECDOE – appeals to the ECDOE have been largely ignored.

Consequently, several crucial elements of the school remain problematic; the sanitation block is built away from the school, with learners needing to leave the school grounds to go to the bathroom, away from the site of teachers. This is unsafe. The school also has irregular access to water, relying solely on rainwater. In winter the school often goes without water.

Despite recent interventions regarding infrastructure, Noqhekwana still has no electricity connection. As of 29 November 2016 this will be in violation of the Uniform Minimum Norms and Standards for School Infrastructure. In overcast conditions, classrooms are dark which affects teaching and learning.

Neither the DBE nor the ECDOE has taken any steps to provide interim access through the form of either solar energy or the installation of a generator. The school does not even appear on the ECDOE plans with regards to their implementation of the Uniform Minimum Norms and Standards for School Infrastructure.



Above: In overcast conditions classrooms at Noqhekwana Junior Secondary are very dark.

School 3: Mbabazo Senior Primary School

Area	Mbizana
Norms and Standards violation	School built entirely of inappropriate material (mud and zinc)
Number of learners	305
Teacher: learner ratio	1:25
Number of learner toilets	5
Number of working learner toilets	3
Toilet: learner ratio	1:61
Working toilet: learner ratio	1:102
Toilet type	Pit latrines
Water supply	Rainwater harvesting, unreliable
Electricity supply	Grid connection

Mbabazo Senior Primary School is in Topozo, a small group of scattered homes near Mbizana. This school is entirely made of inappropriate materials in terms of the Norms and Standards for School Infrastructure, and therefore against the law as of 29 November 2016.

Like many schools in the former Transkei, everything at Mbabazo SPS was built by the local community. The school buildings are a mixture of mud and cement, together with a zinc shack where food is prepared. The classrooms are temporary, says Principal Abigail Silangwe – they do not last. According to her, a classroom has collapsed in the past. The School Governing Body (SGB) managed to raise funds and rebuild it.

Mbabazo SPS tells a story of failed and inadequate service delivery. There are two roofless brick structures a short distance from the classrooms. Three years ago government-paid contractors came to build the school new toilets. But the project stalled, leaving half-built, non-functional structures. Nothing further has been done about this.

Nearby stand the school's three functional pit latrines, which must serve over 300 learners. There are also two derelict zinc latrines. Time has left gaping holes where there were once toilet seats. In a school which accepts Grade R learners, there is no barrier to stop young children from falling into the holes.



Above: The interior of a mud-cement classroom at Mbabazo SPS



Above: This toilet block was never completed

The contractor also sunk a borehole to alleviate the school's water issues. Trenches were dug for water pipes. But this too was left frustratingly incomplete. Three years later, the school only has rainwater collection tanks to meet its water needs. During the dry winter, this runs out and the school is forced to buy water from the municipality. But this too does not last.

Even in the case where there has been some real provision of electricity, this is still inadequate: only the administration block is electrified. The classrooms remain dark. The school feels forgotten. The school is on the Eastern Cape Department of Education's project list for Norms and Standards, although it is unclear what upgrades it will receive, or if this will ever become a reality. One can only hope the upgrades prove more meaningful than those to date.



Above: A derelict latrine

School 4: Lugxogxo Junior Secondary School

Area	Mthatha
Norms and Standards violation	Built substantially of inappropriate material (mud and asbestos)
Number of learners	587
Number of teachers	9
Teacher: learner ratio	1:35
Number of learner toilets	12
Number of working learner toilets	2
Toilet: learner ratio	1:49
Working toilet: learner ratio	1:294
Toilet type	Pit latrines
Water supply	Rainwater harvesting, unreliable
Electricity supply	Grid connection, regular power

At Lugxogxo Junior Secondary School, learners often relieve themselves out in the open, because using the school’s pit latrines is just not an option for many. Most of the toilets are mere holes in the cement floor. Where there are plastic seats, the seats are moveable and pose a real safety threat to learners.

“The situation is very bad. We have Gr. R learners who can fall in,” the principal, Ms Mokeke, told EE.

The school only has one toilet for every 49 learners, but when one consider the number of working toilets, this ratio escalates to a shocking 294 learners per working toilet. What’s more, after 29 November Lugxogxo JSS will constitute a violation of the law, as it is substantially built of inappropriate material. One block of classrooms is made entirely of life-threatening asbestos and another of mud. A third block collapsed during a storm in February this year. The department has not offered any assistance with emergency classrooms since the incident.

The only brick building at the school - the administration block - was built at the school's' own initiative.

“There is nothing on this premises that has been built by government since 1931. Everything here was built by the community. We go to meetings, they talk priority list, priority list, but when we leave it becomes history. Every term we submit our school’s condition, then there is no follow-up,” the principal, Ms Mokeke, told EE.

Overcrowding is another major issue at the school. One class has 85 learners in some classes learners are sitting three-three in a desk. “It’s difficult to enter the classroom when it has 85 learners. The teacher cannot move between learners at all,” said Ms Mokeke.

Despite the condition of the school’s infrastructure and sanitation, it does not appear on either the ASIDI or the provincial Norms and Standards implementation plan.

Although the school technically has access to electricity, only the admin block is electrified. There is no electricity in any of the classrooms. The only water supply at the school is rainwater harvesting. This water supply is unreliable and the school often has to buy water from community members during winter months.



Above: A block of classrooms collapsed during a storm in February this year. The school is yet to receive emergency classrooms

School 5: Lutholi Junior Secondary School

Area	Libode
Norms and Standards violation	None for first deadline
Number of learners	630
Number of teachers	19
Teacher: learner ratio	1:33
Number of Learner Toilets	11
Number of working learner toilets	11
Toilet: learner ratio	1:57
Working toilet: learner ratio	1:57
Toilet type	Pit Latrines and VIP
Water supply	Rainwater collection and purchasing bulk
Electricity supply	Grid connection

Lutholi Junior Secondary School is located on the outskirts of Mthatha, a ten minute drive from the city centre. Lutholi is a proud school with an active school management team working hard for learners. Recently, on the school's own initiative, the building of a new nutrition centre and school hall was arranged.

Infrastructure and classroom conditions however, remain challenging. All classes are overcrowded with learner numbers above the 40 learners per class limit. This school has made several appeals for prefabs from the ECDOE but thus far has received nothing. The situation is exacerbated by the ECDOE refusing to count 29 children attending the school as learners, as they don't have birth certificates. To make matters worse the ECDOE is relocating 4 teachers to other schools in 2017.

Lutholi has limited access to water (through rainwater collection) and is forced to buy water once a month from Mthatha. More jarringly, the school has 1 block of toilets with no walls or doors. This block is next to the girls toilets and is thus used by girl-learners. By the boys' toilets, the remains of two former toilet blocks stand. The pits are open and exposed.



Boys urinate in the pits instead of the toilets. This is dangerous, the pits being easy to fall into. The toilets that do exist are small in number and in poor condition. The small number of them forces learners to use the open pits/and open toilets. There is 1 toilet for 70 male learners.

The school does appear on the ECDOE plans with regards to their implementation of the Uniform Minimum Norms and Standards for School Infrastructure.



Above: Collapsed pit latrines used by learners as urinals.

School 6: Vukile Tshwete Senior Secondary

Area	Keiskammahoek, near King William's Town
Norms and Standards violation	School substantially built of inappropriate material (wood)
Number of pupils	310
Number of teachers	9
Teacher: learner ratio	1:34
Number of learner toilets	12
Number of working learner toilets	12
Toilet: learner ratio	1:26
Working toilet: learner ratio	1:26
Toilet type	Pit latrines
Water supply	Municipal, unreliable.
Electricity supply	Grid connection, unreliable

For the most part, Vukile Tshwete Secondary School is nothing but precarious wood structures. Once a military base, it was abandoned in 1996, and a decade later bricks and mortar remain absent.

"This is not a school. This environment was not meant for a school," principal Sibulelo Nglauzele said to Equal Education.

Entire panels are missing from the classroom "walls". Learners must avoid the rain that drips from the ceiling, and try to hear their teacher above the howling of strong wind. The school has no library, science lab or sports field.

"Because I learn in a wood classroom I know how difficult it is and how bad it feels to learn like that. It is unfair that the Norms and Standards won't help schools that are only partly built of wood before 29 November 2016. Even if it is only one block in a school that's in a terrible condition and

built of wood or mud or stuff like that, it's not fair that government doesn't fix it. A school is a school.

"A child could be the president of the future, but how could a child in one of those classrooms that's not proper become president? Schools must have science labs, computer rooms, and everything we need to succeed in life," an Equaliser (high school member of EE) states in an affidavit filed in support of a court case brought by Equal Education.

In a second affidavit, a teacher explains the dangers that the wood classrooms pose: "We have a huge problem with snakes at our school. Once I had to beat a snake to death that was outside of my classroom in order to protect learners. Another time a teacher suddenly realised a snake was crawling up his trouser. He was terrified. My learners have also seen a snake in the ceiling due to a hole in the classroom roof. And a teacher found a snake on her classroom chair.

"The other month a snake even fell from the classroom roof right into the class. We have a real fear that snakes will enter the class through the holes in the roof, walls or floor. It's not motivating to be teaching here. When you visit another school to attend example, a workshop then you can really feel it, you can see the atmosphere at that school is different, nicer and the buildings are proper. You wish you could be teaching like that. But the following day you're not there, you're here. But because you like teaching and you care, you keep teaching here".

As far as the principal knows, an entirely new school will be built where the zinc pit toilets and dilapidated classrooms now stand. Construction should already have begun, but was unexpectedly postponed to next year. It was communicated to the principal that this was because of problems with the tender awarded for the construction work.



Above: Wood classrooms at Vukile Tshwete Secondary School.



Above: Classrooms at Vukile Tshwete Secondary have fallen apart entirely.

School 7: Mount Ayliff Hospital JSS

Area	Mount Ayliff
Norms and Standards violation	School built entirely of inappropriate material (mud and asbestos)
Number of learners	563
Teacher: learner ratio	1:51
Number of learner toilets	19
Number of working learner toilets	17
Toilet: learner ratio	1:30
Working toilet: learner ratio	1:33
Toilet type	Flush toilets
Water supply	Municipal taps and rainwater harvesting
Electricity supply	Grid connection

Mount Ayliff Hospital Junior Secondary School moved to its present site in 1995. The government provided a single prefabricated cement classroom block, which has an asbestos roof. To accommodate the greater needs of the school, the parent community built more classrooms which are a mixture of mud and cement. This school is entirely inappropriate and must be replaced within the first three year deadline for Norms and Standards. However, it does not appear on either the provincial or national project lists for upgrades.

A few weeks ago, the ceiling in one of the prefabricated classes collapsed on learners, exposing electrical cables, dust from the asbestos roof, and hitting some learners with chunks of concrete. The same 'prefab' shakes when it is bumped into. One of the mud blocks has a crack from roof to floor, through which daylight is visible. The school has electricity, water and sanitation (flushing toilets by a mining company), but the buildings constitute a direct hazard to the health and safety of teachers and learners.

Overcrowding is a serious problem here: 11 teachers serve 563 learners. Every single class apart from Grade R has over 40 learners. The largest class, Grade 8, has 84 learners. The problem is not simply one of teacher shortage though – classrooms are small, and there are insufficient classrooms to accommodate smaller class sizes. Learners are too closely packed to write tests indoors, so this happens outside. In terms of the Norms and Standards for School Infrastructure,

classroom size and number must be adequate within the seven year timeline – that is, by 2020. The school also has very little space which could constitute a playground – only a small concrete slab connecting a few of the classrooms. The rest of the school grounds are on a rocky hillside.

The principal and school governing body are proactive in trying to improve the school. They have used savings from the feeding scheme to set up a small kitchen. Parents have also raised money for various small improvements. But without assistance from government, Mount Ayliff Hospital JSS will continue to threaten the safety of all those within its walls.



Above: One of the mud classrooms at Mount Ayliff Hospital JSS. The ceiling is secured with bricks and tyres.



Above: The collapsed ceiling at Mount Ayliff Hospital JSS. Learners were exposed to asbestos dust from the roofing, electric wiring and chunks of concrete.

School 8: Amatolaville Primary School

Area	Stutterheim
Norms and Standards violation	Technically none: while there are several classrooms made of zinc and wood, which are inappropriate materials, there are also classrooms made of brick.
Number of pupils	866
Number of teachers	24
Teacher: learner ratio	1:36
Number of learner toilets	11
Number of working learner toilets	7
Toilet: learner ratio	1:79
Working toilet: learner ratio	1:124
Toilet type	Flush
Water supply	Municipal and rainwater harvesting, reliable.
Electricity supply	Grid connection, reliable.

Earlier in this report we speak of the broader systemic failure to address infrastructure problems at schools, and Amatolaville Primary is evidence of this failure. It is not on the Asidi project list, nor is it listed on the provincial Norms and Standards implementation plan. However, the school has been informed by officials from the ECDoE that new classrooms are to be constructed in the new year. The school has documented 12 years' worth of fruitless correspondence with government in an effort for these promises to be realised.

The school is substantially inappropriate: several classrooms are constructed of zinc sheets (including all the Grade R classrooms), and others are made of wood. At least two teachers at the school have had the floor collapse beneath them. The wall of one classroom has come tumbling down. These classrooms constructed of inappropriate material are vulnerable to heat, cold, rain and wind.

There are two blocks of toilets for learners in which not a single tap works. In one block of toilets for girl learners, two of the stalls have no doors.

The toilets are in a poor state, but this is to be expected with such a high toilet to learner ratio (1:79), and an even worse ratio of *working* toilets to learners (1:124).

Conclusion

While EE set out to highlight instances where government has failed to meet its mandate, it is worth mentioning that we did also encounter instances where progress has been made. We saw a number of new schools which had been built - both through ASIDI and the ECDOE. We encountered schools where new toilet blocks have been built or where structures were entirely made of brick. These should be celebrated as victories in the campaign to fix our schools. They are, after all, what we are fighting for.

However, this should not drown out the even greater numbers of schools where little to no improvements have been made - schools whose need is unknown, schools whose needs have been made invisible or not considered urgent (such as schools partially built of inappropriate materials) and schools where there has been halting or partial delivery of services.

Moreover, the extent of the government's failure to meet the first time frame of the Norms and Standards for School Infrastructure, and its grim prospects of meeting the second timeframe in 2020, reflect a systemic failure to adequately plan, spend funding and implement infrastructure provision.

While our findings are both shocking and saddening, we have been consistently struck by the resilience of committed principals, talented teachers, and intelligent learners.

Regarding the way forward:

- EE has lodged court papers against the DBE to close loopholes in the Norms and Standards, asking the court to include obligations to upgrade substantially inappropriate schools, make public the provincial progress reports, hold all relevant government entities accountable for infrastructure provision, and actually fix schools by the deadline rather than simply plan to fix them. This in no way undermines the importance of the Norms and Standards. Rather, this is part of a process of turning them into regulations which communities can use to hold government accountable.
- After the 29 November deadline, schools which do not comply with the three year deadline are violations of the law. Individual schools will be able to litigate against the department to get their schools fixed.
- Mass action, mobilisation and activism must continue to advocate for improvements in education on a structural level.