

Mr Kwazi Mshengu
MEC of Education, KwaZulu-Natal
By email: Balakhile.Sishi@kzndoe.gov.za

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18 August 2020

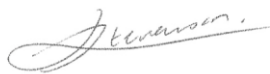
Dear MEC Mshengu

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. There still appears to be no consolidated plan for the programme, and no attempt to provide up to date reporting, with the province attaching only a circular that already forms part of the record in the hearing to its second report.
 - 3.2. The province acknowledges that it is not properly recording the distribution of meals to learners while reflecting an almost 100% feeding rate. This is a significant problem.

- 3.3. The province identifies inconsistency of feeding times due to staggered provision of cooked meals, screening staff not recording each learner properly, and parents opting not to send their children to school as reasons for a low uptake. The department notes that these issues will be mitigated as screeners become more familiar with their role and use of gadgets and as schools ensure that the provision of food is completed by 12:00. However, no remedial action for addressing the problems related to parents opting not to send their children to school is provided.
 - 3.4. The province highlights weekly reporting as a challenge but fails to elaborate and provides no proposed solution.
 - 3.5. 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.
 - 3.6. No details are given about a communication plan regarding the provision of meals with learners and caregivers, while learners are at home.
 - 3.7. No detail is provided regarding transportation plans for learners who do not live close to their respective schools.
 - 3.8. No contact details of school/district/provincial officials are 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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