

Mr Bonakele Majuba

MEC of Education, Mpumalanga

By email: r.motubatse@education.mpu.gov.za / pmhlanga@education.mpg.gov.za

Copied: The State Attorney, Pretoria

By email: PrKhosa@justice.gov.za

18 August 2020

Dear MEC Majuba,

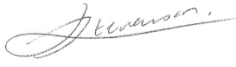
SECOND REPORT PROVIDED IN TERMS OF THE COURT ORDER IN *EQUAL EDUCATION & OTHERS v MINISTER OF BASIC EDUCATION & OTHERS (22588/2020)*

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. We note that in the information provided in the consolidated report, no second report was provided by Mpumalanga. Instead, the same affidavit was submitted, supplemented by some information in Annexure F to the Director General's affidavit. This is a breach of the order of court.
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 requested in our 6 August 2020 letter and was not contained in this report:
 - 3.1. There is still no detailed communication plan. Annexure MP3 simply refers to the use of various media houses to communicate with stakeholders. This is insufficient in the context of a court order and of the clear need to ensure that learners and their families know how and when school meals are provided.
 - 3.2. There is no mechanism for reporting a complaint or asking information from education district officials or provincial education officials.

1st floor, South Point Corner, 87 De Korte Street, Braamfontein, 2001. PO Box 32361, Braamfontein, 2017. T +27 (0)11 356 4100 f +27 (0)11 339 4311

- 3.3. Reference is made in Annexure F to the Director General's affidavit to the province's explanation for incomplete uptake of food being that learners failed to arrive. No plan is provided to mitigate this.
- 3.4. 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.
4. We request that this information be provided in your next report.
5. Once we have received your next report on Monday, 31 August 2020 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