

Mr Fundile David Gade  
MEC of Education, Eastern Cape Province  
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Copied: The State Attorney, Pretoria  
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18 August 2020

Dear MEC Gade

**SECOND REPORT PROVIDED IN TERMS OF THE COURT ORDER IN *EQUAL EDUCATION & OTHERS v MINISTER OF BASIC EDUCATION & OTHERS (22588/2020)***

1. We acknowledge receipt of the consolidated report of the national and provincial departments of education, filed in terms of paragraphs 103.10 and 103.12 of the judgment in the case of *Equal Education & Others v Minister of Basic Education and Others (22588/2020)* and received in unsigned form on 7 August 2020 and in signed form on 11 August 2020.
2. In our letter of 6 August 2020, we laid out in some detail the ways in which the province's first report was deficient.
3. We have reviewed the information provided in the consolidated report, which was filed in lieu of your second report, and consider that in order for your report to comply with the order made by the Court, a province-specific report must be provided and it must include the following information which was not contained in this report:
  - 3.1. The province failed to submit the information regarding the number of learners fed, which is laid out for all other provinces in Annexure F. The absence of this information is of grave concern.
  - 3.2. Reference is made to a system of electronic capturing at the school and district level to improve reporting and to provide accurate statistics on the implementation of the programme. Evidence of this system and the outputs of the system is not provided and must be provided.
  - 3.3. We note that Annexure E purports to be provincial monitoring plans but, in fact, just appears to be provincial rosters reflecting annual school visits. They do not specifically report on monitoring during the period of school closures and the phased re-opening of schools and also do not distinguish between

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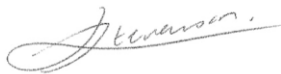
planned visits and visits that actually happened. These “monitoring plans” do not reflect what monitoring tools are being used or what data is being collected. The Consolidated Report refers to NSNP monitors being utilised in each province, however the questionnaires completed by monitors and the findings emanating from these visits, are not included in the Consolidated Report. It would be useful if future monitoring reports could report on schools not implementing social distancing guidelines and measures taken to remedy this situation. In addition, it would be useful if these reports monitored reasons for low uptake and remedies put in place.

- 3.4. Instruction note 38 of 2020, included in Annexure D2 to the Director General’s affidavit, instructs schools to report possible reasons why learners are not being fed, the steps that will be taken to improve meal uptake, and the timeframes to remedy the problems. The report provided does not reflect whether any reasons have been cited in relation to learners not receiving meals. It must do so.
- 3.5. There appears to be continued poor communication with schools, as evidenced in the note included as Annexure D2 to the Director General’s affidavit, which appears to have been signed on the same day that the schools were instructed to ensure that feeding of all learners must begin (27 July 2020). A revised communications strategy that will be utilised to inform learners and parents/caregivers about food collection during the current school closure period, including the safety measures that have been put in place must be provided.
- 3.6. The details of a scholar transport plan, for learners who live far from their nearest school, must be provided.
- 3.7. There are still no contact details of school/district/provincial officials provided in cases of non-compliance or where caregivers can access more information.

4. We request that this information be provided in your next report;

5. Once we have received your next report we shall consider whether it is necessary for us to approach the Court for further relief in terms of paragraph 103.13 of the Court Order.

Yours sincerely,



Sasha Stevenson  
Attorney  
SECTION27