BREAKING THE CYCLE

UNCOVERING PERSISTENT SANITATION CHALLENGES IN GAUTENG SCHOOLS
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LIST OF ABBREVIATIONS

ACM: Alternative Construction Method
BAC: Bid Adjudication Committee
BEC: Bid Evaluation Committee
DBE: Department of Basic Education
DORA: Division of Revenue Act
EE: Equal Education
EELC: Equal Education Law Centre
EIG: Education Infrastructure Grant
GDE: Gauteng Department of Education
GDP: Gross Domestic Product
GDID: Gauteng Department of Infrastructure Development
GIAMA: Government Immovable Asset Management Act
HDI: Human Development Index
HOD: Head of Department
LRC: Legal Resources Centre
MEC: Member of the Executive Council
MTE: Medium Term Estimate
MTEF: Medium Term Economic Framework
NEIMS: National Education Infrastructure Management System
NNSSF: National Norms and Standards for School Funding
PAIA: Promotion of Access to Information Act
PED: Provincial Education Department
PFMA: Public Finance Management Act, 1999 (Act No. 1 of 1999)
PPPFA: Preferential Procurement Policy Framework Act
PSP: Professional Service Provider
SASA: South African Schools Act
SCM: Supply Chain Management
SIPDM: Standard for Infrastructure Procurement and Delivery Management
SGB: School Governing Body
SMT: Senior Management Team
VIP: Ventilated Improved Pit
WHO: World Health Organisation
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EXECUTIVE SUMMARY

As a wealthy urban province, Gauteng faces unique challenges related to school infrastructure and sanitation compared to more rural provinces such as the Eastern Cape, KwaZulu-Natal and Limpopo where Equal Education (EE) also organises. While other provinces still struggle to, at the very least, provide all schools with access to some form sanitation, the Gauteng Department of Education (GDE) has already eradicated such backlogs.

One of the key reasons the GDE was able to eradicate these backlogs, was because the scale of infrastructure backlogs the province inherited after 1994 paled in comparison to those of a province like the Eastern Cape. This legacy is still evident in current backlogs: Today, the Eastern Cape’s backlog for the number of schools with no sanitation or only pit toilets, is higher than what the GDE’s backlog was in 1996, and is equivalent to just under 70% of the total number of GDE schools!

According to the legally-binding Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure (hereafter referred to as the Norms and Standards), by 29 November 2016, all public schools in the country 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. While, according to official statistics, the GDE has no schools that currently violate the Norms and Standards on the issue of sanitation, many schools still have insufficient access to sanitation and learners continue to have to use undignified and unhygienic toilets.

SHIFTING PRIORITIES FOR THE GDE

This report illustrates how the GDE’s approach to school infrastructure, specifically sanitation, has shifted over the past five years. Greater emphasis has been placed on the need for decent sanitation and budget allocations have been adjusted to address sanitation issues. Furthermore, there have been significant shifts in GDE allocations towards school infrastructure and maintenance budgets. These shifts coincide with, and largely respond to, EE’s national Norms and Standards campaign and its Gauteng sanitation campaign.

EE’s Gauteng sanitation campaign managed to secure major allocations for sanitation in the province. These included R150 million, which the GDE set aside for sanitation upgrades, and R15 million, which was allocated to fix sanitation facilities in Tembisa specifically, the area where EE’s sanitation campaign originated.

Allocations for school infrastructure and maintenance line items, which include sanitation upgrades and renovations, have shifted dramatically in response to EE’s campaign work. Between 2012/2013 and 2016/2017, the Gauteng education budget reflected real growth of approximately 17% while the education infrastructure budget grew by a staggering 95% over the same period.

Between 2014/2015 and 2015/2016, the education infrastructure budget grew nominally – when inflation is not taken into account – by approximately 54%, which was a significant increase in comparison to the 1.29% nominal growth between 2012/2013 and 2013/2014. In real terms, the education infrastructure budget decreased by 4% between 2012/2013 and 2013/2014, and subsequently increased by about 48% between

1 Calculations in real terms take account of inflation
2014/2015 and 2015/2016. In real and nominal terms, the 2016/2017 financial year shows a lower growth rate for the education infrastructure budget and total education budget – however, the growth rate is still higher than before the publishing of the Norms and Standards. Funding for “new infrastructure” specifically, increased by approximately 120% in real terms, between 2014/2015 and 2015/2016. These rapid growth rates illustrate the impact that the publication of the Norms and Standards had on the GDE’s education infrastructure spending.

The 2014/2015 audited outcome for maintenance spending was R415.249 million, reflecting a 207% increase from the initial projected budget published in 2012, prior to the gazetting of Norms and Standards. Additionally, the 2014/2015 audited outcome for upgrades/additions reflected a 122.08% increase from the initial projected budget published in 2013.

**SANITATION UPGRADES**

This report also addresses whether or not the GDE delivered on its promise to fix sanitation conditions in the province’s 50 worst schools, in response to EE’s sanitation campaign. To this end, EE visited 38 of the 50 schools in Johannesburg, Soweto, the East Rand and the greater Gauteng area.

**FINDINGS INCLUDED:**

**UPGRADES DONE BY THE GDE**

The GDE had provided sanitation upgrades in 2014/2015 to all 38 schools EE visited. At all of the schools these upgrades involved repairs and renovations to existing sanitation facilities. The work done included painting, fixing pipes and ceilings, repairing windows, installing burglar bars and replacing basins, doors, locks on doors, taps, toilet seats and urinals.

**SANITATION INFRASTRUCTURE**

All 38 schools had flush toilets. These schools were all connected to municipal water supply and, with the exception of two schools, had a regular and reliable supply of water.

Despite all 38 schools receiving sanitation upgrades in 2014/15 and the majority of those schools receiving additional upgrades since, EE encountered numerous sanitation issues during our school visits.

**NUMBER OF TOILETS**

When EE considered all learner toilets at the 38 schools, only 19 schools had an adequate number of learner toilets as per the Norms and Standards regulations. However, when we considered only working toilets, the number of schools that met the Norms dropped to a staggering seven!

Of the 38 schools EE visited:

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>had a ratio of more than 33 learners per working toilet/urinal</td>
</tr>
<tr>
<td>22</td>
<td>had a ratio of more than 43 learners per working toilet/urinal</td>
</tr>
<tr>
<td>20</td>
<td>had a ratio of more than 51 learners per working toilet/urinal</td>
</tr>
<tr>
<td>01</td>
<td>school had a ratio of 212 learners to one working toilet/urinal</td>
</tr>
</tbody>
</table>

**ACCESSIBILITY OF TOILETS**

Nine of the schools EE visited (just under 25%) had no bathrooms that accommodate learners with physical disabilities. At 2 of the 29 schools that did have accessible toilets, most toilets for disabled learners were broken.

**PRIVACY AND SECURITY OF SANITATION FACILITIES**

At a large majority of schools EE visited, privacy and security in school bathrooms was lacking:
Of the 808 learner toilets EE audited, 561 toilets (69%) did not have locking doors.

At 27 schools more than half of the toilet doors were broken.

Nine schools did not have one single toilet with a locking door.

**MEASURES TO PROMOTE HEALTH AND HYGIENE STANDARDS**

At an overwhelming majority of schools, even where sanitation infrastructure was in a fairly good condition, EE found that maintaining hygiene standards in bathrooms was a major challenge.

Our school visits revealed that:

- 15 schools had more than a third of their taps broken
- 01 school had no working taps
- 84% of schools visited had no toilet paper in learner toilets
- 50% of the schools had no sanitation bins in girls’ bathrooms
- 89% of schools did not provide any soap in bathrooms

These findings reveal that as little as two to three years after the 50 worst schools received sanitation upgrades from the GDE, significant sanitation issues persist - broken taps, toilets, doors and a lack of hygiene measures were common. Read alongside findings from EE’s previous school visits, these findings reveal a pattern of upgrades that are either not completed or require follow-up repairs relatively soon after upgrades were done. Our findings revealed two important contributing factors: the quality of work done and materials used by contractors and lack of long-term maintenance support.

**PROCUREMENT**

Nearly a quarter of schools reported that they were unhappy with the work done by contractors and 45% of schools reported having additional upgrades done after the initial GDE upgrades in 2014/2015. When asked why additional upgrades were needed, nine schools cited low quality work by GDE contractors and poor or cheap materials used during the 2014/2015 upgrades. Other issues raised included limited toilets for a high number of learners, learners damaging toilets, and vandalism.

Where the poor condition of sanitation facilities result from unsatisfactory work by contractors or by their use of poor quality materials, sanitation challenges point to more systemic issues with the procurement of contractors and the processes in place to hold them accountable.
MAINTENANCE
There was a significant trend in schools that cited issues of maintenance and upkeep as a challenge contributing to poor sanitation. Schools reported having limited maintenance staff and insufficient maintenance budgets. The majority of schools reported having a small maintenance and cleaning staff with interchangeable roles.

19 of the schools surveyed had more than 200 learners per maintenance or cleaning staff
6 of the schools had more than 400 learners per maintenance or cleaning staff
18 schools did not have any staff exclusively responsible for maintenance

Limited maintenance and cleaning staff with unspecified roles coupled with pervasive sanitation issues is a cause for concern regarding sanitation upkeep.

Although schools reported that they prioritise sanitation when spending their maintenance budgets, sanitation spending was still insufficient to fully address sanitation-related problems. Furthermore, low quality materials used by contractors result in heightened maintenance needs.

RECOMMENDATIONS
Based on our social audit findings and extensive research, EE proposes that the following are among the important challenges that need to be addressed to improve sanitation condition in Gauteng schools:

- High learner to toilet ratios must be eradicated in schools across the province
- The GDE needs to ensure that schools are providing soap, toilet paper and sanitary bins in schools
- The GDE should publish figures on sanitation spending specifically
- Standards for maintenance staff should be set
- The GDE should adequately capacitate SGBs when allocating Section 21 maintenance responsibilities
- Policy gaps around the GDE’s responsibility to provide SGBs with support should be closed
- Increased funding should be provided to SGBs for maintenance
- The roles and responsibilities of the GDE vs. GDID should be transparent and understood by school communities
- Schools should have maintenance committees and maintenance plans
- There should be greater transparency throughout the procurement process

CONCLUSION
EE’s school visits reveal that while the Norms and Standards are a useful tool to ensure that minimum infrastructure and sanitation standards are upheld in schools, they cannot be the end goal. They are, after all, MINIMUM Norms and Standards. Schools that might not be in outright violation of the Norms and Standards, might still have conditions that render sanitation provisioning inadequate, non-functional, undignified and unhygienic. Provincial education departments – especially the wealthy and historically privileged ones such as the GDE – should strive to deliver more than just the bare minimum to stay out of court.

Many of the issues highlighted in this report are similar to those that plagued the schools audited in EE’s 2014 sanitation audit. These persistent issues point to the need for interventions that move beyond the mere provision of sanitation facilities and focus on more systemic issues that contribute to the deterioration of infrastructure provided. Without a look at why sanitation facilities continue to deteriorate despite upgrades and renovations, schools and provincial education departments such as the GDE will remain caught in an unending cycle of sanitation upgrades.
INTRODUCTION

INTRODUCTION TO EQUAL EDUCATION

Equal Education (EE) is a membership-based, mass democratic movement of learners, post-school youth, parents 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 in response. Our public actions and advocacy efforts include mass mobilisation, policy research, and media work aimed at building public pressure on the relevant education stakeholders. When appropriate, EE partners with the Equal Education Law Centre (EELC) for strategic legal interventions.

EE’s core members are Equalisers – grade 8 to 12 high school activists. Along with post-school youth, parents and community members, Equalisers build campaigns to effect change within their schools and communities. Each week, thousands of EE members across the country meet to build a better understanding of the social and political challenges facing Black South Africans, especially those from low-income backgrounds. Today, there are over 5,000 Equalisers across five provinces: the Eastern Cape, Gauteng, KwaZulu-Natal, Limpopo and the Western Cape. The work done by EE’s research department responds to issues identified by Equalisers in schools, beginning and ending with the daily experience of members.

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

AIM OF THIS REPORT

This report sets out to analyse how the Gauteng Department of Education’s (GDE) approach to school infrastructure, and sanitation specifically, has shifted over the course of EE’s national Norms and Standards campaign and its Gauteng sanitation campaign. This analysis draws on both budget analysis and insights from EE school visits in Gauteng.

Another important aspect of monitoring the impact of EE’s work in Gauteng was to establish whether the GDE delivered on its promise to fix sanitation conditions in the province’s 50 worst schools. EE visited 38 of the 50 schools cited and the survey findings are detailed in this report.

Finally, in an attempt to make sense of the persistent sanitation issues encountered during our school visits, this report seeks to unpack two of the contributing factors raised by schools we visited: low quality work done by contractors and maintenance challenges. While the focus of our school visits were on sanitation delivery specifically, these issues apply to school infrastructure and maintenance challenges more broadly.
Since 2008, EE has campaigned for government to provide adequate, accessible and appropriate infrastructure at all public schools in South Africa. EE recognises the correlation between poor learning conditions, dismal learning outcomes, and the entrenchment of inequality in the education system. Before this campaign, South Africa did not have a law stipulating the basic infrastructure standards that every school must meet.

In 2011, EE members’ concerns over the unacceptable state of school infrastructure prompted us to initiate a sustained campaign to compel the Minister of Basic Education, Angie Motshekga, to promulgate legally-binding regulations stipulating norms for school infrastructure, in line with her responsibilities under the South African Schools Act (SASA).

EE members marched, picketed, petitioned, wrote letters to Minister Motshekga, went door-to-door mobilising communities, fasted, and slept outside of Parliament. On Human Rights Day in 2011, we led a march of 20 000 EE members and supporters to Parliament to demand that Minister Motshekga adopt the Norms and Standards.

Following this extensive campaign, Minister Motshekga finally complied with a court order to publish Norms and Standards, and on 29 November 2013 promulgated the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure (hereafter referred to as the Norms and Standards). The Norms and Standards regulations set deadlines by when various kinds of infrastructure must be provided at all public schools.

**WITHIN THREE YEARS OF THE PUBLICATION OF THE NORMS AND STANDARDS, BY 29 NOVEMBER 2016:**

- All schools entirely made of inappropriate materials such as mud, asbestos, metal or wood should have been replaced by new schools.
- Schools with no access to water, electricity or sanitation should have been provided with these basic services.

**WITHIN SEVEN YEARS, 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.

**WITHIN TEN YEARS, BY 29 NOVEMBER 2023:**

- Libraries and laboratories must be features of all schools.

**IN 17 YEARS, 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 Norms and Standards also make it clear that the use of plain pit latrines in public schools is banned.

The publication of the Norms and Standards was a major victory for learners and members of EE. This victory provided new direction for the national school infrastructure campaign, shifting the focus to monitoring the implementation of the Norms and Standards.  

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3 For a more comprehensive overview of EE’s Norms and Standards Campaign, see Annexure 1.

EQUAL EDUCATION’S FOCUS ON SANITATION IN GAUTENG

In 2013, parallel to EE’s campaign for Norms and Standards, the Gauteng sanitation campaign emerged from the concerns of members of the movement who, through a facilitated process, observed their schools and identified poor sanitation as the most prevalent and critical issue. EE members recognised that poor sanitation conditions in their schools posed a threat to their health, safety, education and dignity.

EE members conducted various school visits and surveys to both inform the campaign, and to hold GDE officials to account. Members initially conducted a survey of 11 schools in Tembisa in August 2013. When Gauteng Education Member of the Executive Council (MEC), Panyaza Lesufi, commenced his term in June 2014, EE met with him to explain sanitation challenges in the province, especially in these schools in Tembisa.

On 13 September 2014, 2 000 EE members marched to the offices of the GDE to demand better sanitation conditions. MEC Lesufi responded by promising to spend R15 million upgrading sanitation at 51 schools in Tembisa and a further R150 million on sanitation in the province. EE members proceeded to monitor these sanitation upgrades at 48 schools in Tembisa.

At the 48 schools members monitored, they found:

- 47 of the schools received some form of upgrades from the GDE.
- In over 90% of the schools the job was not completed and additional improvements were required. In over half of these schools, the additional improvements were meant to have been completed by state contractors.
- Over 10% of the schools did not have enough working toilets as prescribed in the Norms and Standards regulations.
- Poor access to soap, toilet paper and sanitary pads was still prevalent.
- There was inequality in the allocation of maintenance staff: some schools had a ratio of one post per 65 students, while others had one post per 1 009 students.

During this audit menstrual hygiene and access to sanitary pads emerged as an important theme alongside physical sanitation facilities, with first-hand accounts gathered of learners missing school due to menstruation.

In January 2015, EE reassessed its strategy to monitor sanitation upgrades by the GDE and established that additional capacity would be required to adequately monitor the upgrades. In March and April 2015, in collaboration with various other organisations, EE conducted a social audit on the sanitation conditions in more than 200 schools in Gauteng. On 16 May 2015, EE held a School Social Audit Summit where the findings of the social audit were presented.

5 This became a key component in EE’s sanitation campaign in Gauteng. In 2016, EE joined others in calling for the provision of menstrual hygiene products in poor schools and the zero-rating of these products after conducting a menstrual hygiene audit of 36 schools in Johannesburg, formalising this in a declaration adopted by multiple organisations at EE’s Feminine Hygiene Colloquium in July 2017. In his 2018 Medium Term Budget Policy Statement Finance Minister Tito Mboweni announced that sanitary pads would no longer be taxed. The Minister also announced that the provision of sanitary pads in schools will be funded through increases to provincial funding. While EE welcomed these developments as victories, we noted with concern that the increased funding to provinces is not ring-fenced. This means there is no guarantee that such funds will be be used specifically for the purpose of providing sanitary towels in schools, or even for any education purposes at all.
Key findings from the social audit were released:

- In over 30% of the high schools audited, more than 100 learners shared one working toilet.
- 20% of the toilets were locked or broken.
- Over 70% of learners had no access to soap.
- Over 40% of learners had no access to toilet paper or sanitary pads.
- In over 25% of schools the ratio of learner to maintenance staff was 400:1.

Based on the findings from the audit, EE presented the following demands as measures to address the sanitation crisis:

- Establish a Gauteng appropriate standard for sanitation, particularly with regards to the ratio of students per toilet.
- Establish a standard for the ratio of maintenance staff per student.
- Publicly provide a model budget for how schools in townships can afford to purchase critical items such as soap, sanitary pads and toilet paper.
- Publicly begin blacklisting contractors who underperform.
- Fully fund the Gauteng Department of Education’s (GDE) request for R350 million to maintain school toilets.

In addition to the promises it had already made about fixing toilets in Tembisa and spending R150 million on sanitation in the province, the GDE also promised to fix the sanitation conditions in the 50 worst off schools in Gauteng.6 In August 2017, as part of the continued process to monitor the implementation of the Norms and Standards, and the GDE’s promise to provide quality sanitation at the 50 worst schools, EE’s Gauteng office visited 38 of the 50 worst schools.7

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6 For a more comprehensive overview of EE’s Sanitation Campaign in Gauteng, see Annexure 2.

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In 2014, 2,000 EE members and supporters marched to the office of the GDE to demand decent school sanitation.
We found that the GDE did indeed provide sanitation upgrades in 2014/2015, but issues of low-quality work, upkeep, vandalism, and high learner numbers threatened the sustainability of these upgrades. Sanitation specific maintenance remains a major challenge in many schools.

### THE IMPORTANCE OF SANITATION IN SCHOOLS

Research affirms EE members’ assertion that adequate water, sanitation and hygiene in schools are essential for the dignity and well-being of every learner. The World Health Organization’s (WHO) report, *Water, Sanitation and Hygiene Standards for Schools in Low-cost Settings*, points to a number of reasons why access to such services in schools is important. These include combating disease, preventing dropouts, safeguarding learners’ ability to learn and ensuring that learners of different genders and abilities are not discouraged from attending school.

Diseases are easily transmitted at schools that lack adequate sanitation and hygiene. Schools are inherently spaces with high levels of person-to-person contact and where this is combined with poor sanitation and hygiene conditions, learners’ susceptibility to health hazards increases. During the 1997–98 cholera epidemic in Uganda, schools became key spaces where disease transmission took place and as a result, 560 schools had to be closed due to a lack of acceptable facilities.

Learners are at risk of contracting a variety of diseases such as worm and malaria infections, as well as diarrhoeal diseases in schools with poor sanitation. Lack of access to clean water – or any water for that matter – and inadequate sanitation and hygiene are said to be the cause of 88% of diarrhoeal disease worldwide. The consequences of these infections can be dire for learners. Worm infections, for example, can lead to stunting, malnutrition and anemia.

According to the WHO, interventions such as hygiene education and the promotion of hand washing can lead to a reduction of diarrhoeal cases by up to 45%. Handwashing is particularly important in combating the spread of diseases as it blocks the transmission of pathogens that cause diarrhea. Even if toilets are adequate and well-maintained, the full health benefits of decent sanitary conditions will not materialise if learners are unable to wash their hands. Handwashing practices must be accompanied by access to clean water and soap to be effective in combating diseases. Without working taps and soap, learners are not able to wash their hands after visiting the bathroom.

Poor sanitation and hygiene conditions may affect learners’ ability to learn in a variety of ways. Learners who are affected by infections may be forced to stay away from school and miss important learning time. In Kenya, for instance, research showed that learners suffering from whipworm infections are likely to miss twice as many school days as their peers who are not infected. Conversely, proper sanitation along with hygiene education has been shown to reduce absenteeism. While some learners might attend school despite their infections, their ability to concentrate and learn could still be affected. Poor sanitation conditions affect learners of different genders and abilities

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9. Ibid., p.3
in different ways, which in turn can contribute to unequal learning opportunities. Research has shown, for instance, that a lack of menstrual hygiene facilities may contribute to girl learners missing school during menstruation or even dropping out of school completely after puberty. Learners who have access to decent sanitation and hygiene at school are more likely to incorporate healthy hygiene practices into their daily lives and to influence practices at home. However, where sanitation conditions at school are poor, families are put at an increased risk due to their interaction with learners attending the school.

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18 Ibid.
19 Ibid., p. 6
20 Ibid., p. 6
Gauteng is South Africa’s smallest province but is home to an estimated 14,278,700 people, around 25.3% of South Africa’s population. This makes it the most densely populated province, which also attracts the highest number of migrants each year. Over the past 10 years, Gauteng’s population has grown by an estimated 47%. Around 4% of learners in Gauteng schools are new to the province each year.

Gauteng is historically a wealthy province and responsible for more than a third of South Africa’s annual Gross Domestic Product (GDP). The province is also predominantly urban with the majority of its population living in the three metropolitan municipalities (metros): Johannesburg, Ekurhuleni and Tshwane.

While urbanisation and a growing skilled labour force can create opportunities for economic advancement, high population growth creates challenges to ensuring socio-economic equality and equal access to social services such as education. As the Gauteng government itself acknowledges, its cities have become “centres not only of economic activity, but also of poverty and inequality.”

There are over 1.2 million households and 4.4 million people living in informal settlements in Gauteng - estimated to be the largest number in the country. In 2014, approximately 34.4% of Gauteng’s population lived below the poverty line. In the fourth quarter of 2017, the unemployment rate in the province was 29.1%, the third highest in the country after the Eastern Cape and the Free State.

The GDE was established after South Africa’s democratic transition in 1994. The Department inherited four, racially segregated education systems that, under apartheid, provided profoundly unequal education opportunities to learners of different races. These departments included the Department of Education and Training (DET), which provided education to Black learners; The Transvaal Education Department (TED), whose target was white learners; The House of Delegates (HOD), whose target was Indian learners; and The House of Representatives (HOR), which was responsible for Coloured learners.

The GDE is responsible for 2,207 public schools serving 2,261,935 learners and employs 71,263 educators. As determined by Schedule 4 of the Constitution, the GDE shares the responsibility for education in Gauteng with the national Department of Basic Education (DBE). In South Africa, provincial education departments (PEDs) bear the

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26. Ibid.
27. Ibid.
28. Ibid.
29. Ibid.
main responsibility for the day to day running of schools. They employ teachers, provide schools with the money to pay for a range of expenses from electricity to toilet paper, and fund expenses such as textbook provision. The DBE primarily (but not exclusively) plays an oversight role by formulating policy and taking responsibility for monitoring and evaluation.

**URBAN EDUCATION**

The GDE faces challenges unique to Gauteng’s urban context that vary greatly from those faced by departments in rural provinces. While the GDE was left to rectify a broken education system after 1994 and faces specific challenges related to its fast-growing population, the department does not have to manage uniquely rural challenges including the complex histories of bantustan and homeland authorities, and providing education to a massive rural population. Although education in Gauteng is often compared to other provinces in the country, it is important to recognise the stark differences between Gauteng as a more urbanised province and rural provinces.

Gauteng’s relative wealth compared to other provinces is evident in its education system. **Only 46.7% of the province’s schools are quintile 1 to 3 schools** compared to 71.6% of schools in the Eastern Cape and 65.5% in KwaZulu-Natal. The quintile system places all of South Africa’s ordinary public schools into five categories, based on the relative poverty of the school’s catchment area. All quintile 1 to 3 schools are classified as no-fee schools, meaning that they are largely dependent on financial support from PEDs.

In quintile 4 and 5 schools the cost of education is shared with parents through the charging of school fees, and these schools tend to have fewer infrastructure backlogs.

Providing education in an urban province such as Gauteng is also relatively cheaper than in rural provinces. The lower population densities in rural provinces mean that settlements are often far from each other. As a result more schools are needed in rural provinces to provide education to the same number of learners. In 2017, for instance, learners enrolled in Eastern Cape schools made up 14% of national school enrolments, but the province was home to 23% of all schools in the country. In the same year, Gauteng learner enrolments made up 18% of national enrolments, but the number of schools in the province only amounted to 9% of all schools in the country. The total number of learners in Gauteng are only slightly less than those in KwaZulu-Natal, but Gauteng has less than half (38%) the number of schools that KwaZulu-Natal has. Each school comes with its own costs (for instance a school principal) and therefore pushes up the cost of providing education. There is also a larger demand for services such as scholar transport in rural provinces, and providing these services is substantially more expensive than in urban provinces.

Despite these differences, the formula used to allocate money to provinces, the Equitable Share Formula, only considers the size of the school age population and the number of learners enrolled when allocating education funding to provinces. **35**

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33 Gauteng has approximately eight learners for every 10 in KwaZulu-Natal.
LEARNING OUTCOMES

Gauteng has some of the best learning outcomes in the country. The province has continuously been one of the top performing provinces in matric examinations, with a pass rate exceeding 75% since 2009. In the 2017 matric results, over 70% of Gauteng schools achieved a matric pass rate above 80%. Moreover, between 2012 and 2016, most quintile 1 to 3 schools in Gauteng achieved matric pass rates above 60%, and many above 80%. Gauteng also performs well in international tests compared to other provinces. Gauteng outperformed all other provinces in the 2015 Trends in International Mathematics and Science Study (TIMMS) for Grade 9 learners in both mathematics and science.

FIGURE 1. PROVINCIAL ACHIEVEMENT IN 2015 TIMMS MATHEMATICS AND SCIENCE TESTS

Gauteng was also one of the better performing provinces in the 2006, 2011 and 2016 Performance in International Literacy Study (PIRLS) tests. However, as literacy levels across the country are still incredibly poor, PIRLS revealed that 69% of Grade 4 learners in Gauteng cannot read for meaning.

Unfortunately, broader inequalities in the province are visible in the education system. In 2014, only 7% of learners in the Johannesburg Central district, an urban region, attended quintile 1 and 2 schools. Conversely, 69% of learners in the Gauteng North district, which lies outside the province’s major cities, attend quintile 1 and 2 schools. Learners in peri-urban and township schools continue to perform worse than more urban and wealthy schools and inequalities in learning outcomes persist along racial and socio-economic lines.
SCHOOL INFRASTRUCTURE

At the end of apartheid most GDE schools in low-income areas serving predominantly Black learners had poor infrastructure, lacked decent sanitation and did not have other essential facilities such as libraries and laboratories.\(^4^{2}\)

According to MEC Lesufi, an assessment in 1996 revealed that 17.4% of Gauteng’s schools were without electricity, 32.9% without water, 8.75% without toilets and 58.8% without security fencing.\(^4^{3}\)

However, the scale of infrastructure backlogs that Gauteng had to deal with after 1994 pale in comparison to poorer and more rural provinces. This legacy is still evident in current backlogs. The National Education Infrastructure Management System (NEIMS) data show that in 2013 there were:

- 8 schools in Gauteng with no electricity compared to 1090 schools in the Eastern Cape.
- 0 schools without water supply in Gauteng compared to 1067 schools in the Eastern Cape.
- 7 schools without any form of sanitation in Gauteng compared to 522 schools in the Eastern Cape.\(^4^{4}\)

The latest NEIMS report indicates that these backlogs have been reduced to 0 in Gauteng, while the Eastern Cape continues to face a significant number of backlogs.\(^4^{6}\) The Eastern Cape’s current backlog for schools with either no sanitation or only pit toilets is higher than the GDE backlog was in 1996, and is equivalent to just under 70% of GDE schools!

Recently in Limpopo and the Eastern Cape, the tragic deaths of two five-year olds,\(^4^{7}\) Michael Komape (2014) and Lumka Mketwa (2018), who both drowned in unmaintained pit latrines at their schools, highlighted the life-threatening effects of poor sanitation infrastructure in the predominantly rural provinces.

Although Gauteng schools have better infrastructure than schools in a province like the Eastern Cape, it is clear when looking beyond mere compliance, that sanitation problems are far from solved in the province. The 2014 Gauteng Norms Implementation Plan indicates this clearly.\(^4^{8}\)

Although the report, in contrast to the 2013 NEIMS report, stated that no schools were without access to sanitation, it did report a significant number of schools with insufficient access to sanitation:

\(^4^{3}\) Lesufi, P., Quality Education In An Equitable And Non-racist Education System. 2016/17 MTEF Budget Speech - Vote 5: Education, 26 May 2016, p. 3.
\(^4^{4}\) This number did not include schools with only plain pit latrines, which, according to the Norms and Standards, means having no sanitation. Only in later years did NEIMS reports specifically mention the number schools with only pit latrines.
In August 2018, after submitting Promotion of Access to Information Act (PAIA) requests to all provincial education departments, EE received the latest, 2017 Norms Implementation Plans. The GDE’s Implementation Plan was sorely lacking in information, and provided almost no information on the status of school infrastructure, including sanitation, and its plans to address challenges in the province.

That being said, in addition to the backlogs, migration patterns into the province continue to put pressure on the education system and on school infrastructure specifically. A 2014 GDE review highlights how sharp increases in learner numbers have shaped schooling realities in the province - between 1995 and 2014, learner numbers in the province increased by some 750 000 learners. Over the same period, the GDE only built 242 new public schools. As a result existing schools have had to absorb the growing number of learners attending school in the province. While the national average is around 475 learners per school, Gauteng averages at 790 learners per school. This puts immense pressure on all aspects of the school environment such as staff, infrastructure, sanitation and maintenance.

EE members and staff found no outright violations of the Norms and Standards during our 2017 school visits. However, it is clear that there are still persistent and significant infrastructure challenges facing schools in Gauteng, particularly in relation to sanitation.

In total there was an estimated shortage of:

- **2 058** girls’ toilets,
- **1 901** boys’ toilets and
- **1 679** urinals

- **264** schools did not have a sufficient number of toilets for girls
- **940** schools did not have enough sanitation facilities for staff
- **Gauteng had a total of 92 plain pit latrines across 7 schools**

- **156** schools had a shortage of toilets for Grade R learners, with an estimated backlog of **296** toilets
- **More than 50%** of Gauteng’s schools had a shortage/lack of toilets for learners with disabilities.
- **262** schools had an insufficient number of toilets for boys and 156 schools did not have enough urinals

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49 The 2018 NEIMS reports that all plain pit latrine toilets have been eradicated across Gauteng public schools
SHIFTING PRIORITIES
The GDE’s focus on sanitation and school infrastructure.

Over the past 5 years, the GDE’s approach to school infrastructure, and sanitation specifically, has shifted. Greater emphasis has been placed on the need for decent sanitation and budget allocations have been made towards addressing sanitation issues. Following the publication of the Norms and Standards, there have also been significant shifts in the GDE’s allocations to school infrastructure and maintenance budgets. These shifts coincide with and largely respond to EE’s national Norms and Standards campaign and its Gauteng sanitation campaign.

A GREATER FOCUS ON SCHOOL SANITATION

One of the major victories of EE’s Gauteng sanitation campaign is that it managed to bring to the attention of the public, as well as politicians and bureaucrats, that poor sanitation conditions are not only a problem in poor rural provinces, but also in wealthier urban provinces such as Gauteng. This was particularly important because statistics in official reports obscure Gauteng’s sanitation issues. Today, EE continues to be the leading voice advocating for quality school sanitation in Gauteng. A mere Google search illustrates how difficult it is to find information on school sanitation in Gauteng from non-EE related sources. Although EE is committed to shining a light on school sanitation challenges, it is imperative that other public and political voices take part in this struggle – specifically, the GDE.

As of 2014, the province’s only sanitation backlog, according to NEIMS data, was one school that only had access to pit latrines. According to 2018 NEIMS data, this backlog has now been eradicated. However, the absence of backlogs in these official statistics obscures the poor sanitation conditions that EE has encountered in many Gauteng schools.

EE’s campaign launched on 19 November 2013, almost a year before MEC Lesufi took office. At the time, Barbara Creecy was the Education MEC in Gauteng. EE’s survey of 11 Tembisa schools revealed that at the majority of the schools, more than 100 students shared a single toilet. When comparing these figures to research conducted by the Wits Justice Project, EE found that sanitation conditions at the 11 schools were worse than at Johannesburg’s overcrowded Medium A Prison, where 65 inmates shared a toilet. In response, MEC Creecy inspected school toilets in Tembisa and promised five schools in the area that they would receive two prefabricated toilet blocks each. The MEC distributed 10 prefabricated toilet blocks to other schools in Gauteng, and ordered repairs in 60 schools across the province.

In early 2013, prior to the launch of the Gauteng sanitation campaign, the MEC presented her education budget speech and hardly mentioned sanitation. She referenced toilets briefly when reporting on toilet seats delivered in the previous year and when listing planned infrastructure upgrades:

2013:
"In respect of Upgrading and Additions, we will undertake the construction of 67 Grade R classrooms; the fencing of 70 schools; deliver 400 prefabricated classrooms; 150 toilet blocks and 2 full service schools."  

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51 Department of Basic Education, various NEIMS reports.
53 Creecy, B., Twenty Years of Educational Change in Gauteng. 2013/14 MTEF Budget Speech - Vote 5: Education, 31 May 2014.
By the time Lesufi was appointed as Gauteng Education MEC in June 2014, EE had already succeeded in building a strong narrative around sanitation issues in the province. Consequently, when Lesufi took office, one of the first “key commitments” he made was to fix all sanitation problems by the end of August 2014 as part of his first 100 days in office. Since taking office the MEC has consistently mentioned sanitation in his annual budget speeches, highlighting it as a focus of school infrastructure efforts in the province:

**2014:**

“The department’s infrastructure delivery programme for the 2014/15 financial year will focus on the 580 schools which had challenges with sanitation.”

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**2015:**

“I have to concur with the civil society organisations that have raised, sharply, with me, the sorry state of sanitation in many of our schools. Indeed, as many of them have pointed out, a healthy and clean schooling environment is the right of every learner. We cannot promote healthy living through the curriculum, yet continue to have unhealthy and unsanitary conditions in our schools.

“We will treat the question of sanitation as a departmental priority, but also engage key stakeholders as part of a comprehensive IGR response. This will include the National Department of Water and Sanitation and Municipalities, etc. so that we address this matter speedily and decisively.

Regrettably, children and young people continue to talk to me about the toilet facilities in school – they have a right to health, dignity and respect. This is not a trivial issue and the least we should expect from a society which values our children and young people is that we afford them the same standards as we expect as adults. We want to ensure that our young people have access to high quality toilet facilities in their schools. We know that this is an important issue for them, and I expect SGBs, school principals and other stakeholders to take this onboard and ensure that sanitation is prioritized as a daily function.

Learners’ toilets project an image of a school – good or bad – and have an effect on learner morale, behaviour and potentially health. The state of the school toilets can often be of great concern to learners and visiting parents. Well-maintained hygienic toilets provide a visible indication to learners and parents that the school values and respects the health, safety and well-being of its learners.

According to UNICEF, factors related to water, sanitation and hygiene affect the children’s right to education in many ways. In an atmosphere of poor health, children are unable to fulfil their educational potential. School is important for cognitive, creative and social development of children. Schools partly determine children’s health and well-being by providing a healthy or unhealthy environment. Although water and sanitation facilities in schools are increasingly recognized as fundamental for promoting good hygiene behaviour and children’s well-being, many schools have very poor facilities. Conditions vary from inappropriate and inadequate sanitary facilities to the outright lack of latrines and safe water for drinking and hygiene. This situation for example contributes to absenteeism rates of girls.”

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**2016:**

“In the 2016/17 financial year, the Department will prioritise school sanitation and ensure that all schools have functional toilets and have access to running water and electricity as a basic need.”

Although the MEC is yet to fix all sanitation issues in the province, he has committed significant resources to improving sanitation in Gauteng. Following a march of 2 000 EE members to the MEC’s office, the GDE appointed a team of professionals to conduct quality assurance assessments.
on 576 schools\textsuperscript{59}, serving a total of 500 000 learners (the schools referenced in his 2014 budget speech).\textsuperscript{60} The MEC set aside R150 million to implement the recommendations of this team to fix sanitation at all of these schools.\textsuperscript{61}

Another major victory for the campaign was that the MEC committed to specifically fixing sanitation at the 50 worst off schools in Gauteng. In response to EE’s demands, the GDE began sanitation upgrades at these schools in 2014. All 38 schools EE visited in August 2017 had received sanitation upgrades by the GDE.

Shifts in sanitation spending patterns are hard to track because sanitation does not appear as a separate budget line item in budget and expenditure reports. The GDE’s Annual Reports and Performance Plans only provide insight into the number of schools provided with sanitation facilities for the first time. This data reveals a gradual decline in schools provided with access to sanitation facilities as the province managed to eradicate its backlog for existing schools. The numbers in the table below therefore largely refer to sanitation provided to newly constructed schools.

\begin{table}[h]
\centering
\begin{tabular}{cccccccc}
\hline
\hline
\textbf{Number of public ordinary schools to be supplied with sanitation facilities} & 22 & 37 & 21 & 18 & 13 & 0 & 1 \\
\hline
\end{tabular}
\caption{New Sanitation Provision to Schools}
\end{table}

Sources: GDE Annual Reports 2011/12 - 2016/17


\textsuperscript{60} Gauteng Department of Education, “MEC Panyaza Lesufi assures Equal Education of his commitment to provide proper sanitation at schools”, 13 September 2014. [Available online: https://www.gov.za/mecl-panyaza-lesufi-assures-equal-education-his-commitment-provide-proper-sanitation-schools]

NEIMS data as well as findings from our 2014 and 2017 school visits tell a similar story - we have not found one school without access to at least some form of sanitation.

However, mere access to sanitation is not the primary issue in Gauteng. The issue in the province is sanitation conditions in schools that already have access to sanitation, but where that access may not be sufficient, hygienic or dignified due to factors such as overcrowding and weak existing infrastructure. These issues are largely addressed through sanitation upgrades and renovations, which are captured under line items for infrastructure and maintenance. Therefore, it is necessary to consider how budgets for infrastructure and maintenance line items have shifted, in order to gain a clearer understanding of how EE’s campaign work has impacted spending on sanitation.

**SHIFTS IN INFRASTRUCTURE AND MAINTENANCE SPENDING**

Since 2013 the GDE’s education infrastructure budget has dramatically increased to address one of its main priorities: the implementation of the Norms and Standards regulations. As the Estimates of Capital Expenditure explicitly states:

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**Strategic Overview of Infrastructure Programme**

The purpose of the programme is to provide and maintain education infrastructure to support the teaching and learning process in all public schools in the province.

**National Priorities**

The national priority in relation to education infrastructure remains the implementation of the Regulations relating to the minimum uniform Norms and Standards for public school infrastructure (Government Gazette No 37081). The objectives of the regulations are:

(a) to provide minimum uniform norms and standards for public schools infrastructure;
(b) To ensure that there is compliance with the minimum uniform Norms and Standard in the design and construction of new schools and additions, alterations and improvements to schools which existed when these regulations were published; and
(c) To provide for timeframes within which school infrastructure backlogs must be eradicated.

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Prior to the publishing of the Norms and Standards, there was limited reporting about infrastructure spending. Now, GDE Capital Expenditure Reports provide a much more extensive picture of how funding is being allocated and why.

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TABLE 2. GAUTENG EDUCATION INFRASTRUCTURE SPENDING

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>New Infrastructure</td>
<td>R 694.10 million</td>
<td>R 1.612 billion</td>
<td>R 986.11 million</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upgrading And Additions</td>
<td>R 201.44 million</td>
<td>R 287.07 million</td>
<td>R 1.174 million</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rehabilitation And Refurbishment</td>
<td>R 540.29 million</td>
<td>R 285.5 million</td>
<td>R 483.83 million</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance</td>
<td>R 253.24 million</td>
<td>R 421.20 million</td>
<td>R 297.18 million</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Infrastructure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>R 71.6 million</td>
</tr>
<tr>
<td>Total Education Infrastructure Budget</td>
<td>R 1.245 billion</td>
<td>R 1.261 billion</td>
<td>R 1.689 billion</td>
<td>R 2.606 billion</td>
<td>R 3.012 billion</td>
</tr>
<tr>
<td>Total Education Budget</td>
<td>R 27.151 billion</td>
<td>R 29.276 billion</td>
<td>R 32.845 billion</td>
<td>R 36.043 billion</td>
<td>R 39.508 billion</td>
</tr>
</tbody>
</table>

Budget allocations over the period reflected in Table 2 show a clear prioritisation of infrastructure funding in the education budget. Between 2012/13 and 2016/17 education funding grew nominally by around 45%, with a real growth of around 17% (see Figures 2 and 3). Concurrently, the education infrastructure budget grew nominally by a staggering 142%, with a real growth of approximately 95% (see Figures 2 and 3). Since 2014/15 the education infrastructure budget has consistently shown a higher growth rate than the Gauteng education budget.

FIGURE 2. NOMINAL GAUTENG OVERALL EDUCATION BUDGET GROWTH RATE VS. EDUCATION INFRASTRUCTURE BUDGET GROWTH RATE

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64 “Real” growth is adjusted for the effects of inflation while “nominal” growth is not adjusted for inflation. Real figures were calculated in 2017/18 Rands.
SHIFTING PRIORITIES: 
THE GDE’S FOCUS ON SANITATION AND SCHOOL INFRASTRUCTURE

These specific financial years have been chosen because they illustrate changes in initial projected and actual allocations before and after the gazetting of the Norms and Standards.

### MEDIUM TERM ESTIMATES (MTE’S)

The Medium Term Expenditure Framework (MTEF) is an annual, rolling, three-year budget plan. Each year, medium term estimates (MTEs) project spending for the current financial year and the following two years. These projections are usually revised year to year. Tables 3 through 5 compare what had initially been projected for the 2014/2015 and 2015/2016 fiscal years (initial MTEs) with actual spending outcomes for “school maintenance”, “upgrades/additions”, and “new infrastructure”. The initial MTE’s for 2014/2015 were projected in the 2012 Capital Expenditure Report, while the initial MTE’s for 2015/2016 were projected in the 2013 Capital Expenditure Report.65

### TABLE 3. MAINTENANCE: INITIAL MTE VS. AUDITED OUTCOME

<table>
<thead>
<tr>
<th>FISCAL YEAR</th>
<th>INITIAL MTE</th>
<th>AUDITED OUTCOME</th>
<th>% INCREASE OR DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014/2015</td>
<td>R 135.259 million</td>
<td>R 415.249 million</td>
<td>207.00% ▲</td>
</tr>
<tr>
<td>2015/2016</td>
<td>R 227.877 million</td>
<td>R 541.861 million</td>
<td>137.79% ▲</td>
</tr>
</tbody>
</table>

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65 These specific financial years have been chosen because they illustrate changes in initial projected and actual allocations before and after the gazetting of the Norms and Standards.
TABLE 4. UPGRADINGS AND ADDITIONS: INITIAL MTE VS. AUDITED OUTCOME

<table>
<thead>
<tr>
<th>FISCAL YEAR</th>
<th>INITIAL MTE</th>
<th>AUDITED OUTCOME</th>
<th>% INCREASE OR DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014/2015</td>
<td>R 212.179 million</td>
<td>R 471.209 million</td>
<td>122.08% ▲</td>
</tr>
<tr>
<td>2015/2016</td>
<td>R 235.157 million</td>
<td>R 250.495 million</td>
<td>6.62% ▲</td>
</tr>
</tbody>
</table>

TABLE 5. NEW INFRASTRUCTURE: INITIAL MTE VS. AUDITED OUTCOME

<table>
<thead>
<tr>
<th>FISCAL YEAR</th>
<th>INITIAL MTE</th>
<th>AUDITED OUTCOME</th>
<th>% INCREASE OR DECREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014/2015</td>
<td>R 996.200 million</td>
<td>R 596.858 million</td>
<td>40.08% ▼</td>
</tr>
<tr>
<td>2015/2016</td>
<td>R 995.000 million</td>
<td>R 1.403.488 billion</td>
<td>41.05% ▲</td>
</tr>
</tbody>
</table>

The 2014/2015 audited outcome for maintenance spending was R415.249 million, a 207% increase from the initial MTE published in 2012 (see Table 3). Additionally, the 2014/2015 audited outcome for upgrades/additions reflected a 122% increase from the initial MTE published in 2013 (see Table 4). The dramatic increase in 2014/2015 for both maintenance and upgrades/additions once again displays the Department’s investment in infrastructure post the publishing of the Norms and Standards regulations.

The audited outcome for new infrastructure in 2014/2015 is 40% less than the initial MTE (see Table 5). This was a response to delays related to compliance with the Norms and Standards. The 40% decrease demonstrates that the Norms and Standards did not just call for increased education infrastructure spending but also high quality infrastructure projects.

TIMELINE

Alongside the budget information already provided, the timeline below shows how the GDE’s approach has gradually shifted to prioritise building schools, maintaining facilities and providing sanitation. The Norms and Standards have played a significant role in this shift and are repeatedly mentioned in expenditure reports as an important factor shaping budget allocations. As an illustration, in 2010/2011, the GDE completed nine school construction projects and delivered 15 pre-fabricated school units. However, no new infrastructure projects commenced, and no upgrades specific to maintenance and sanitation in regular schools were reported.66

Between 2013/2014 and 2015/2016, post the publishing of the Norms and Standards, 20 brick and mortar schools were built, 37 schools using alternative construction methods (ACM)67 were built, and 1 184 schools were upgraded.68 Upgrades reported during this period were described as “major” and maintenance and sanitation efforts included the hiring of chemical toilets, provisioning of water, unblocking of toilets, emptying of septic tanks, and the construction of at least forty toilet blocks specifically addressed needs related to maintenance and sanitation.69

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67 Alternative Construction Methods utilise low-cost materials and promise expedited construction time.
In 2012/13, one brick-and-mortar school and 21 ACM schools were completed, however no new infrastructure projects were launched. The GDE stated in their 2012 and 2013 Capital Expenditure reports that, “A much bigger financial investment in infrastructure is required to make a tangible impact on backlogs with regard to the provision of new infrastructure and especially the rehabilitation and preservation of the Department’s massive infrastructure portfolio.”

In August of the 2013/2014 financial year, EE began its sanitation campaign in Gauteng and three months later the Norms and Standards were published. As EE’s campaign started gaining momentum, the GDE began conducting surveys to identify schools in need of urgent attention related to upgrades and sanitation. The survey results indicated that areas such as Ekurhuleni South, Tshwane South and Johannesburg South were in need of urgent improvement in ablution facilities. This need is explicitly expressed in budget documents and therefore directly shaped budget allocations. Consequently, the Department provided 40 toilet blocks and 167 prefabricated classrooms to various existing schools. The Department further asserted that increased allocations and capacity were needed to comply with Minimum Norms and Standards regulations.

Table 2 shows that the Education infrastructure is funded from Education Infrastructure Grant and Provincial Equitable Share. In 2016/17 financial year, the conditional grant allocations have not been allocated due to the incentive grant reforms that require departments to bid for the allocation to be made. Substantial increases in allocations as well as capacity to deliver are required to implement the published regulations relating to the Minimum Uniform Norms and Standards for Public School Infrastructure within the prescribed time frames.

71 Ibid.
72 The Estimates of Capital Expenditure Report details GDE Infrastructure Programme priorities and expenditures for a given fiscal year.
75 Ibid.
76 Ibid.
77 Ibid., p. 124.
In 2014/2015, budgetary adjustments were made to meet MEC Lesufi’s promise to address sanitation and maintenance issues within his first 100 days in office. The maintenance budget for existing schools was adjusted upward from R253.3 million to R410.7 million in response to an increase in efforts to address these sanitation and emergency repairs, particularly in Tembisa, the township where EE began its sanitation campaign. In the same year, R118.3 million was reallocated to the Infrastructure Programme in order to procure toilet facilities and ACM Grade R classrooms. As noted earlier, funding allocated for the creation of new infrastructure was adjusted downward due to delays related to the Department ensuring new projects complied with the regulations relating to the Minimum Norms and Standards.

In 2015/2016, new infrastructure projects for 15 ACM schools and 17 brick and mortar schools commenced. Thirty-three schools underwent rehabilitation and restoration work; two schools underwent major additions while at least 26 underwent major rehabilitation. The 2017 Gauteng Estimates of Provincial Expenditure also indicates that increases to infrastructure budgets reflect increased pressure to build and fix school infrastructure as per the Norms and Standards.

Over the 2015 MTEF period, R5.3 billion is allocated towards the construction of new school infrastructure, R799 million is allocated towards rehabilitation and refurbishment of existing school facilities, R817.5 million is allocated towards upgrading and addition and R990 million is allocated towards maintenance. The increase in the new construction programme emanates from the need to comply with the regulations relating to minimum uniform norms and standard for public school infrastructure.

In the 2016/17 financial year, the GDE was meant to have delivered 14 new brick and mortar schools, refurbished 29 schools, upgraded 1014 schools and performed maintenance at 405 schools. However due to a number of factors, most of these targets had to be revised downwards. This may explain the smaller budget increase in this financial year. The 2017 Estimates of Capital Expenditure states that, vacancies within the department that addresses school infrastructure, as well as delayed payments to service providers, are some of the challenges that were faced. This resulted in adjusted targets, such as only nine new schools being built, the rehabilitation of four schools and upgrading of 805 schools.

79 Ibid., p. 55.
81 Ibid., p. 57.
82 Ibid.
83 Ibid.
85 Ibid.
CONCLUSION

Since 2013, EE’s Gauteng sanitation campaign has highlighted the deep inequities in sanitation and infrastructure provisioning that affect the province. Prior to the gazetting of the Norms and Standards and the launch of EE’s sanitation campaign, maintenance work was reactionary, long-term visioning for new infrastructure was limited, and there was little public and media attention paid to the pervasive issue of poor school sanitation in Gauteng.

Following the publishing of the Norms and Standards and the launch of the Gauteng sanitation campaign, the GDE began prioritising school maintenance and infrastructure in the province. In addition to the physical changes to infrastructure and increased allocations for the provision of sanitation, the Gauteng sanitation campaign created a dialogue around school sanitation that reached both public and government spheres. The GDE is now experimenting with innovative ways to address sanitation in low-resourced schools, such as the use of anaerobic digesters or compost methods.

In the most recent Capital Expenditure report, the Department acknowledged the deep-rooted inequality in school learning environments and school infrastructure that EE’s members called attention to at the start of the Gauteng sanitation campaign.

3. REVIEW OF PERFORMANCE FOR THE PAST THREE FINANCIAL YEARS AND 2016/17 FINANCIAL YEAR

Historically, one of the most visible forms of inequalities in the provision of resources has been the physical teaching and learning environments, the key elements of which include infrastructure, basic services, furniture and equipment. Gauteng Provincial Government has committed itself to improving the quality of education through, amongst others, the delivery of adequate infrastructure to our schools. This has been a mammoth task as there were man disparities created by the past system. Significant progress has been made, which include replacement of dilapidated structures and building completely new schools.

In 2013, the Minimum Uniform Norms and Standards for Public School Infrastructure not only brought light to those inequalities but demanded that the GDE take action.

Today, EE’s work continues to drive the public discourse around quality sanitation and infrastructure in Gauteng public schools.
In August 2017, EE researchers conducted audits of 38 schools on the GDE’s list of the 50 worst schools. The objective was to monitor the implementation of the Norms and Standards and the GDE’s promise to ensure quality sanitation in these schools. Findings from the school visits revealed the danger of using mere compliance as a measure of quality – though all schools technically met the requirements of the Norms and Standards regulations, the majority faced persistent sanitation issues.

This section seeks to explain the method used by EE researchers and to detail the findings of the school visits.

METHODOLOGY

In total EE visited 38 schools spread across 11 of Gauteng’s school districts. The schools were located in Soweto and the East Rand as well as North, Central, South and West Gauteng. During the visits we interviewed school principals and/or deputy principals about the GDE sanitation upgrades, their satisfaction with the work done by contractors and the maintenance challenges they continue to face. Where possible we also spoke to staff responsible for maintenance. Furthermore, we conducted a survey of each school’s observable sanitation conditions, with specific attention paid to the water supply, the condition and functionality of toilets and taps, and the presence or lack of toilet paper, sanitary bins and soap in bathrooms.

EE members and staff were responsible for conducting all interviews and surveys. Everyone who participated received training beforehand. Pilot school visits were conducted to test the survey questions and train the audit team.

The Norms and Standards formed the guiding framework against which sanitation conditions at schools were analysed. The section of the Norms and Standards that deals with sanitation reads as follows:

Section 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) waterborne 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.

90 For a list of schools visited see Annexure 3.
According to the Norms and Standards, every school should have been provided with some form of sanitation by 29 November 2016. The requirement to provide adequate sanitation must be fulfilled by 29 November 2020.

This chapter will outline EE’s findings with regard to sanitation upgrades between 2014 and 2015, and current sanitation conditions at the 38 schools. As per the criteria set out in the Norms and Standards, our analysis of the state of sanitation in the schools we visited, is structured as follows:

1. Number of toilets
2. Accessibility of toilets
3. Privacy and security of sanitation facilities
4. Measures to promote health and hygiene standards
5. Procurement
6. Maintenance of sanitation upgrades

## UPDATES DONE BY THE GDE

At all 38 of the schools EE visited, the GDE had provided upgrades to sanitation facilities between 2014 and 2015, as promised. At all of the schools this entailed repairs and renovations to existing sanitation facilities. The work done included painting, fixing pipes and ceilings, repairing windows, installing burglar bars and replacing basins, doors, locks on doors, taps, toilet seats and urinals.

Despite the fact that all schools EE visited had received sanitation upgrades between 2014 and 2015, and the majority of schools had received additional upgrades since, EE encountered numerous sanitation issues during our school visits.

## WATER AND SANITATION

All 38 schools had flush toilets. These schools were all connected to municipal water supply and, with the exception of two schools, had a regular and reliable supply of water. At four schools maintenance staff explained that, although their schools had access to water, issues with water piping were preventing water from reaching the bathrooms. None of the toilet buildings were built from inappropriate materials such as mud or zinc.

## NUMBER OF TOILETS

The number of toilets available at a school is important for various reasons. During our audit, school staff complained that high learner to toilet ratios contribute to an increased likelihood of toilets being blocked and becoming a health hazard. Interviewees also mentioned that high learner to toilet ratios increase the maintenance burden at their schools.

Annexure G of the Norms and Standards sets out different ratios for the number of learners per toilet, depending on the size of the school and whether it is a primary or high school. EE used the following tables from Annexure G to determine whether a school meets the Norms and Standards for the number of toilets. A shortcoming of the Norms and Standards is that it only lists toilet numbers for schools of up to 1 200 learners. Eight of the schools EE visited had more than 1 200 learners.

### PRIMARY SCHOOLS

<table>
<thead>
<tr>
<th>Enrolment</th>
<th>Enrolment range per gender</th>
<th>Girls’ toilets</th>
<th>Girls’ basins</th>
<th>Boys’ toilets</th>
<th>Boys’ basins</th>
<th>Boys’ urinals</th>
<th>Boys’ basins</th>
<th>Unisex Grade R Toilets</th>
<th>Grade R basins</th>
<th>Unisex disabled toilets &amp; basins</th>
<th>Female staff toilets</th>
<th>Female staff basins</th>
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EE’s school visits revealed that the existence of a toilet does not necessarily translate to access to sanitation. At the schools we visited, many toilets were not functional, despite being acceptable forms of sanitation according to the Norms and Standards. In order to accurately reflect the realities learners face in schools, we therefore distinguished between working toilets and those that are not working.

EE defines a working toilet as one that 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. The toilet must also be usable. Where auditors agreed that a toilet is in such a bad condition that it would be impossible or undignified to use it, the toilet was classified as broken. Toilets that had broken seats or doors that do not lock, were still classified as “working”.

A school was only regarded as having adequate toilet numbers if it met the minimum norms for both girls’ and boys’ toilets. Schools were regarded as meeting the norms for boys’ toilets if the total number of toilets plus urinals equaled the total number of sanitation facilities determined in the Norms and Standards, even if that total was made up of less urinals and more toilets than set out in the Norms or vice versa.

When EE considered all learner toilets at schools only 19 schools had an adequate number of learner toilets as set out in the Norms and Standards. However, when we considered only working toilets, the number of schools that met the Norms dropped to a staggering seven! These findings are not surprising. In its own audit of 576 Gauteng schools, the GDE found that 228 schools had inadequate sanitation facilities.94

The following graphs and table highlight how numbers differ depending on whether all toilets or only working toilets were considered. Urinals are indicated in brackets.

---

<table>
<thead>
<tr>
<th>SCHOOLS</th>
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<th>TOILETS</th>
<th>WORKING TOILETS</th>
<th>NORMS</th>
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**TABLE 6. NUMBER OF SANITATION FACILITIES (HIGH SCHOOLS)**

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### TABLE 6. NUMBER OF SANITATION FACILITIES (PRIMARY SCHOOLS)

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The tables in Annexure G of the Norms and Standards prescribe a learner to toilet ratio that, for schools of more than 300 learners, varies between 33 and 43 learners per toilet (the only exception is primary schools with more than 931 learners where the ratio is 51 learners per toilet). The ratio of learners per sanitation facility is the same for girls’ and boys’ bathrooms with the only difference being that for boys half of the prescribed sanitation facilities are urinals. In contrast to the Norms and Standards, the WHO proposes a ratio of 25 girls to one toilet and 25 boys to one sanitation facility in its sanitation guidelines for schools in low-cost settings in low- and medium-resourced countries.\textsuperscript{95}

At the 38 schools EE visited, broken toilets made a huge difference in escalating learner to toilet ratios.

\textbf{FIGURE 5. LEARNER TO TOILET RATIO}

![Figure 5: Learner to Toilet Ratio](image)

The GDE itself recognises this issue, stating in its 2016/17 Annual Performance Plan that it “has identified through consultations a major concern, relating to the Learner: Toilet ratios that are extremely high in some schools. This indicates that more sanitation blocks are required in these schools.”\textsuperscript{96}

Bearing in mind that many toilets classified as working were in a fairly poor condition, it is disappointing that at 20 of the schools EE visited, more than a third of toilets were broken. In one school in the East Rand two entire toilet blocks were locked because not one toilet in either block worked.


\textsuperscript{96} Gauteng Department of Education, 2016/17 Annual Performance Plan, p. 23.
Broken toilets can have a profound effect on hygiene standards in schools. At one school in the East Rand, broken urinals stood filled with urine as learners continued to use them out of desperation. Other learners at the same school told EE’s team that they preferred to wait until they could use the toilet at home after school, because the school toilets were in such a bad state. At another school in North Gauteng, learners had to stand in queues to use the few toilets that were in working condition.

All of the schools EE visited had some form of sanitation and were therefore not outright violations of the Norms and Standards. The deadline for providing ADEQUATE sanitation is only in 2020. Given that the GDE provided sanitation upgrades to these schools between 2014 and 2015, after the Norms and Standards were published, it is surprising that they did not ensure an adequate number of toilets to meet the impending deadline in 2020.
ACCESSIBILITY OF TOILETS

Nine of the schools EE visited (just under 25%) had no facilities that accommodate learners with physical disabilities. At 2 of the 29 schools that did have accessible toilets, most toilets for disabled learners were broken.

In the absence of accessible toilets, learners with disabilities may refrain from eating or drinking to avoid needing the toilet during school time.\(^{97}\) Research has shown that these learners may eventually drop out of school because their needs are not accommodated at school.\(^{98}\)

PRIVACY AND SECURITY OF SANITATION FACILITIES

At a majority of the schools EE visited, privacy and security in school bathrooms was lacking.

- Of the 808 learner toilets EE audited, 561 toilets (69%) did not have locking doors.
- At 27 schools more than half of the toilet doors were broken.
- Nine schools did not have one single toilet with a locking door!

At many of the schools, doors that could not lock also could not close properly and therefore had a serious impact on learners’ privacy.

When school toilets are not safe, secure or private, parents are more reluctant to send their girl children to school.\(^{99}\) Privacy and security are important for girls during menstruation, but also to help them avoid harassment and to ensure that they feel safe when using the bathroom.\(^{100}\)


\(^{98}\) Ibid., p. 3.


MEASURES TO PROMOTE HEALTH AND HYGIENE STANDARDS

Access to running water and soap as well as facilities to dispose of sanitary ware are key elements that promote hygiene standards in bathrooms. At an overwhelming majority of schools, even where sanitation infrastructure was in a fairly good condition, EE found that hygiene standards were not being maintained.

Our school visits revealed that:

- 15 schools had more than a third of their taps broken
- 01 school had no working taps
- 84% of schools visited had no toilet paper in learner toilets
- 50% of schools had no bins for sanitary towels in girls’ bathrooms
- 89% of schools did not provide any soap in bathrooms

**Figure 6. Hygiene Measures in Schools**

<table>
<thead>
<tr>
<th>No. of Schools</th>
<th>Number of Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO WORKING TAPS</td>
<td>1</td>
</tr>
<tr>
<td>NO TOILET PAPER</td>
<td>32</td>
</tr>
<tr>
<td>NO SANITARY BINS</td>
<td>19</td>
</tr>
<tr>
<td>NO SOAP</td>
<td>34</td>
</tr>
</tbody>
</table>

In the absence of toilet paper, our school visit teams observed learners taking any form of paper they could find to use instead of toilet paper. Newspapers and magazines are not only uncomfortable to use, but are also more likely to block toilets. In some toilets there was evidence that learners had been forced to use their hands to wipe themselves and, in the absence of water and soap, had resorted to cleaning their hands on bathroom walls.

The lack of adequate measures to address hygiene standards in school bathrooms remains an important concern.
MAKING SENSE OF PERSISTENT SANITATION ISSUES:
PROCUREMENT AND MAINTENANCE

The findings from EE’s school visits reveal that only two or three years after these schools received sanitation upgrades from the GDE, significant sanitation issues persisted - broken taps, broken toilets, broken doors and a lack of hygiene measures were common. The schools we visited were singled out by the GDE for upgrades - conditions at schools that did not receive such upgrades are likely worse.

The reasons why sanitation issues continue to plague schools even after receiving upgrades are complex. However, the schools EE visited identified two important contributing factors: the quality of work done and materials used by contractors, and maintenance challenges.

PROCUREMENT: PERFORMANCE BY CONTRACTORS

Nearly a quarter of schools reported that they were unhappy with the work done by contractors and 45% of schools reported having additional upgrades done after the initial GDE upgrades between 2014 and 2015. The most common additional upgrades included fixing broken toilets, plumbing, urinals, and taps – all related to sanitation. When asked why additional upgrades were needed, 9 schools cited low quality work by GDE contractors and poor or cheap materials used. Other issues raised included limited toilets for a high number of learners, learners damaging toilets, and vandalism.

Where poor conditions of sanitation facilities result from unsatisfactory work by contractors or by their use of poor quality materials, sanitation challenges point to more systemic issues with the procurement of contractors and the processes in place to hold them accountable.

MAINTENANCE

However, poor work carried out by contractors does not fully explain why many facilities continue to be in a bad condition. Another contributing factor is the challenge of maintaining sanitation infrastructure on a regular basis.

There was a significant trend in schools that cited issues of maintenance and upkeep as a challenge contributing to poor sanitation. Schools reported having a small maintenance and cleaning staff with interchangeable roles and insufficient maintenance budgets.

19 of the schools surveyed had more than 200 learners per maintenance or cleaning staff
6 of the schools had more than 400 learners per maintenance or cleaning staff
18 schools did not have any staff exclusively responsible for maintenance

The juxtaposition of a small maintenance and cleaning staff with non-specified roles and pervasive sanitation issues is a cause for concern regarding sanitation upkeep. The majority of schools reported having maintenance budgets that were below R150 000.101

FIGURE 7. SCHOOL MAINTENANCE BUDGETS

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101 Seven of the schools EE visited could not provide maintenance budget information.
To put these numbers into context, the GDE’s audit report on the 576 schools it surveyed, included the following table with estimated cost of fixing sanitation in schools with sanitation conditions varying from A - Excellent, B - Good, C - Satisfactory, D - Bad to E - Unusable.

**TABLE 7. ESTIMATED SANITATION MAINTENANCE COST (2014)**

<table>
<thead>
<tr>
<th>Estimated annual maintenance budget cost</th>
<th>No. of schools</th>
<th>Percentage factor</th>
<th>Estimated cost</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category E</td>
<td>41</td>
<td>100%</td>
<td>R 476 940.84</td>
<td>R 19 554 574.44</td>
</tr>
<tr>
<td>Category D</td>
<td>166</td>
<td>80%</td>
<td>R 381 552.67</td>
<td>R 63 337 743.22</td>
</tr>
<tr>
<td>Category C</td>
<td>249</td>
<td>60%</td>
<td>R 286 164.51</td>
<td>R 71 254 962.99</td>
</tr>
<tr>
<td>Category B</td>
<td>104</td>
<td>40%</td>
<td>R 190 776.34</td>
<td>R 19 840 739.36</td>
</tr>
<tr>
<td>Category A</td>
<td>16</td>
<td>30%</td>
<td>R 143 082.25</td>
<td>R 2 289 316.00</td>
</tr>
</tbody>
</table>

Total estimate for 576 schools **R176 277 336.01**


According to this table, the estimated annual sanitation maintenance cost at a school with excellent sanitation is over R143 000, and this was in 2014.

EE’s own survey results provide evidence that a majority of schools’ maintenance budgets are being spent on sanitation-related issues. The most common items schools reported prioritising when spending their maintenance funds were windows, cleaning materials, toilets, doors, pipes, and electricity. Of the six items referenced, half were directly related to sanitation issues (cleaning materials, broken pipes and broken toilets). Though these schools prioritise sanitation when spending their maintenance budget, sanitation-related problems were also the issues raised when schools were asked what they struggle to cover with their maintenance budgets. Furthermore, low quality materials used by contractors resulted in heightened maintenance needs.

**CONCLUSION**

The school visits highlighted that it is misleading to only look at broad, superficial indicators of sanitation provision. For instance, all schools EE visited had flush toilets, were connected to municipal water supply and most had a regular supply of water. None of the toilet buildings we observed were built from inappropriate materials. While these are great achievements in and of themselves, a closer look revealed that they are not sufficient to ensure adequate access to sanitation.

These findings reveal that while the Norms and Standards are a useful tool to ensure that minimum infrastructure and sanitation standards are upheld in schools, they cannot be the end goal. They are, after all, MINIMUM Norms and Standards. Schools that might not be in outright violation of the Norms and Standards, might still have conditions that render sanitation provisioning inadequate, non-functional, undignified and unhygienic. Provincial education departments – especially the wealthy and historically privileged ones such as the GDE – should strive to deliver more than just the bare minimum to stay out of court.

Many of the issues highlighted in this report are similar to those that plagued the schools audited in EE’s 2014 sanitation audit. These persistent issues point to the need for interventions that move beyond the mere provision of sanitation facilities and focus on more systemic issues that contribute to the deterioration of infrastructure provided. Without a look at why sanitation facilities continue to deteriorate despite upgrades and renovations, schools and provincial education departments such as the GDE will remain caught in an unending cycle of sanitation upgrades.

The following two chapters will unpack two systemic challenges that can contribute to this cycle of renovations: procurement and maintenance. Although these two issues emerged from findings related to sanitation specifically, they point to issues that continue to plague infrastructure delivery more broadly.

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102 EE acknowledges that vandalism by both outsiders and learners as well as a lack of proper guidance on the use of sanitation facilities are other important issues to address. However, unpacking these issues in detail fall beyond the scope of this report.
Nearly a quarter of the schools from our August 2017 survey reported that they were unhappy with the work done by contractors. Schools reported that contractors used poor quality materials, resulting in the need for additional upgrades to be done by a new contractor soon after the project was finished.

MEC Lesufi himself acknowledged in his 2015 Budget Speech that poor work by contractors is an issue:

“...we also experienced shoddy and poor quality work by some of the contractors. I have requested that the Department takes action against contractors that provide poor quality and that they be removed from our database or be blacklisted.” 

Additionally, the GDE, in its own survey of 576 schools in Gauteng, found that:

“there are discrepancies as far as material specifications are concerned, and each contractor uses his own specification despite the fact that there are standard payment rates and standard specifications adopted by the department. These have to be rectified because it affects the design life of the different components and the facility.”

The GDE clearly recognises that some contractors are not using the materials specified by the department and that this is likely to have an adverse effect on the lifespan of upgrades to facilities.

To contextualise these findings by the GDE as well as EE’s findings in August 2017, it is important to understand procurement - the “process which creates, manages, and fulfills contracts” between the state and private contractors. Procurement focuses on activities on the project level, from establishing what is to be procured, soliciting and evaluating tender offers, to awarding and administering contracts. The Gauteng Provincial Government spends more than R47 billion on procurement annually.

How is it that poor performing contractors are procured to build school infrastructure? Why is it that these contractors use poor quality materials? The answers to these questions point us to the fragmented system of infrastructure delivery and its flaws, to which we now turn.

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Implementing Agents (IAs) are entities that give both managerial support and project implementation support to departments of education so that they can build schools. IAs can be government departments, public entities, or State-owned enterprises. In Gauteng, the IA for the GDE is the Gauteng Department of Infrastructure Development (GDID). The GDID builds, manages and maintains public infrastructure for the education and health sectors and other client departments in the province.\textsuperscript{107} As a department, it procures contractors and professional service providers to build toilets.

The Head of Department (HOD) of the GDE is the accounting officer for school infrastructure projects, meaning that they are financially accountable for the money that flows from the GDE to the GDID, and eventually to contractors and schools. The HOD of the GDID is also responsible for developing and implementing a fair, equitable, transparent, competitive and cost-effective supply chain management system that deals with various aspects of procurement.\textsuperscript{108} In other words, the GDID uses its own supply chain management process to procure contractors and built-environmental professionals. To understand which contractors were chosen and why, we must turn to the GDID.

According to the Auditor General’s 2016/17 Public Financial Management Act (PFMA) report\textsuperscript{109}, the GDID had repeat findings for non-compliance with legislation related to financial accountability. It has received an unqualified audit opinion for every financial year since 2012/13. The Auditor General also found that the GDID had uncompetitive and unfair procurement processes. This could mean a number of things: that the GDID is not giving contractors bids in a fair or transparent manner, that it is not using a competitive bidding process, or that it is procuring contractors who are not registered with the Construction Industrial Development Board. The Construction Industrial Development Board has a national register of contractors which government departments such as the GDE and GDID are required to use. According to the Auditor General, the GDID was also found to have instability or vacancies in key positions, with key officials lacking competencies.

As per National Treasury’s June 2015 Cost Model, to add sanitation upgrades to an existing school, one flush toilet unit costs R72 155. One septic tank costs R99 200. Finally, one VIP unit costs R124 800. Most procurement of maintenance projects below R500 000 happens in house within the GDE. Depending on how many toilets and what kind of toilets a school needs, the GDE could either use a competitive or non-competitive bidding process. For contracts between R10 000 and R500 000, provincial departments must compare as many written quotes as possible from National Treasury’s central supplier database. Quotes can also be requested from suppliers which are not on these databases if the GDE cannot find three quotations.\textsuperscript{110} All contracts above R500 000 are subject to a competitive bidding process. This means that bidders compete for a tender by aiming to have a combination of the lowest price and highest BEE score. It is very difficult for the public to track whether a school’s sanitation facilities were built using a competitive or non-competitive bidding process. Overall, EE is of the opinion that the government’s procurement processes is not transparent enough for the general public to follow.

The Gauteng Provincial Government has an Open Tender Process, an initiative meant to improve transparency in government procurement processes by subjecting bid specification and bid evaluations (the meetings where department officials and IAs choose contractors) to audits, publicising tender information on key stages of the procurement process, and inviting the public to observe the Bid Adjudication Committee meetings. Bid Adjudication Committee meetings are when a contractor is finally awarded with the bid, after an initial evaluation phase. The Open Tender Process is a laudable step towards decreasing procurement corruption.

But it is not, as of yet, a sufficient tool for civil society and members of school communities to monitor the GDE or GDID’s procurement of contractors and professional service providers on a project level. On the “Procurement Plans” section within the Gauteng Provincial Treasury’s website, an individual can download the GDE’s procurement plans from 2015/16 until the latest financial year. These plans outline

\textsuperscript{107} http://www.did.gpg.gov.za/Pages/Who-are-we1.aspx
\textsuperscript{108} Treasury Regulation 16A3.2
when a project was initiated. Unfortunately, the description of the goods/work services to be procured do not specify beyond descriptions such as “Delivery of Clean Drinking Water to Schools.” If one wanted to understand when a particular school’s contractor will be procured in order to attend the Bid Adjudication Committee meeting, it would be impossible to do so. Under the GDID’s Procurement Plan section, the description of goods/work services states the name of a school, and the envisaged date of bid advertisement, closing, and award of bid – however, it does not state what kind of work is being done to the school. Is clean drinking water being provided, or new sanitation? Only when it is made simple and possible for the public to trace which contractor has been awarded a bid to build a particular project and why, will true transparency and efficiency be realised. Section 217 of the Constitution provides that when an organ of state, such as a national or provincial government department, or other institutions established in legislation, contracts for goods or services it must do so in accordance with “a system which is fair, equitable, transparent, competitive and cost effective”. In spite of the Open Tender Process, the procurement system is not transparent enough – and, according to the Auditor General’s reports, the GDID is not adhering to its constitutional mandate to have a competitive and fair procurement process.

**HOW DOES THE PROCUREMENT FRAMEWORK CONTRIBUTE TO POOR QUALITY INFRASTRUCTURE?**

Firstly, contractors and professionals are incentivised to cut prices and quality in order to win bids. Once a contractor passes the “functionality” test in the bid specification phase, contractors and professional service providers (PSPs) can then cut their rates when they go out to tender. At this point, it becomes a race to the bottom for the lowest price in order to achieve the highest point score and win the bid. When rates are cut, then either time or money spent on the project must be cut in order to make up for that money.

Secondly, information on over-stretched contractors is not shared amongst infrastructure departments. The Construction Industry Development Board (CIDB) grades contractors based on their financial capability, but does not look into how many projects a contractor is currently doing, and whether they have the capacity to complete a project in time.

Procurement is also a massive place where corruption can happen. In the words of Gauteng Premier David Makhura, “There is a widespread belief that in order to get a tender, you have to bribe your way into the corridors of power.”

The Open Tender Process aims to reduce corruption in government procurement; but there is scant proof that the project has succeeded in ensuring that ordinary citizens receive value for taxpayers’ money spent on public goods such as school infrastructure.

**WHAT HAPPENS IF A CONTRACTOR UNDERPERFORMS OR DOES NOT PERFORM?**

The Preferential Procurement Policy Framework Act (PPPFA) of 2017 and its regulations require organs of state to take action against contractors that do not comply with the conditions of their contracts. The GDE can add contractors to National Treasury’s Database of Restricted Suppliers, or “contractor blacklist,” which restricts contractors from doing business with the public sector for up to ten years. Once a person or company has been removed from the list, they are not penalised further. The database should be updated annually.

Offences which can result in blacklisting, effective 1 April 2017 include:

- Submitting false information regarding B-BBEE status or any other information taken into consideration when evaluating the tender application
- Failing to declare a subcontracting agreement
- Being convicted of criminal activity where the sentence was a term of imprisonment of 6 months or longer.

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111 Section 217 of the Constitution of the Republic of South Africa Act of 1996. See also section 239 of the Constitution.
113 Regulation 14 of the Preferential Procurement Policy Framework Act (PPPFA) of 2017
The PPPFA (effective 1 April 2017) has narrowed the grounds upon which a supplier can be blacklisted from the previous regulations (effective from 7 December 2011). Poor performance is no longer cause for blacklisting. Non-performance can only lead to blacklisting by National Treasury after a court proceeding. Examples of non-performance include abandoning a contract; failing to comply with conditions stipulated in the contract and therefore not achieving practical completion; and failure to rectify major construction defects after practical completion, but within the defects liability period.

However, if a contract was advertised before 1 April 2017, which all of the contracts in this report were, then they are subject to the 2011 Regulations – and those contractors can and should be blacklisted for poor or non-performance. Neither the GDE, the national DBE, nor any provincial department of education for that matter, has ever added a poor or non-performing contractor to the Database of Restricted Suppliers. Thus, these contractors are permitted to continue to deliver substandard infrastructure to public schools.

Other sanctions set out in the PPPFA include cancelling the contractor’s contract, recovering losses and damages from the contractor, and criminal prosecution. From the underutilisation of the blacklisting databases, however, it seems as though the state is not complying with its obligations in terms of the PPPFA.

IAs and contractors are considered a part of the construction industry, and thus fall under the purview of the CIDB. If an IA or contractor breaks the CIDB code of conduct, the CIDB should go through a formalised hearing process. There are various actions which may amount to a breach of the CIDB code of conduct, including fraudulent registration, submission of fraudulent documentation, collusion and corruption.

CIDB sanctions for misconduct are the same for both IAs and contractors. Sanctions may include, among others, ordering the removal of the name of the contractor from the CIDB national register of contractors; issuing a warning; downgrading the contractor’s grading; imposing a fine; or cancelling the registration of the contractor. However, the CIDB has been incredibly slow in finalising investigations.

The GDE’s own sanitation audit recommends that the department “categorise the quality of contractors’ workmanship according to their previous performance in the emergency maintenance database so that the contractors are motivated to perform.” In 2015 EE demanded that the GDE start publicly blacklisting contractors. However, in it’s Closeout Report on the State of Sanitation in Gauteng Schools Since 2014/15, the GDE merely states as its progress against this demand, that “any contractor who fails to fulfill their contractual obligations are penalised. The penalty could result in the termination of the contract.”

The avenues available to schools themselves to hold contractors to account are limited. It is very difficult for schools to find the right channel of communication to lay a complaint against a contractor in a manner that ensures change.

It is not only up to a school principal to complain about a contractor’s performance. It is up to the GDID as well as their client, the GDE, to ensure that proper oversight and accountability mechanisms are in place to sanction poor and non-performing contractors. Only then will adequate school infrastructure be built in time to meet the Norms and Standards deadlines.

**CONCLUSION**

Procurement is a critical part of school infrastructure delivery. It is essential that processes are in place to ensure that skilled contractors, who have the necessary capacity, are appointed. School communities and the broader public can play an important role in ensuring that capable contractors are appointed, provided that procurement processes are transparent and information is accessible. Additionally, oversight measures should be in place to monitor the quality of work done by contractors and to ensure that the materials used in upgrades are of acceptable quality. In the absence of these measures, poor work by contractors will continue to result in an unending cycle of upgrades, where such have already taken place.
MAINTENANCE

Maintenance is an essential part of school infrastructure planning. As EE’s school visits revealed, some of the progress made, for instance through sanitation upgrades, are reversed when such upgrades are not accompanied by proper maintenance plans. Gauteng Infrastructure Development MEC Jacob Mamabolo himself has said, “We have never struck a proper balance between doing maintenance and delivering infrastructure... and everyday without maintaining infrastructure it decays and becomes more costly and expensive [to repair]”.120 Even the GDE observes, after analysing information from the NEIMS database and other internal assessments, that a significant deterioration in the condition of schools is due to poor or even the complete lack of maintenance.121

The national DBE has made similar observations, stating that “poor asset management and maintenance translates into unaffordable resource wastage... [and] in a shortened life-span of assets, which trap scarce resources in perpetual major repairs or even replacements”.122 In November 2017 and January 2018, the DBE conducted school readiness visits at 723 schools across the country, of which 117 were in Gauteng. In its report back to Parliament’s Portfolio Committee on Basic Education, the DBE mentioned that most of the sanitation issues they encountered during their visits related to maintenance.123

In light of these observations and responding to EE’s findings that schools struggle to maintain sanitation facilities, this chapter seeks to give a brief overview of school infrastructure maintenance, the legislative framework that governs maintenance in schools and the stakeholders responsible for school maintenance.

LEGISLATIVE FRAMEWORK

In 2010 when the DBE published its National Policy for an Equitable Provision of an Enabling School Physical Teaching and Learning Environment, it identified the lack of any national or provincial education policy on the management and maintenance of immovable assets, as a key challenge hindering proper maintenance. The document stated that, “[a] weak policy environment leads to weak planning for and weak budgeting for asset management and maintenance”.124 Although legislative and policy gaps related to school maintenance persist, the policy environment has developed since 2010.

123 Department of Basic Education, Schools Readiness Monitoring: 2018 Academic Year, Presentation to Parliament’s Portfolio Committee on Basic Education, 13 February 2018. [Available online: https://pmg.org.za/committee-meeting/25775/]
The DBE, in a presentation to Parliament’s Portfolio Committee on Education on 13 February 2018, mentioned national maintenance guidelines that would be sent to districts. However, after numerous calls and emails to the Planning and Delivery Oversight Unit that presented on the day, EE has not yet been able to obtain these guidelines. It is EE’s understanding that these guidelines are still in the process of being finalised.

On a provincial level, the DBE directed MECs of Provincial Education Departments (PEDs) to develop and submit Norms and Standards implementation plans following the publication of the Norms and Standards in 2013.

Amongst other details, these plans had to include a school maintenance plan. Although the GDE’s implementation plan did not include any details on maintenance plans, the department did publish infrastructure maintenance guidelines in 2014. Objectives for the guidelines included identifying stakeholders responsible for infrastructure planning and management; addressing the planning, budgeting and implementation of the various forms of maintenance; and establishing maintenance reporting systems and templates. Several national policies and acts also govern the management and maintenance of public assets, of which some of the most important are:

**The Public Finance Management Act (PFMA):** Section 38(1)(d) of the PFMA stipulates that the accounting officer of a department is responsible for managing the maintenance of the assets or infrastructure of the department. Every department must have an asset management system to ensure sufficient planning and budgeting for maintenance. Section 76(2)(d) empowers National Treasury to make regulations or issue instructions applicable to departments, relating to the improvement and maintenance of immovable assets.

**The Government Immovable Asset Management Act (GIAMA):** This Act provides a framework for the effective management of public sector infrastructure by national and provincial departments. The Act promotes coordination between national and provincial departments in the management of assets in an effective manner and specifically stipulates that immovable assets must be kept operational.

**Both the Municipal Finance Management Act** and the **Municipal Systems Act** provide the framework guiding the management of assets and provision of services to communities by municipalities. Guidelines ensuring synergy between local and provincial government asset management plans are currently lacking.

**The South African Schools Act:** SASA makes provision for the establishment of democratically elected school governing bodies (SGBs) that are responsible for school governance. Section 20 and Section 21 of the Act identify two categories of SGB functions. Section 21 functions are allocated to an SGB by the HOD or MEC. One of the functions that may be allocated to SGBs as per Section 21 is to “maintain and improve the school’s property, and buildings and grounds occupied by the school”.

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125 Department of Basic Education, Schools Readiness Monitoring: 2018 Academic Year, Presentation to Parliament’s Portfolio Committee on Basic Education, 13 February 2018. [Available online: https://pmg.org.za/committee-meeting/25775/]
126 Ibid., p. 6.
135 Ibid., p. 30.
Understanding the different types of maintenance identified by the GDE is useful in making sense of the forms of maintenance prioritised by different stakeholders and the actions referred to in budget and planning documents. Ideally, there should be a balance between planned and unplanned maintenance – the former being proactive and something that can be scheduled in advance, while the latter is more reactive and responds to unforeseen events. The Gauteng School Infrastructure Maintenance Guidelines identify different types or categories of maintenance, in accordance with the various maintenance challenges arising in the province.¹³⁶

### TYPES OF MAINTENANCE

Understanding the different types of maintenance identified by the GDE is useful in making sense of the forms of maintenance prioritised by different stakeholders and the actions referred to in budget and planning documents. Ideally, there should be a balance between planned and unplanned maintenance – the former being proactive and something that can be scheduled in advance, while the latter is more reactive and responds to unforeseen events. The Gauteng School Infrastructure Maintenance Guidelines identify different types or categories of maintenance, in accordance with the various maintenance challenges arising in the province.¹³⁶

#### PLANNED MAINTENANCE (PREVENTATIVE)

- **Statutory Maintenance:** This refers to continuous/regular maintenance that must occur for upkeep of infrastructure.
- **Preventative Maintenance:** This refers to the implementation of processes such as inspections to detect and prevent deterioration of infrastructure.
- **Scheduled Maintenance:** This is another form of preventative maintenance where maintenance is scheduled, usually as prescribed by the manufacturer of the asset.
- **Condition-based Maintenance:** This refers to the restoration of an asset that has significantly deteriorated to its required condition.
- **Backlog Maintenance:** Refers to maintenance that should have been carried out but has been postponed or cancelled due to factors such as lack of funding.

#### UNPLANNED MAINTENANCE (REACTIVE)

- **Breakdown Maintenance:** This refers to unplanned and reactive maintenance necessitated by unforeseen events. **Normal Breakdowns** are to be addressed within 5 working days. Breakdowns that severely impact operations, such as a blocked sewage pipe, are seen as **emergency breakdowns** and must be attended to within a day. **Fatal breakdowns**, which pose a threat to surrounding assets, could result in the loss of a resource and/or pose a danger to the lives of people, should be attended to within 3 hours. Burst water pipes or exposed electrical wiring systems are examples of fatal breakdowns.
- **Incident maintenance:** This type of maintenance is necessitated by damage to infrastructure due to incidents such as a natural disaster, vandalism, forced entry or acts of violence. The degree of damage determines the timeframe within which it must be addressed.

#### OTHER MAINTENANCE

- **Replacement:** This type of maintenance involves demolishing an old asset and replacing it with a new asset that has similar functionality.
- **Repairs:** These are repair projects aimed at renewing, replacing or mending old or damaged parts. The Department distinguishes between minor repairs (<R500 000) and major repairs (>R500 000)

Other types of maintenance also include rehabilitation, renovations and minor new works.

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STAKEHOLDER ROLES AND RESPONSIBILITIES

The DBE, PEDs and SGBs are collectively responsible for ensuring the proper management and maintenance of school infrastructure.

SCHOOL GOVERNING BODIES

Section 21 of SASA sets out various allocated functions for SGBs, including maintaining and improving school property and buildings. SGBs may apply to the HOD to be allocated Section 21 functions or the MEC may decide to allocate certain or all Section 21 functions to a school even if that school did not apply for such allocation. In 2015 MEC Lesufi announced that all schools in the province would become Section 21 schools. According to the GDE all Section 21 schools are responsible for both planned and unplanned maintenance.

Given the tremendous administrative responsibilities of Section 21 SGBs, the National Norms and Standards for School Funding (NNSSF) stipulate that MECs are only supposed to allocate Section 21 functions once satisfied that the SGB has the necessary capacity to take on such functions and that there are reasonable and equitable reasons for allocating such functions. PEDs should develop capacity checklists to inform such decisions.

Section 30 of SASA and Section 38 of the GDE’s Governing Body Regulations for Public Schools empower SGBs to establish subcommittees to perform certain duties. The SGB may appoint, to these committees, persons who are not members of the SGB. One such committee envisioned in the GDE’s maintenance regulations is a maintenance subcommittee. Maintenance subcommittees are responsible for developing maintenance plans on a four-year cycle. These plans must be updated and approved by the SGB annually. The maintenance plan must include weekly, monthly, and yearly inspection checklists aimed at ensuring that preventative maintenance takes place. The maintenance subcommittee is also responsible for developing and implementing rules for the use of school facilities (infrastructure, school grounds, and service systems) for everyone at the school.

The cost of maintenance must be covered by the NNSSF allocation that the school receives from the PED as well as additional revenue raised by the SGB. In addition to covering normal repairs and maintenance to all the physical infrastructure of the school from these NNSSF allocations, schools also need to pay for non-personnel recurrent items and small capital items required by the school. These costs include, amongst others, learning and teaching support materials (LTSMs), computers, paper copier machines, telephones, intercom systems, Internet, hardware tools, cleaning equipment, first aid kits, sporting equipment, electrical accessories, stationary, school membership of educational associations, postage, electricity, water, rates and taxes, rental of equipment, audit fees, bank charges, legal services, advertising, security services, and insurance.

The GDE itself admits that the money transferred to schools is not sufficient to cover the cost of maintenance:

“The funds that the school receives from government for maintaining the school will be insufficient for the work required and in order to maintain the buildings properly the committee will have to raise additional funds...”

“The biggest problem to be faced by the maintenance committee will probably be that of raising sufficient funds to implement the maintenance programme. It will be important therefore to involve the whole community in fundraising and getting volunteers to assist with labour: the school is for the use of the community’s children after all!”

It therefore becomes the maintenance subcommittee’s responsibility to subsidise the shortfall. This is a major challenge for many committees, especially at schools in low-income communities, whose ability to contribute funds to school maintenance might be limited.

While the NNSSF allocation contributes towards covering routine maintenance work, schools are generally unable to afford major repairs and maintenance work. The GDE therefore recommends that schools take out building insurance. If a school does not have insurance or the insurance is unable to cover the cost, an SGB may apply to the GDE Maintenance Unit for assistance. The GDE Maintenance Unit will then assess the seriousness and urgency of the request and may send a contractor to conduct the work. Upon completion, an inspector is sent to assess the work and is paid once the school principal signs off on the project.

In his 2015 Budget Speech Lesufi explained the process as follows:

“The responsibility for the maintenance of the schools remains with the SGB and the principal of the school. Annually funding is provided to schools through their subsidies to enable day-to-day maintenance repairs to be undertaken. 12% of the subsidy is earmarked for day-to-day maintenance. It is therefore not expected that schools will contact the department for blockages and leaking taps. It is, however, a matter for individual schools in conjunction with their respective district office to determine whether school toilets can no longer be repaired safely, or that they do not meet the requirements of the Norms and Standards for school Infrastructure and replacement, upgrade or improvement. This will then be escalated to the Head Office so that the identified toilets form part of the department’s planned maintenance programme.”

While assistance from the GDE can provide schools with much needed support on big projects, some research suggests that these interventions by the GDE tend to happen only when serious needs arise, rather than proactively as part of preventative maintenance planning.

The limited role the GDE plays in maintenance, is evident in the table below, which illustrates the major gap between the number of schools that have sanitation facilities and the number of schools that received maintenance assistance from the GDE:

<table>
<thead>
<tr>
<th>TABLE 8. SANITATION DELIVERY AND MAINTENANCE IN SCHOOLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>FINANCIAL YEAR</td>
</tr>
<tr>
<td>Number of public schools provided with sanitation facilities</td>
</tr>
<tr>
<td>Number of schools where scheduled maintenance projects were completed</td>
</tr>
</tbody>
</table>

Source: Gauteng Education Department, Annual Performance Plan, 2017, p. 83

When it comes to arranging maintenance work, Section 21 schools may deal directly with suppliers and contractors in accordance with standard procurement procedures. They must keep documentary evidence of agreements for audit purposes. These processes must happen in accordance with the procedures as outlined in SASA and in paragraphs 139 and 140 of the NNSSF. According to the GDE’s maintenance guidelines, Section 21 schools must submit a monthly report on the maintenance services provided, the cost of those services, the school maintenance budget, expenditure to date and the variance to the district office for monitoring purposes.

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144 Ibid., p. 18.
145 Lesufi, P. Gauteng Education budget vote 2015/16, 19 Jun 2015
The NNSSF allocations for schools that have not been allocated Section 21 responsibilities, are not paid into the schools’ account as is the case with Section 21 schools. These schools, along with the Department, decide how the school’s allocation should be spent after which the Department oversees procurement and management of the funds on the school’s behalf.  

**PROVINCIAL EDUCATION DEPARTMENT**

As per the GIAMA, PEDs as the custodians of assets such as schools, are responsible for the development of frameworks and policies and for overseeing the management and maintenance of school infrastructure. The GDE identifies its responsibilities as, amongst others:  

- Establishing maintenance standards and ensuring the implementation of their maintenance plan
- Supporting SGBs that are unable to carry out maintenance due to lack of funding and/or capacity
- Compiling a register of assets and keeping track of their maintenance histories
- Allocating responsibilities for planning, implementation, budgeting, overall management of assets and the maintenance of assets
- Monitoring whether maintenance strategies are working
- Developing reporting systems that can be accessed by the DBE

In the case of schools where SGBs have not been allocated Section 21 responsibilities, such as maintenance, district departments within the GDE are responsible for maintenance. The district office should compile reports on maintenance and submit them to the district management and Head office for monitoring maintenance spending. The NNSSF further require PEDs to provide each school with a recommended breakdown of their school allocation, according to three key Section 21 functions:

- **Section 21(a) of SASA:** To maintain and improve the school’s property, and buildings and grounds occupied by the school
- **Section 21(c) of SASA:** To purchase textbooks, educational materials or equipment for the school
- **Section 21(d) of SASA:** To pay for services to the school

PEDs must monitor compliance with, and deviations from, these breakdowns. Specifically, they have a responsibility to promote adequate expenditure on educational items. The NNSSF stipulates that, where PEDs observe substantial deviations from the breakdowns, especially in a way that impacts on educational inputs and places schooling at risk, they should consider implementing Section 22 of SASA which deals with the withdrawal of SGB functions.

In its 13 February 2018 presentation to Parliament, the DBE stated that it had set a condition which would require provinces to spend at least 20% of the money it receives through the Education Infrastructure Grant (EIG) on maintenance. According to the presentation, this 20% would have to be over and above the NNSSF allocations schools already receive for school infrastructure maintenance.

**DEPARTMENT OF BASIC EDUCATION**

The DBE’s mandate with regards to maintenance is largely one of oversight. The DBE is responsible for developing norms and standards, frameworks and national policies related to infrastructure maintenance and use. It also has to build the capacity of PEDs to fulfill their mandates. The DBE must monitor PEDs’ compliance with national policies and intervene where PEDs are failing to fulfill their obligation. Finally, it also has to manage and monitor the spending of conditional grants such as the EIG.
BEYOND POLICIES

Very little research exists on how these maintenance obligations manifest in practice. One study, conducted by a researcher at the North-West University and published before the GDE’s guidelines were finalised, interviewed 13 Gauteng principals and three deputy principals about maintenance at their schools. The study found that schools did not have organisational structures that can oversee planned school maintenance and SGBs did not have maintenance subcommittees.

Further, the research noted a lack in policy directives to inform facilities management, making it difficult for schools to have systemic maintenance processes in place. Schools tended to not have maintenance policies, and inspections were mostly conducted in an ad hoc manner when equipment or structures were damaged. Maintenance at the schools included in the study tended to focus largely on repairs “as the need arises” and general school ground cleanliness. As such, maintenance was largely emergency and reactive maintenance as opposed to more strategic preventative maintenance. However, all schools had detailed asset registers as these were required by the GDE. These registers included records of movable and immovable assets, dates of receipt and the conditions and quantity of assets.

Funding was at the heart of maintenance challenges at most schools. Participants indicated that money received from government was not sufficient. Of the total NNSSF allocation, 12% was earmarked for maintenance, making it difficult for schools to allocate more money to maintenance when required.

CONCLUSION

During EE’s school visits we established that poor or complete lack of maintenance contributes to the prevalence of poor sanitation conditions in schools. The GDE’s School Infrastructure Maintenance Guidelines provide some guidance to schools about the maintenance of facilities and the responsibilities of the GDE to support them. However, limited information exists on whether these guidelines are being implemented and the extent to which schools are being supported by the GDE in maintaining facilities, especially schools where poor workmanship on the part of contractors have contributed to added maintenance pressures. There is limited literature on schools’ experiences in this regard.

The allocation of non-teaching staff to schools, including administrative and support staff, is extremely uneven. The provision of such personnel has been severely lacking in historically disadvantaged and small schools... The Minister of Education is responsible for determining norms for the provision of non-educator personnel, including non-teaching personnel at school level. (own emphasis added)

Before amendments to the NNSSF in 2014, this paragraph had explicitly stated that:

The Ministry of Education is of the view that there is a clear case for norms to be established that will regulate the post provision of school-based non-teaching personnel on an equitable basis. The present inequalities must be phased out. The level of provision of non-teaching personnel at schools should, over time, approximate to educationally defensible and cost-effective per learner ratios for different categories of schools and staff members. (own emphasis added)

Despite government acknowledging the inequalities in non-teaching staff allocations, and emphasising the need for norms and standards on the allocation of non-teaching staff, the DBE has failed to publish such norms.

155 Ibid., p. 9.
07. RECOMMENDATIONS:

Improved policy and transparency around sanitation and maintenance

Based on the above insights, EE proposes that the following are among the important challenges that need to be addressed to improve sanitation condition in Gauteng schools:

HIGH LEARNER TO TOILET RATIOS MUST BE ERADICATED IN SCHOOLS ACROSS THE PROVINCE

High learner to toilet ratios are not only a problem identified through EE’s sanitation campaign, the GDE itself has also highlighted this as a challenge. Where ratios are high, schools will continue to face sanitation maintenance challenges and remain caught in a cycle of needing repeated infrastructure upgrades.

THE GDE NEEDS TO ENSURE THAT SCHOOLS ARE PROVIDING SOAP, TOILET PAPER AND SANITARY BINS IN SCHOOLS

In order for schools to be safe and hygienic learning environments, learners need to have access to soap and toilet paper. Even if decent and adequate sanitation is provided, the full benefits will not materialise if learners are not able to wash their hands or dispose of their sanitary ware in a dignified and hygienic way. While infrastructure provision is an important aspect of sanitation and Gauteng has made progress in this regard, it needs to also prioritise the accompanying resources which enable decent and hygienic sanitation.

THE GDE SHOULD PUBLISH FIGURES ON SANITATION SPENDING SPECIFICALLY

Since the start of the sanitation campaign, it has been incredibly difficult to monitor spending on sanitation specifically. While the Gauteng Provincial Government’s Estimates of Capital Expenditure do list the infrastructure projects undertaken at various schools, the descriptions are broad and make it impossible to track sanitation specific expenditure. More recent Adjusted Estimates of Capital Expenditure reports give slightly more detail than previous reports, but sanitation expenditure is grouped together with other expenses, obscuring how much is spent on sanitation. It is further unclear whether broad descriptions such as “major additions to an existing Secondary School” could include sanitation expenditure.

The Provincial Treasury is urged to provide specific details on these projects – figures for sanitation maintenance, upgrades and additions and new infrastructure should be provided. This type of information is provided for other types of infrastructure expenditure such as fencing so it is unclear why the same is not done for sanitation. Doing so will enable the GDE to demonstrate the work that it does, and provide a tool for the public to make sure sanitation promises are met.

STANDARDS FOR MAINTENANCE STAFF SHOULD BE SET

Number of staff: The current GDE maintenance guidelines do not provide specifications for allocating non-teaching staff. Without norms and standards for the allocation of non-teaching staff to schools, the distribution of non-teaching staff will remain uneven. Policies and regulations should address maintenance staffing particularly, establishing a standard ratio for maintenance staff according to number of learners or size of the school building. Ideally, as stated in the NNSSF, national norms and standards for non-teaching personnel should be published by the Minister of Education.
Expertise of staff: Measures should be put in place to ensure that either individuals with maintenance expertise are appointed to take care of school maintenance or sufficient training is provided to those responsible for school maintenance. Policy documents should provide clarity about who should take responsibility for such training. Ideally, national norms and standards for non-teaching personnel should be published by the Minister of Education to provide guidance on this matter.

**THE GDE SHOULD ADEQUATELY CAPACITATE SGBS WHEN ALLOCATING SECTION 21 MAINTENANCE RESPONSIBILITIES**

Schools carry significant responsibility for day-to-day school maintenance, making them an important site of activism around maintenance. However, questions remain about the process of allocating maintenance responsibilities to schools. Allocating Section 21 functions to SGBs gives them agency to make decisions on behalf of their school communities, but it is important that SGBs have the resources to use such agency effectively and fulfill their responsibilities. Where the State is allocating this function without proper consideration of SGB capacity, it could be argued that it is abdicating its own responsibilities. The national DBE should ensure that PEDs, as prescribed by the NNSSF, are carefully considering SGB capacity when allocating such functions.

**POLICY GAPS AROUND THE GDE’S RESPONSIBILITY TO PROVIDE SGBS WITH SUPPORT SHOULD BE CLOSED.**

Where maintenance is not taking place, the national DBE and PEDs should not be allowed to shift the blame to SGBs. Ultimately the responsibility to ensure that maintenance takes place lies with them. Where maintenance challenges increase due to inadequate sanitation facilities, the GDE should take responsibility, and not frame the problem as maintenance failures by SGBs.

- The GDE needs to clarify and communicate what its oversight responsibilities are with regards to school maintenance. Hardly any information is provided in the GDE maintenance guidelines on the oversight responsibilities of the GDE as it relates to maintenance. For instance, should the GDE monitor whether maintenance committees at schools have been established, whether a maintenance plan has been developed and whether regular checks as per the maintenance guidelines are taking place? And what is its responsibility should it identify that these are lacking? Plans and checklists are only useful if they are actually used and if committees and government officials follow up on whether those checks took place.

- The GDE should provide clarity on when and how it can assist schools with maintenance. While the guidelines allow for schools to report major maintenance issues to the district, it is not clear from the GDE guidelines what the responsibility of the GDE is to respond to those matters, what types of maintenance should be dealt with by the GDE or on what basis the GDE will decide whether to assist the school or not.

In addition to supporting SGBs that don’t have Section 21 responsibilities, the GDE also identifies one of its responsibilities as supporting SGBs that lack capacity or financial means to execute “some maintenance categories”. However, no criteria is provided as to how such SGBs will be identified or what maintenance categories will be included.

- School communities should be aware of the steps they can follow if maintenance challenges are not addressed by the GDE maintenance unit in a timely fashion. School communities must be empowered to hold the GDE accountable when reporting maintenance issues. This means that not only should there be a process for reporting issues but there must also be a clear process that allows schools to follow up if said issues are not being addressed.
**INCREASED FUNDING SHOULD BE PROVIDED TO SGBS FOR MAINTENANCE**

Greater funding should be allocated to SGBs for day-to-day maintenance, specifically for sanitation. Increasing learner numbers put significant pressure on existing sanitation facilities. Maintenance funding should not only consider learner numbers but also the quality of sanitation facilities at a school. Dire sanitation conditions increase maintenance pressures even if learner numbers are not necessarily growing. It cannot be that the only solution for budget shortfalls - especially in schools where parents cannot afford school fees - is to ask those very same parents to source the necessary funds for maintenance.

**THE ROLES AND RESPONSIBILITIES OF THE GDE VS. GDID SHOULD BE TRANSPARENT AND UNDERSTOOD BY SCHOOL COMMUNITIES**

The unique responsibilities held by the GDE and GDID should be known to parents, learners, and communities more broadly. School communities should feel confident in determining which department is responsible for a given maintenance or infrastructure related issue beyond the issue being “day-to-day” or “large.” Information about the roles and responsibilities of both departments including how projects are assigned, how contractors are chosen, how oversight is handled, and how follow up is scheduled, and the way that both departments approach the issues listed differently should be easily accessible to the public.

**SCHOOLS SHOULD HAVE MAINTENANCE COMMITTEES AND MAINTENANCE PLANS**

Every school should have a maintenance committee as per the current Gauteng maintenance guidelines. When possible, schools may co-opt external stakeholders with maintenance expertise to serve on these committees. Schools should have long-term maintenance plans in place that inform daily behaviours of the maintenance committee and school community. The maintenance guidelines stipulate that subcommittees should use the guidelines to assist in the development of a maintenance plan for their school. Realistic and actionable maintenance plans are vital for sanitation and infrastructure upkeep.

Therefore, where such plans do not exist and schools lack the technical expertise to develop such plans, schools should demand support from the GDE. Moreover, policies should specify support structures to assist schools in the development maintenance plans. Finally, regular infrastructure checks should be conducted to pick up maintenance issues and either address them or notify the district. Day-to-day, unplanned, maintenance at both the state and school level should not always be reactionary.

**THERE SHOULD BE GREATER TRANSPARENCY THROUGHOUT THE PROCUREMENT PROCESS**

The GDE’s Open Tender Process is a step in the right direction towards transparency around procurement, but more can be done to make the procurement process is accessible to citizens and school communities specifically.

- More detailed information on contracts being procured should be publicly available to allow for effective public oversight. The Gauteng Provincial Treasury and GDID websites should provide comprehensive information on the goods and services being procured and the schools for which they are being procured. This will allow a school community to identify and attend the procurement committee meetings relevant to their school.

- The GDE and GDID must ensure that proper oversight and accountability mechanisms are in place to sanction poor and non-performing contractors. Where contractors’ performance warrants it, the GDE and GDID should add contractors to Treasury’s Database of Restricted Suppliers, or “contractor blacklist”. In cases where departments deem this measure as too drastic, other means of sanctioning such contractors should be developed. Merely ending a contract is not a sufficient sanction and does not necessarily impact on the prospects of the same contractor being successful in future bids.


Creecy, B., 2013, Twenty Years of Educational Change in Gauteng. 2013/14 MTEF Budget Speech - Vote 5: Education, 31 May 2014.


Department of Basic Education, Schools Readiness Monitoring: 2018 Academic Year, Presentation to Parliament’s Portfolio Committee on Basic Education, 13 February 2018. [Available online: https://prg.org.za/committee-meeting/25775/]


REFERENCE LIST


GLOSSARY

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 the Auditor General disagrees 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.

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.

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.

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.

**Gauteng Department of Infrastructure Development (GDID):** a Gauteng department that builds, manages and maintains public infrastructure for the education and health sectors and other client departments in the province.

**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.

**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 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.

**Standard for Infrastructure Procurement and Delivery Management Standard (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.

**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.
Since 2011, Equal Education (EE) has campaigned for the South African government to provide basic school infrastructure to all public schools, recognising the relationship between bad learning conditions, poor learning outcomes, and persistent inequality in society. Before this campaign, South Africa did not have a law stipulating the basic infrastructure standards that every school should meet.

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

Section 5A of SASA allows for the development of such regulations:

“The Minister 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, but didn’t.

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 the Minister, 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.

A draft Norms and Standards document was published by Minister Motshekga in January 2013, however this document was quite weak. EE and the Equal Education Law Centre (EELC) contributed substantially to the content and legal basis of the document during the platform that was provided by the DBE for public comment. 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 and parents.

The Norms and Standards set deadlines for when different kinds of infrastructure must be provided, counted from the date on which they were published.
Since the Norms and Standards were adopted in 2013, EE and its legal partners, the EELC, have repeatedly raised concerns with the Minister of Basic Education around the vague wording of some parts of the regulations, and possible escape clauses.

When the Minister responded to EE’s concerns in March 2014, she stated that the regulations would first be tested in practice before they were reviewed. She did not engage further with EE on the matter. However, in press statements around the November deadline, she had begun to use the language of the escape clause – blaming other government departments for slow infrastructure delivery. Moreover, it would seem that many partially inappropriate schools have indeed been excluded from upgrade lists.

The creation of the Norms and Standards law provides a critical starting point for a comprehensive legal framework to remedy injustices in school infrastructure, but the gaps and vagueness in the framing of the law allows the state to escape its duties to provide redress. As the first deadlines for implementation approached and it became clear that provinces like the Eastern Cape, were planning to fail, EE felt it had little option but to couple its mobilisation with an approach to the courts.

On 19 May 2016, EE, represented by the EELC, filed an application in the Bhisho High Court, citing the Minister as the First Respondent. This case is referred to as the #FixTheNorms Case. We asked the court to compel the Minister to fix some of the main problems in the wording of the Norms and Standards Law. The loopholes in the Norms have made it possible for government to avoid their duty to fix schools, which has hindered the ability of schools and communities to assert their right to dignified and safe learning spaces.

These include:

**The escape clause**
The escape clause is a section of the Norms law that says that the Department of Education is only responsible for the fixing of schools to the extent that other parts of the government do not delay or halt services to schools.
The wording of “entirely” inappropriate structures
The Norms say that schools which are built “entirely” of mud, wood, zinc, or asbestos need to be fixed by November 2016. This means that if an otherwise entirely inappropriate school has even one structure made of appropriate materials, a brick toilet block, for example, then it may not be fixed. The Norms and Standards need to be changed so that these schools are fixed urgently.

The lack of public accountability obligations
The Norms and Standards say that each MEC needs to report to the Minister on the province’s progress with achieving basic infrastructure. EE asked that the Court order the Minister to insert a clause into the Regulations that requires that all infrastructure plans and reports which the provinces submit to the Minister in terms of the Regulations are made publically available within a reasonable period.

The exclusion of schools which have already been scheduled to be built
Schools which before the adoption of the Norms and Standards law were already scheduled to be built, improved upon, altered or added to which have already been catered for within pre-existing three year budget cycles from 2013/14-2015/16 are not covered by the Norms and Standards law. EE asked the Court to declare that all future planning and prioritisation for these schools must be consistent with the Regulations.

In March 2018, Equal Education took the Minister of Basic Education and the nine provincial MECs to court. This case was important in that, if the court agreed with EE, it would mean the tightening of the Norms and Standards law, and in turn, there would be no excuse for any failure by the nine education departments to comply with the deadlines. In short, the case was about ensuring that government committed to meeting its own school infrastructure targets.

On 19 July 2018, the Bhisho High Court ruled entirely in favour of EE. With regard to the issues that EE brought forward:

1. The escape clause
The Court agreed with EE, and said the ‘escape clause’ is ‘inconsistent’ with the Constitution. The Court also said that it is unconstitutional for the DBE to not be accountable for meeting its own deadlines.

2. The wording of “entirely” inappropriate structures
The Court ruled that the law must say, all ‘classrooms built entirely or substantially’ of inappropriate materials should have been replaced by 29 November 2016. This means that the DBE will no longer be able to ignore schools that have one or two brick buildings, while the rest of the classrooms are made of inappropriate materials.

3. The lack of public accountability obligations
The Court said Minister Motshekga must change the Norms and Standards to include that plans and reports be made publicly available.

4. The exclusion of schools which have already been scheduled to be built
The Court said it is inconsistent with the Constitution that plans for building and upgrading schools that were in place before the Norms and Standards were published, be excluded. It said all school construction plans should, as far as reasonably possible, be consistent with the Norms and Standards.

In August 2018, EE was shocked to learn that the DBE and the nine PEDs would be appealing the #FixtheNorms judgement. They filed applications in both the Supreme Court of Appeal and the Constitutional Court. However, recently, the Constitutional Court dismissed the DBE and PED’s appeal, on the basis that it had no prospects of success.
**ANNEXURE 2**

**History of the EE’s sanitation campaign in Gauteng**

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**Gauteng Sanitation Survey**

In August 2013, the Gauteng Sanitation Campaign was born out of EE members’ concern regarding the state of school infrastructure in Tembisa, Johannesburg. Numerous infrastructure issues were identified by members, of which poor sanitation conditions was one of the most prevalent and critical. EE members recognised that poor sanitation conditions in their schools posed a threat to their health, safety, education and dignity.

As a first step, EE Gauteng members conducted a survey of 11 schools in Tembisa to assess sanitation. The sanitation conditions members encountered did not meet the requirements of safety, privacy, functionality and hygiene as set out in the Norms and Standards.

After several attempts to meet with GDE officials, the Ekurhuleni North District Director and his team agreed to a meeting with EE to discuss the findings from the survey. However, the district department did not follow up the meeting with any action to address the issues raised.

On 19 November 2013, EE released the findings from the Thembisa school visits and publicly launched the Gauteng Sanitation Campaign. EE demanded the development of a plan that would establish standards for sanitation upgrades, maintenance and monitoring. Shortly afterwards the then provincial Member of the Executive Committee (MEC) for Education, Barbara Creecy, invited EE to a meeting and agreed to address the findings from the school visits.

On 12 January 2014 MEC Creecy inspected school toilets in Tembisa and promised five schools in the area that they would each receive two prefabricated toilet blocks. The MEC also sent 10 prefabricated toilet blocks to other parts of Gauteng, and ordered repairs in 60 schools across the province. She failed however, to commit to the provision of a sanitation plan.

Mr Panyaza Lesufi became the new MEC for Education in June 2014 and promised to fix all toilets in Gauteng by the end of August 2014 as part of his first 100 days in office. By this time EE members in Daveyton, Tsakane and Kwa Thema, who also experienced poor sanitation conditions at school, had joined the campaign. In the first week of September, EE conducted a snap audit of toilets in these areas and in Tembisa. The audit revealed that in Tembisa alone, over 200 toilets were either blocked or closed despite promises made by MEC Lesufi.

EE learner and parent members resolved to march to the GDE offices on 13 September 2014 to demand that poor sanitation conditions in schools be addressed. On 11 September, at an emergency press conference held in Tembisa, MEC Lesufi promised that R150 million would be spent on the upgrade of sanitation conditions in 580 schools across the province. The following day the MEC invited EE to a meeting where he provided updates on upgrades that had been made. On 13 September 2 000 EE members from Daveyton, Tsakane, Kwa-Thema and Tembisa marched to the office of the GDE. MEC Lesufi joined EE and listened to learners’ experiences of poor sanitation. During his address, the MEC reiterated his promise to spend R150 million on sanitation upgrades. He further stated that R15 million would go to fixing sanitation at all 51 schools in Tembisa specifically by 19 September. The rest of the schools were to be completed by the end of November.

In a meeting held a month later, the GDE Deputy Director for Strategic Planning Management, Mr. Albert Chanee, provided EE with a progress report on the upgrades. The report highlighted three key issues:

- Some schools failed to maintain ablution facilities after upgrades had been completed by the GDE.

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• Learners are not provided with toilet paper.
• Oversubscription is a key contributing factor to large learner to toilet ratios in most Tembisa schools.

The last two points were of particular significance as they underscore points EE had been raising since the beginning of the campaign.

EE members in Tembisa continued to monitor upgrades at 48 of the 51 schools against a list of Lesufi’s promises. At the 48 schools members found:

• 47 of the schools received some form of upgrades from the GDE.
• In over 90% of the schools the job was not completed and additional improvements were required. In over half of these schools, the additional improvements were meant to have been completed by state contractors.
• Over 10% of the schools did not have enough working toilets as prescribed in the Norms and Standards regulations.
• Poor access to soap, toilet paper and sanitary pads was still prevalent.
• There was inequality in the allocation of maintenance staff: some schools had a ratio of one post per 65 students, while others had one post per 1 009 students.

EE submitted these findings to MEC Lesufi along with a list of demands, but received no further communication from the MEC. The list of demands included:

• All issues identified in the audit should be addressed, with priority given to ensuring that all schools in Tembisa comply with the provisions of the Minimum Norms and Standards.
• The GDE should develop a comprehensive sanitation plan, which includes: a costed plan, timeframes for completion, monitoring and accountability measures and maintenance plans.
• The GDE should make publicly available information about which contractors were responsible for upgrades at which schools.

GAUTENG SOCIAL AUDIT

In January 2015, EE reassessed its strategy to monitor sanitation upgrades by the GDE and established that additional capacity would be required to adequately monitor the upgrades. EE therefore approached other organisations to assist. These organisations included: Alexandra Civic Organisation, Bua Funda, Gauteng Civic Association, Gauteng Council of Churches, Sidinga Uthando, South African National Civic Organisation and the Moral Regeneration Movement. Together with EE, these organisations formed the Gauteng Education Crisis Coalition and played an instrumental part in carrying out the social audit of over 200 schools across Gauteng and thoroughly verifying the audit findings.

A social audit is a community led process of checking the provision of essential services. A total of 500 auditors made up of learners, parents, teachers and members of the Gauteng Education Crisis Coalition, took part in the social audit. Key findings from the social audit revealed:

• In over 30% of the high schools audited, more than 100 learners shared one working toilet.
• One in every five toilet was locked or broken.
• Over 70% of learners had no access to soap.
• Over 40% of learners had no access to toilet paper or sanitary pads.
• In over a quarter of school the ratio of learner to maintenance staff was 400:1
• The majority of the schools listed to benefit from the R150 million sanitation upgrades, indicated that substantial upgrades were made to the ablution facilities, however some schools were concerned about the quality of the upgrades made.

GAUTENG SOCIAL AUDIT SUMMIT

Upon completion of the audit EE held a social audit summit on 15 May 2015. This was attended by community members, learners, member organisations and representatives from the GDE, together with MEC Lesufi. Based on the findings from the audit, EE presented the following demands as measures to resolve the sanitation crisis:

• Establish a Gauteng appropriate standard for sanitation, particularly with regards to the ratio of students per toilet.
• Establish a standard for the ratio of maintenance staff per students.
• Publicly provide a model budget for how schools in townships can afford to purchase critical items like soap, sanitary pads and toilet paper.

• Publicly begin blacklisting contractors who underperform.

• Fully fund the GDE’s request for R350 million to maintain school toilets.

MEC Lesufi accepted all EE’s demands unconditionally and added the following:

• The 50 worst schools would be demolished and rebuilt by the June holidays of 2015.

• Every Matric classroom in a township would receive new ceilings, floors and toilets by July.

• Every chalkboard in Gauteng would be removed and replaced with smartboards by July.

• 21 000 dignity packs would be distributed to female learners monthly as of July.

• Every school in Gauteng has been made a section 21 school.

In 2017 EE embarked on a follow up survey to assess the progress made by the MEC in fulfilling his promises within 50 of the worst schools.

MENSTRUAL HYGIENE

Throughout EE’s sanitation campaign, school visits repeatedly revealed that the provision of sanitary products for girl learners was often limited, if not completely non-existent. In 2016, EE reviewed the provision of dignity packs in 36 school in an effort assess the progress made by MEC Lesufi in fulfilling his promise to distribute 21 000 dignity packs to schools.

We found that a small percentage of girls were receiving sanitary pads on a regular basis from schools. In most schools sanitary pads were not provided consistently and therefore did not alleviate the problems girl learners are facing. The inadequate provision of dignity packs resulted in schools having to devise various distribution tactics in order to accommodate all girl learners in their schools. As a result, girl learners did not always receive these dignity packs on a monthly basis.

Our findings revealed that that absenteeism during menstruation was a prevalent challenge resulting in girl learners having to constantly catch up in their school work.

In addition, we found that education around menstruation within schools is lacking. A vast majority of girl learners we spoke to expressed that they had experienced their first period before they were taught about menstruation and therefore their first experiences were met with embarrassment and fear.

Following these school visits, EE joined others in calling for the provision of menstrual hygiene products in poor schools and the zero-rating of these products.

In October 2016, the Gauteng Department of Social Development announced its plans to distribute dignity packs to one million learners within a three year timeframe. However, fundamental challenges were not addressed, namely:

• The sustainability of the project after the 3 year timeframe.

• The need to determine an effective and uniform method of distributing dignity packs to schools.

• The need to provide sufficient amounts of sanitary products.

• The need to introduce education on menstruation to learners at an earlier grade, in effort to address misconceptions and stigma around menstruation.

In June 2017 Equal Education hosted a Menstrual Hygiene Colloquium. Organisations that have been advocating for access to sanitary products were provided with a platform to present on work that has been done to create awareness. The colloquium concluded in the adoption of a Menstrual Hygiene Declaration that advocates for the adoption of a policy that ensures adequate and consistent provision of sanitary ware.

There is currently no national policy or law regulating access to menstrual hygiene products in South African schools. The Department of Women has circulated various drafts of a national policy framework titled ‘Sanitary Dignity’ in an effort to provide norms and standards on the provision of sanitary products. While the policy framework recognises the challenges facing female learners in schools, its status, and timelines for public comment and finalisation, are not known.

In his 2018 Medium Term Budget Policy Statement Finance Minister Tito Mboweni announced that sanitary pads would no longer be taxed. The Minister also announced that the provision of sanitary pads in schools will be funded through increases to provincial funding. While EE welcomed these developments as victories, we noted with concern that the increased funding to provinces is not ring-fenced. This means there is no guarantee that such funds will be be used specifically for the purpose of providing sanitary towels in schools, or even for any education purposes at all.