

Mr Pule Herbert Isak Makgoe
MEC of Education, Free State Province
Per email: mec@edu.fs.gov.za / tate.makgoe@vodamail.co.za

Copied: The State Attorney, Pretoria
By email: PrKhosa@justice.gov.za

18 August 2020

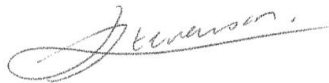
Dear MEC Makgoe

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.
 1. 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:
 - 2.1. The province attaches circulars that were attached in the previous report and provides no new evidence of communication. The absence of a plan for communication was raised in our previous letter of 6 August 2020 and has not been responded to. This must be remedied.
 - 2.2. The province reports that only 22,153 learners of the 596,674 qualifying learners are receiving meals and identifies as challenges to the full implementation of the programme: lack of water, difficulty in ensuring social distancing and challenges with learner transport but provides no plans or practical recommendations to deal with these problems. This must be remedied.

- 2.3. The differentiated feeding plan, referred to in your first report and requested in our 6 August 2020 letter, has still not been provided.
 - 2.4. 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 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 your 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.
 - 2.5. There are still no contact details of school/district/provincial officials provided in cases of non-compliance or where caregivers can access more information.
3. We request that this information be provided in your next report.
 4. 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
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