

Mr Panyaza Lesufi
MEC of Education: Gauteng Province
By email: Panyaza.Lesufi@gauteng.gov.za

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

18 August 2020

Dear MEC Lesufi,

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 and which we raised in our previous letter of 6 August 2020:
 - 3.1. Whilst the first report and the circular attached as Annexure D4 to the Director General's affidavit states that learners not yet back at school have been told to bring their own containers from home, it provides no details as to the plan that the GDE intends to implement in order to provide adequate communication to parents / caregivers and learners regarding the collection of meals and on the manner in which communication has been ensured thus far.
 - 3.2. Although the first report at paragraph 5.1 states that meals are provided at schools in a staggered approach at different times, it was unclear whether all

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eligible learners were receiving their meals on a daily basis. In this report, it becomes clear that they are not, with only 7,6% of learners reported to be receiving meals. Despite this, no insight is provided on the challenges affecting the roll out of the NSNP and no plan is provided to remedy this.

- 3.3. The plan for the provision of learner transport for the purposes of collecting food remains unclear and our monitoring suggests that some learners are not picking up their food due to lack of transport. This problem persists despite your initial report indicating that arrangements have been made with the Learner Transport Unit to transport those learners who ordinarily use learner transport to go to school, to get to their respective schools to fetch meals with effect from 1 July 2020. It therefore remains unclear what communication strategy was used to communicate the availability of learner transport to eligible learners.
 - 3.4. Further information about the food parcel programme, which was not referred to in the first report, but that our monitoring suggests is in some places inadequately replacing meals at schools, is not provided.
 - 3.5. It does not set out a clear plan on how the implementation of the National School Nutrition Programme (NSNP) in schools will be monitored. 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 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.
 - 3.6. 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
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