

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case No: 22588/2020

In the matter between:

Equal Education	First Applicant
School Governing Body of Vhulaudzi Secondary School	Second Applicant
School Governing Body of Mashao High School	Third Applicant

and

Minister of Basic Education	First Respondent
MEC of Education, Eastern Cape	Second Respondent
MEC of Education, Free State	Third Respondent
MEC of Education, Gauteng	Fourth Respondent
MEC of Education, KwaZulu-Natal	Fifth Respondent
MEC of Education, Limpopo	Sixth Respondent
MEC of Education, Mpumalanga	Seventh Respondent
MEC of Education, Northern Cape	Eighth Respondent
MEC of Education, North West	Ninth Respondent
MEC of Education, Western Cape	Tenth Respondent

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H-AM
MAS

Signed and dated at Pretoria this day of August 2020.

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H. M. M. M. M.

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MEC of Education, Northern Cape	Eighth Respondent
MEC of Education, North West	Ninth Respondent
MEC of Education, Western Cape	Tenth Respondent

REPORTING AFFIDAVIT: 7 AUGUST 2020

I, the undersigned

HUBERT MATHANZIMA MWELI

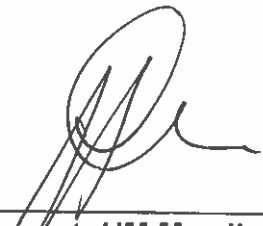
do hereby declare under oath as follows:

H M MWELI

1. I am a major male and an officer of the Public Service, employed in the Department of Basic Education ("*the Department*"), in which I am appointed as the Director-General of the Department, with the address of my office and that of the Department at No 222 Struben Street, Pretoria, Gauteng Province.
2. The contents of this affidavit fall within my personal knowledge, unless the context indicates otherwise, and are to the best of my belief and knowledge both true and correct.
3. The purpose of this affidavit is to comply with the order of the Honourable Court made on 17 July 2020 in paragraph 103 of the judgment delivered on the same date, namely, within 10 days (and every 15 days) from the date of the order) file under oath, and provide to the Applicants, a plan and programme to be implemented without delay so as to ensure that the MECs carry out without delay their duties as referred to in the other orders made by the Honourable Court, and which address the following matters:
 - 3.1 what steps were taken to ensure that the MECs continue to provide food to all qualifying learners during the State of Disaster without delay;
 - 3.2 what further steps will be taken in this regard; and
 - 3.3 when will each such steps be taken.

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4. I attached as annexure 'MBE 10' hereto a consolidated report on behalf of the Minister of Basic Education as well as on behalf of the relevant MECs of the Provincial Education Departments, together with the annexures thereto. The confirmatory affidavits of these parties are attached as annexure 'MBE 1-10' hereto.



Deponent: HM Mweli

I certify that the Deponent acknowledged that he knows and understands the contents of this affidavit, that he has no objection to the making of the prescribed oath and that he considers this oath to be binding on his conscience. I also certify that this affidavit was signed in my presence at Pretoria on this 11th day of June August 2020 and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended by Government Notice R1648 of 19 August 1977, have been complied with.

189 ST. JUDEN STREET
PRETORIA 002
COMMISSIONER OF OATHS
EX OFFICIO
REPUBLIC OF SOUTH AFRICA

COMMISSIONER OF OATHS
FULL NAMES: Modikell Andrew Selebisa
STREET ADDRESS:
CAPACITY: Attorney
AREA: Pretoria



GAUTENG NORTH HIGH
COURT JUDGMENT AND
COURT ORDER
COMPLIANCE: DEPARTMENT
OF BASIC EDUCATION VS
EQUAL EDUCATION AND
OTHERS

DEPARTMENT OF BASIC EDUCATION
National School Nutrition Programme
06 August 2020

H.M.

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H. M. MYERS

GAUTENG NORTH HIGH COURT JUDGMENT AND COURT ORDER COMPLIANCE: DEPARTMENT OF BASIC EDUCATION VS EQUAL EDUCATION

The National School Nutrition Programme (NSNP) plan on provision of meals to learners who are in school and those not yet phased-in

Steps taken to ensure that Provincial Education Departments (PEDs), as support to the Members of the Executive Committee provide food to all qualifying learners during the State of Disaster as part of the implement of the National School Nutrition Programme¹.

Introduction

Since the High Court judgement on 17 July 2020, the Department of Basic Education (DBE) is committed to provide meals through the National School Nutrition Programme (NSNP) at schools to support all learners in line with its mandate. The Programme is aimed at enhancing their learning capacity towards actively engaging in school curricular. Some of the spin-offs from this programme that have been noted include regular attendance, high levels of concentration, retention, and low absenteeism. These factors create a conducive environment and have a positive impact on teaching and learning.

Currently the NSNP is implemented in 21 000 non-fee paying (quintile 1 – 3) primary, secondary and identified special schools. In addition, there are learners in dire need or food insecure that have been identified in quintile 4 and 5 schools mainly in Gauteng and Western Cape. In total, 9.2 million learners benefit from this programme nationally.

Conditional Grant Framework

The Department has a mandate to manage and implement the NSNP in terms of the Division of Revenue Act which is gazetted annually and receives a Conditional Grant which is adjusted each financial year (April to March) from National Treasury and the allocated funding for the 2020/21 financial year is R7.7 billion. The Conditional Grant Framework (**Annexure A**) provides clear roles and responsibilities for all spheres of government (national, provincial and districts and school) to implement the programme².

Responsibilities of the DBE (National Department)

- Develop and submit approved national business plans to the National Treasury
- Evaluate, approve and submit provincial business plans to the National Treasury
- Manage, monitor and support programme implementation in provinces and districts

¹ Equal Education points 1-2 refers – steps to implement NSNP to all learners

² Equal Education point 4 refers – lack of a reasonable, coherent and comprehensive plan

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- Ensure compliance with reporting requirements and National School Nutrition Programme guidelines
- Transfer funds to provinces in line with the approved payment schedule
- Consolidate and submit quarterly performance reports to the National Treasury within 45 days after the end of each quarter
- Evaluate performance of the conditional grant and submit an evaluation report to the National Treasury four months after the end of the financial year
- DBE must report separately on COVID-19 expenditure, in its reports submitted in terms of the requirements of section 10 of the Division of Revenue Act, and share these reports with the National Disaster Management Centre.

Responsibilities of Provincial Education Departments

- Develop and submit approved business plans to the DBE. The business plans should include databases reflecting distribution of volunteer food handlers and cooking fuel per school
- Monitor and provide support to districts/regions/area project officers and schools
- Manage and implement the programme in line with the 2020 Division of Revenue Act and the Public Finance Management Act
- Update and submit databases on kitchen facilities, equipment and utensils by 28 August 2020
- Ensure that districts are resourced in line with provincial business plans to conduct effective monitoring and support to schools in line with Goal 27 of the Action Plan to 2019, Towards the Realisation of Schooling 2030
- Consult districts on the development and implementation of their provincial business plans
- Implement monitoring and evaluation plans
- Provide human resource capacity at all relevant levels
- Evaluate the performance of the conditional grant annually and submit evaluation reports to the DBE two months after the end of the financial year
- Submit quarterly financial and performance reports including consolidated monitoring, reporting and response system reports to DBE after the end of each quarter
- Provinces must update and submit databases on kitchen facilities, equipment and utensils by 28 August 2020
- Provinces that are transferring funds to schools are required to:
 - o develop and submit approved 2020/21 transfer schedules reflecting actual dates on which funds will be transferred to schools by 9 April 2020
 - o reconcile expenditure by schools against budget transfers on a quarterly basis. Reports for June 2020 and December 2020 on actual expenditure by schools should be submitted six weeks after the end of the quarter

Responsibilities of Districts

- Monitor and support schools
- Submit monthly and quarterly reports (narrative and expenditure reports to the provincial department, as well as reports on expenditure by schools, where applicable). This should include consolidated monitoring, reporting and response system reports, where applicable
- Coordinate all National School Nutrition Programme activities in the district

Responsibilities of schools

- Implement the programme in line with the conditions of the National School Nutrition Programme framework including
- the appointment of Volunteer Food Handlers to prepare, cook and serve meals to learners as well as general cleaning of facilities
- Submit reports to districts as per the provincial reporting requirements, i.e. performance and expenditure reports
- Safeguarding of programme resources, i.e. cooking facilities, equipment and utensils

Conditional Grant Framework Review to address COVID-19 regulations

The COVID-19 pandemic has had an impact on the NSNP since the lockdown but new amendments to the Conditional Grant Framework were made to ensure that the provision of meals to learners during the lockdown will continue. The Department made amendments to the Conditional Grant Framework in consultation with National Treasury and PEDs which was approved in June 2020. The changes to the Framework (**Annexure A**) are:

- To respond to the COVID-19 pandemic, provinces may use grant funds for additional sanitisation in food preparation and distribution areas and the provision of personal protective equipment and training on safety measures for volunteer food handlers;
- If schools are closed due to a declared state of disaster, funds from the grant that would have been spent on providing meals in schools may instead be used to provide meals to learners in far flung areas through alternative means at a minimum of R170 nutritious food items per learner per month; and
- Provinces must report on COVID-19 activities and expenditure as part of their reports submitted in terms of the requirements of section 12 of the Division of Revenue Act.

These stipulations assist Provincial Education Departments to provide either cooked meals or food parcels to learners. Monitoring are required and reports of the provision of meals are mandatory.

NSNP Procurement models

The NSNP is designed to utilise two procurement models i.e. centralised and decentralised procurement to ensure effective and efficient service delivery. The centralised model is implemented in Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga and Western Cape where contracts for service providers are gazetted and service providers are then awarded these contracts to procure and deliver food items according to the provincial menu to schools. The funds for fuel and stipends for Volunteer Food Handlers are transferred to schools, except in KwaZulu-Natal.

The decentralised model is implemented in Eastern Cape, Free State, North West and Northern Cape and piloted in 50 schools in Limpopo whereby funds are transferred to schools. Schools are required to procure or appoint a service provider according to supply chain regulations to procure food as per approved provincial menu.

Provincial Business Plans

As per NSNP Grant Framework in Annexure A, the PEDs have a key responsibility to implement and monitor the programme in schools. PEDs have an obligation to develop business plans as per Division of Revenue Act before the start of every new financial year. To date, all provinces have submitted signed Head of Department NSNP Business Plans for the 2020/21 financial year (**Annexure B**)³. These business plans have a section on activities (Activity Schedule) and the budget allocated to each activity that reflects the plans for the financial year.

The activities covered in the business plan include the meals costed for primary, secondary and special school learners for school days. Further activities include stipend for Volunteer Food Handlers and fuel for cooking costs. Other activities include advocacy and nutrition education campaigns e.g National Nutrition & Obesity Week and World School Milk Day, meetings and workshops for officials and Volunteer Food Handlers, NSNP Best Schools Awards and administration functions.

Amended Business Plan Process

The Department has put in place a business plan review process that will ensure that budgets are allocated for provision of meals to all benefiting learners in line with the Court order, utilising the savings generated in April and May 2020. Due to the COVID-19 pandemic and declaration of a national lockdown provinces were requested in a DBE letter dated 29 July 2020 to submit revised signed business plans to DBE by 14 August 2020 (**Annexure C**).

Meetings were held with PEDs using virtual platforms to review the NSNP Grant Framework, feeding calendar as well as making adjustment to the phased approach of feeding learners irrespective of whether they are attending school or not. All provinces made commitments to provide meals to all learners on the NSNP as per mandate regardless of the phased-in approach. The provinces were requested to remove activities which required gatherings viz. National Nutrition Week and World School Milk Day advocacy events, capacity building workshops, deworming and the NSNP best practise awards.

The current review of provincial business plans will enable reprioritisation of funds from administration activities to the feeding of learners to address unforeseen and unavoidable expenditure ⁴. The National department has also submitted a request

³ Equal Education points 3, 5 refers – lack of a reasonable, coherent and comprehensive plan

⁴ Equal Education points 3.2, 6-8 refers – lack of planning to deal with budgetary constraints

for additional funding for unavoidable and unforeseen priorities in an effort to cover the projected shortfall.

The provision of meals to all mandated learners are in alignment with the approval of amended business plans.

Provincial Implementation, Commitments and Logistics to address phased-in approach and learners not in schools to receive meals

Provinces have made a commitment to provide meals to all learners on the programme regardless of phased-in approach as summarised and attached in **Annexure D⁵**. PEDs developed province-specific implementation plans with various options of schools serving cooked meals, learners collecting meals and provision of food parcels. All OEDs are implementing the NSNP to phased-in learners and learners not attending, in schools.

Eastern Cape

In the Eastern Cape the Head of Department (HoD), Mr TS Kojana sent an Instruction dated 17 June 2020, NSNP feeding of all learners as from 22 June 2020. A further Instruction on the NSNP by the HoD was signed on 27 July indicating that schools are hereby requested to put measures in place to ensure that ALL qualifying learners' benefit from the NSNP starting the 27 July 2020 until the period declared as the completion of the phasing in of all grades.

Free State

The Free State have released a media statement on 28 June 2020 stating that learners who are beneficiaries of the nutritious programme but not yet in school can access their meals from schools. Further commitments signed by the Head of Department (HOD), Advocate TH Malakoane viz. Provision of meals for NSNP learners amid the phasing-in of learners dated 18 June 2020; Reporting of the feeding of learners amid the phasing-in of grades dated 22 June 2020; NSNP management of COVID-19 date 21 July 2020.

Gauteng

In a circular to schools dated 27 July 2020, the HoD, Mr E Mosuwe on Arrangements during the school break from 27 July to 24 August 2020 indicated that school nutrition will be provided to all qualifying learners during the school break. Feeding of learners will be done at schools in a staggered manner in order to observe the required protocols for social distancing.

KwaZulu-Natal

The Head of Department, Dr EZ Nzama signed the circular 46 of 2020 Feeding all grades in the schools participating in the NSNP, indicating that the NSNP must be accessible to all learners including those that are not phased in date 15 June 2020;

⁵ Equal Education point 9 refers – time frames imposed

Limpopo

Several circulars were sent by the acting HOD Ms K Dederen on the implementation of the NSNP: A circular dated 22 June refers to management of the NSNP during COVID-19; provision of learner transport during Covid-19 dated 5 May 2020; Provision of NSNP under COVID-19 dated 22 May 2020 and Feeding of all learners who are beneficiaries of the NSNP dated 22 June 2020.

Mpumalanga

The HoD of Mpumalanga, Mr JR Nkosi committed in an Affidavit dated 03 August 2020 to provide all qualifying learners with meals during the lockdown. He also attached a circular date 24 July 2020, Provision of meals to learners during COVID-19 Level 3 lockdown and beyond, to provide meals to learners.

North West

The Superintendent General, Mrs SM Semaswe signed a circular dated 31 July 2020 - Directions regarding the re-opening of schools and measures to prevent and combat the spread of COVID-19 in North West schools ensuring compliance with the COVID-19 protocols including health, safety and social distancing requirements and also assist with feeding of learners eligible for the National School Nutrition Programme. A circular by Dr SM Mvula on 19 June 2020 to schools indicated to feed all learners with effect from 22 June 2020.

Northern Cape

The Northern Cape Department of Education released a poster for the NSNP stating that the NSNP will continue to provide a meal to all learners during the 4 weeks school break at their nearest school. In addition, community radio interviews and voice overs were used to communicate the message to communities.

Western Cape

The Western Cape Department of Education HOD, Mr Mr BK Schreuder has released a circular dated 24 July 2020 on Break in Schooling that learners can collect meals from school, the schools are required to provide the NSNP service. This applies to all four weeks until 24 August and further states that the continuous feeding of all learners are imperative regardless of whether learners have returned to school or not.

Monitoring of the NSNP

The Department of Basic Education monitor⁶ the implementation of the NSNP as part of the responsibility to oversee the implementation of the programme. The PEDs monitor schools at provincial level and districts with the support of NSNP monitors. The NSNP has established a monitoring strategy "MRR"- Monitoring, Report and Response - that requires each province to develop a standard set of questionnaires

⁶ Equal Education points 10-11 refers – conclusion comply with duties, remedy defects

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(monitoring tool) that assess the implementation of the programme at schools. These questionnaires were adjusted to use an excel or HTML menu calculator to determine quantities to cook at school during the national lockdown. The questionnaires cover detail on learner numbers that are phased in and receive meals as well as learners not at school collecting meals. Provincial monitoring plans are attached (**Annexure E**) where monitors must monitor schools as per the monitoring plan.

Provincial departments are also required to monitor expenditure closely to ensure there is no budgetary constraints. The option of food parcels are only during the phased in approach and as the phased in approach encompasses more grades, the food parcels should not be provided but cooked meals at schools to stay within budget.

Provincial statistics on learners that received meals during the period 20/27 July to 08 July 2020

The Department required provinces to submit statistics on feeding learners as they are phased-in as well as those that are at home. All provinces submitted statistics on learner numbers that accessed meals or food parcels at schools (**Annexure F**).

Challenges of provision of meals

Provinces reported that learners that are not phased-in do not support the programme as intended to cover whole school provision of meals or the collect food parcels at school. The NSNP is ready to implement at full scale but due to fears of COVID-19 parents do not allow learners, or learners themselves do not collect; or long distance prevent learners to come to school which affect numbers of learners receiving meals negatively.

Further steps that will be taken in this regard as well as deadlines are indicated in the process plan below:

Activity	Responsibility	Due date	Progress
1. Letter on amended NSNP business plans to PEDs	DBE	29 July	Done
2. Amended business plan to be finalised	PEDs and DBE	20 August	In progress
3. Review of monitoring tools to ensure compliance with court order in consultation with provinces and stakeholders	DBE and PEDs	30 July	Done
4. Monitoring of compliance to provincial business plans, including feeding of all beneficiaries	DBE, PEDs and districts	Monthly	Ongoing

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5. Reports for Court Case and schedule on reporting to PEDs	DBE and PEDs	Ongoing	Every 15 days
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Annexure A

National School Nutrition Programme Grant	
Transferring department	<input type="checkbox"/> Basic Education (Vote 16)
Grant schedule	<input type="checkbox"/> Schedule 5, Part A
Strategic goal	<input type="checkbox"/> To enhance learning capacity and improve access to education
Grant purpose	<input type="checkbox"/> To provide nutritious meals to targeted schools
Outcome statements	<input type="checkbox"/> Enhanced learning capacity and improved access to education
Outputs	<input type="checkbox"/> 21 000 schools that prepare nutritious meals for learners
Priority of government that this grant primarily contributes to	<input type="checkbox"/> Priority 2: Education, skills and health
Details contained in the business plan	<ul style="list-style-type: none"> • Outcome indicators • Output indicators • Inputs • Key activities • Risk management plan

<p>Conditions</p>	<ul style="list-style-type: none"> • Spending must be in line with national and provincial business plans□ • The budget allocation must be distributed in terms of the following weightings for both secondary and primary schools and such weightings may be amended to enable compliance with COVID-19 requirements:□ <ul style="list-style-type: none"> ○ school feeding: minimum of 96 per cent ○ kitchen facilities, equipment and utensils: minimum of 0.6 per cent and not exceeding R10 million ○ administration: maximum of 3.0 per cent ○ nutrition education (including deworming and hygiene practices): maximum of 0.4 per cent • Minimum feeding requirements:□ <ul style="list-style-type: none"> ○ provide nutritious meals to learners in quintile 1 - 3 primary and secondary schools, as well as identified special schools in line with the gazetted amended school calendar ○ provide nutritious meals to targeted learners in identified quintile 4 and 5 schools in line with available resources ○ meal costs per learner will increase at a minimum of 4 per cent in all benefiting primary schools and two per cent for all secondary schools. Far-flung/low enrolment farm and rural schools that are receiving funds directly should be allocated a higher meal cost to cover higher transport costs ○ pay honorarium of a minimum of R1 360 per person plus R13.88 to the Unemployment Insurance Fund based on a food handler to learner ratio of 1:200. Food handlers must be allocated in line with approved sliding scales submitted with provincial business plans ○ comply with approved food specifications and menu specifications consisting of meals containing: <ul style="list-style-type: none"> starch, protein and fresh vegetable/fruit ○ fresh vegetables/fruits must be served daily and vary between green, yellow and red ○ a variety of protein-rich foods must be served in line with approved menu options ○ raw sugar beans must be packed separately from samp, not mixed in one packet ○ soya mince should not be served more than once a week and must meet approved specifications Soya may not be used as seasoning/thickening for other dishes ○ canned pilchards/mackerel/sardines must be served at least once a week. High quality protein products can replace pilchards in areas where these are not socially acceptable ○ seasoning should be provided for all meals except on the day when milk is served ○ ultra-high temperature (UHT) treated full cream milk or pasteurised maas must be served once a week. Milk must be approved in line with dairy standards set by Milk South Africa • Provinces must support and promote sustainable food production and nutrition education in schools□ • Provinces must promote local economic empowerment, including procurement of fresh produce from smallholder farmers. The farmers should be registered with the Department of Agriculture, Land Reform and Rural Development and adhere to good agricultural practices□ • Provinces that are transferring funds for meals to schools (Eastern Cape, Free State, Limpopo, Northern Cape and North West) are required to reconcile expenditure by schools against budget transfers on a quarterly basis□ • Provincial business plans will be approved in line with the above minimum requirements and available resources. The following variations may be approved by the transferring officer based on achievements and/or critical challenges in each province:□ <ul style="list-style-type: none"> ○ feeding days reduced to a minimum number of days determined on the basis of the gazetted school calendar ○ feeding cost below the minimum requirements, provided the quality of meals is not compromised ○ reduction in the number of learners due to learner verification ○ number of learners that exceed the gazetted quintiles ○ serving of processed vegetables or fruit in remote areas ○ quintile 1-3 schools that do not feed all learners (Gauteng and Western Cape) need to approve letters from schools requesting a deviation from whole school feeding. These letters must be provided to the provincial office and kept on record ○ deviation requests from approved business plan activities must be submitted to the transferring officer not later than November 2020 • Provinces must update and submit databases on kitchen facilities, equipment and utensils by 28 August 2020□
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National School Nutrition Programme Grant	
	<ul style="list-style-type: none"> • The flow of the first instalment of the grant depends upon receipt by the Department of Basic Education (DBE) of: <ul style="list-style-type: none"> ◦ submission of the approved transfer schedules for the 2020/21 financial year by provinces that are transferring funds to schools ◦ submission of quarterly performance (narrative and indicators) and financial reports • The flow of the May 2020 instalment of the grant depends upon receipt by the DBE of quarterly performance (narrative and indicators) and financial reports • The flow of the December 2020 and the January 2021 instalments of the grant depend upon receipt by the DBE of: <ul style="list-style-type: none"> ◦ evidence (copies of orders, invoices, etc.) of procured kitchen facilities, equipment and utensils including the names of benefiting schools ◦ evidence of procurement of resources to district offices in line with approved business plans ◦ submission of quarterly performance (narrative and indicators) and financial reports • Non-compliance with any of the above conditions may result in the withholding and subsequent stopping of budget transfers • To respond to the COVID-19 pandemic, provinces may use grant funds for additional sanitisation in food preparation and distribution areas and the provision of personal protective equipment and training on safety measures for volunteer food handlers • If schools are closed due to a declared state of disaster, funds from the grant that would have been spent on providing meals in schools may instead be used to provide meals to learners in far flung areas through alternative means at a minimum of R170 nutritious food items per learner per month • Provinces must report on COVID-19 activities and expenditure as part of their reports submitted in terms of the requirements of section 12 of the Division of Revenue Act
Allocation criteria	<ul style="list-style-type: none"> • The distribution formula is poverty-based in accordance with the poverty distribution table used in the national norms and standards for school funding as gazetted by the Minister of Basic Education on 17 October 2008 • Unallocated amounts will be distributed based on needs assessment reports submitted by provinces
Reasons not incorporated in equitable share	<ul style="list-style-type: none"> • The National School Nutrition Programme (NSNP) is a government programme for poverty alleviation, specifically initiated to uphold the rights of children to basic food and education • The conditional grant framework enables the DBE to play an oversight role in the implementation of all NSNP activities in schools
Past performance	<p>2018/19 audited financial outcomes</p> <ul style="list-style-type: none"> ◻ Of the R6.9 billion allocated to provinces including roll-overs, R6.8 billion (99 per cent) was transferred to provinces, of which R6.8 billion (99 per cent), was spent by the end of the financial year <p>2018/19 service delivery performance</p> <ul style="list-style-type: none"> • 9.6 million learners were provided with meals in 21 008 primary, secondary and special schools • 61 471 volunteer food handlers prepared meals for learners • 3 477 small and medium enterprises and local cooperatives were contracted to supply food to learners
Projected life	<ul style="list-style-type: none"> ◻ It is envisaged that, given the high poverty and unemployment rates in the country, the need for such a grant will persist for at least another 10 years. The programme ensures that learners from the poorest communities have decent opportunities to learn
MTEF allocations	<ul style="list-style-type: none"> ◻ 2020/21: R7.7 billion; 2021/22: R8.1 billion and 2022/23: R8.5 billion
Payment schedule	<ul style="list-style-type: none"> ◻ The payment schedule will be in line with respective provincial procurement models as follows: <ul style="list-style-type: none"> ◦ provinces that transfer funds directly to all schools (Eastern Cape, Free State, North West and Northern Cape) receive five instalments as follows: 8 April 2020; 20 May 2020; 18 June 2020; 9 September 2020 and 08 December 2020 ◦ provinces that procure from service providers on behalf of schools receive five instalments as follows: <ul style="list-style-type: none"> 8 April 2020; 20 May 2020; 16 July 2020; 14 October 2020 and 28 January 2021 ◦ the 20 May 2020 budget transfer is for kitchen facilities, equipment and utensils as per equipment specifications provided by the DBE ◦ payment schedules may be revised in line with implementation and spending trends

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Responsibilities of the transferring officer and receiving officer	Responsibilities of the national department <ul style="list-style-type: none"> • Develop and submit approved national business plans to the National Treasury • Evaluate, approve and submit provincial business plans to the National Treasury • Manage, monitor and support programme implementation in provinces and districts • Ensure compliance with reporting requirements and National School Nutrition Programme guidelines • Transfer funds to provinces in line with the approved payment schedule • Consolidate and submit quarterly performance reports to the National Treasury within 45 days after the end of each quarter • Evaluate performance of the conditional grant and submit an evaluation report to the National Treasury four months after the end of the financial year • DBE must report separately on COVID-19 expenditure, in its reports submitted in terms of the requirements of section 10 of the Division of Revenue Act, and share these reports with the National Disaster Management Centre
National School Nutrition Programme Grant	
	Responsibilities of provincial departments <ul style="list-style-type: none"> • Develop and submit approved business plans to the DBE and amend business plans to incorporate COVID- 19 activities. The business plans should include databases reflecting distribution of volunteer food handlers and cooking fuel per school • Monitor and provide support to districts/regions/area project officers and schools • Manage and implement the programme in line with the 2020 Division of Revenue Act and the Public Finance Management Act • Update and submit databases on kitchen facilities, equipment and utensils by 28 August 2020 • Ensure that districts are resourced in line with provincial business plans to conduct effective monitoring and support to schools in line with Goal 27 of the Action Plan to 2019, Towards the Realisation of Schooling 2030 • Consult districts on the development and implementation of their provincial business plans • Implement monitoring and evaluation plans • Provide human resource capacity at all relevant levels • Evaluate the performance of the conditional grant annually and submit evaluation reports to the DBE two months after the end of the financial year • Submit quarterly financial and performance reports including consolidated monitoring, reporting and response system reports to DBE after the end of each quarter • Provinces that are transferring funds to schools are required to: <ul style="list-style-type: none"> ○ develop and submit approved 2020/21 transfer schedules reflecting actual dates on which funds will be transferred to schools by 9 April 2020 ○ reconcile expenditure by schools against budget transfers on a quarterly basis. Reports for June 2020 and December 2020 on actual expenditure by schools should be submitted six weeks after the end of the quarter Responsibilities of districts <ul style="list-style-type: none"> • Monitor and support schools • Submit monthly and quarterly reports (narrative and expenditure reports to the provincial department, as well as reports on expenditure by schools, where applicable). This should include consolidated monitoring, reporting and response system reports, where applicable • Coordinate all National School Nutrition Programme activities in the district Responsibilities of schools <ul style="list-style-type: none"> • Implement the programme in line with the conditions of the National School Nutrition Programme framework • Submit reports to districts as per the provincial reporting requirements, i.e. performance and expenditure reports • Safeguarding of programme resources, i.e. cooking facilities, equipment and utensils
Process for approval of 2021/22 business plans	<ul style="list-style-type: none"> • Consultation with district officials, provincial treasuries, provincial finance sections and the National Treasury on business plans in August 2020 • Provinces submit first draft business plans to the DBE in September 2020 • DBE to evaluate first draft business plans and send comments to provinces by 30 October 2020 • Provinces submit final approved business plans and requisite attachments to DBE in January 2021 • The transferring officer to approve national and provincial business plans by 31 March 2021

L.M. MAA

Annexure B to F

Zip Files attached separately

Annexure B – 20/21 PED Business Plans

Annexure C – DBE letters to PED on amending Business Plans

Annexure D – PED HoD signed Commitments

Annexure E – DBE and PED monitoring plans amended for COVID-19

Annexure F – Provincial number of learners provided meals

CONFIRMATORY AFFIDAVIT

I, the undersigned

ANGELINA MATSIE MOTSHEKGA

do hereby declare under oath as follows:

1. I am a major female and a Cabinet Minister in the National Executive, appointed as the Minister of Basic Education and responsible for the Department of Basic Education ("*the Department*"), with the address of my office and that of the Department situated at No 222 Struben Street, Pretoria.
2. The contents of this confirmatory affidavit fall within my personal knowledge, unless the context indicates otherwise, and are to the best of my belief and knowledge both true and correct.
3. I have read the Answering Affidavit of the Director-General of the Department, Hubert Mathanzima Mveli, and I am conversant with the contents thereof. I confirm that I oppose this application on the basis of the evidential material and the grounds as set out in that Answering Affidavit.



Deponent: AM Motshekga

MMS

I certify that the Deponent acknowledged that she knows and understands the contents of this affidavit, that she has no objection to the making of the prescribed oath and that she considers this oath to be binding on her conscience. I also certify that this affidavit was signed in my presence at Pretoria on this 11th day of June 2020 and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended by Government Notice R1648 of 19 August 1977, have been complied with.


COMMISSIONER OF OATHS

FULL NAMES:

STREET ADDRESS:

CAPACITY:

AREA:

Modikelle Andrew Selesite.

Attorney
Pretoria

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