

Our ref:



education
Department of
Education
FREE STATE PROVINCE

**To: SASHA STEVENSON
SECTION 27
EQUAL EDUCATION LAW CENTRE
1ST FLOOR SOUTH POINT CORNER
87 DE KORTE STREET
BRAAMFONTEIN
2001**

Cc: Sediti.N@dbe.gov.za

Dear Ms Steveson

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

1. Your letter addressed to MEC of Education, Free State Province, dated 18 August 2020 refers.
2. PLEASE BE INFORMED that same was referred to us for handling (kindly receive the letter for your ease of reference marked "AA").
3. In as far as the matters raised in your dated letter, please receive the responses as follows:

AD para 2.1

- 3.1. Communication plan is hereto attached marked as annexure "A".

LEGAL SERVICES DIRECTORATE

Private Bag X20565, Bloemfontein, 9300

Free State Provincial Government Building, Room 1509A, Cnr Markgraaf and Elizabeth Streets, Bloemfontein

☎ 051 404 8456 📠 051 404 8510 E-mail: legal@edu.fs.gov.za

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

AD para 2.2

3.2. Please be informed that the 22 153 learners reported on was the number of Grade 12 learners from 3 – 5 August 2020 that were fed at the school after the President of the Republic of South Africa, Mr Cyril Ramaphosa's proclamation of closing the schools. The total provincial number of learners fed cooked meal during that week was 80 597.

3.3. As to the challenges, please be informed that those that prevailed during that week of 3 – 5 August 2020 ie. lack of water, difficulty in ensuring social distancing, had been resolved.

AD para 2.3

3.4. The differentiation feeding plan referred to in our first report would have to be school specific. Kindly favour us with a sample of the schools to provide the differentiation feeding plan for, should it be deemed necessary in future.

AD para 2.4

3.5. Please be advised that we are still battling to understand the issues raised to annexure "E" mentioned in your letter. We solemnly undertake to proffer an answer and/or explanation once we are provided with same.

AD para 2.5

3.6. Kindly receive the contents of both District Directors and Schools, respectively attached hereto marked as annexure "B".

4. Trust you will find all the above in order. Please feel free to contact writer hereof on the above should a need arise.

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

5. Thank you



.....
BC Ngwenya

Legal & Auxiliary Services

Date: 31/08/2020.....

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

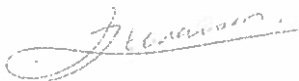
Dear MEC Makgoe

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
SECTION27

**REPORT ON NSNP
26 AUGUST 2020**

ITEM	DESCRIPTION	TIMEFRAME	STATUS
1 Media/ Communication Activities/ Campaigns	<p>OFM, Bloemfontein Courant and SABC TV interviewed Mr Howard Ndaba on NSNP.</p> <p>SABC TV was present to interview the spokesperson of, Mr Howard Ndaba, the school's SGB chairperson and a school learner.</p> <p>The school principal for Olympia Primary School, Mr Clifford Dunn also did an interview with Hlasela TV on the day of the monitoring visit.</p> <p>HOD, Adv Tsaorelo Malakoane, conducted an interview with Hlasela TV urging parents to send learners to school to receive their daily meals.</p> <p>Monitoring visit to Kgato Primary school. The second school was Toka Primary School, where SABC took footage of the school and learners being fed.</p>	<p>01 July 2020</p> <p>01 July 2020</p> <p>03 August 2020</p> <p>04 August 2020</p>	<p>Interviews done by Mr Howard Ndaba.</p> <p>Interview was flighted on SABC news channel.</p> <p>Footage of the interview is available.</p> <p>The interview took place.</p>
2 Media/ Communication Activities (non-event based)	<p>An article on NSNP was sent to the Premier's office for their Hlasela News publication</p> <p>A media statement was sent out to the local media and on MEC Tate Makgoe's social pages urging parents to support learners as beneficiaries of the NSNP, even those who were in grades that were still not at school yet, to go fetch their meals.</p>	<p>01 July 2020</p> <p>28 July 2020</p> <p>29 July 2020</p>	<p>The monitoring visit took place.</p> <p>The article was submitted.</p> <p>The media statement was circulated.</p>



		Another monitoring visit took place at Olympia Primary School.	03 August 2020	The visit took place.
3	Digital Media - trends	<p>Twitter and Instagram posts of learners at Matla Primary Schools receiving their meals.</p> <p>The allocation of funding for NSNP for 2020/21 was included on twitter during the 2020/21 budget vote speech.</p> <p>Twitter announcement on 524 080 learners who are eligible for NSNP programme, and have been urged to fetch their meals but only 5% of them are responding.</p>	<p>06 July 2020</p> <p>24 August 2020</p> <p>05 August 2020</p>	<p>Social media updated.</p> <p>Social media update.</p> <p>Social media update.</p>

Wednesday , 29 July 2020

To: All Media houses

For immediate release

MEDIA STATEMENT

FREE STATE DEPARTMENT OF EDUCATION URGES LEARNERS TO FETCH FOOD FROM SCHOOLS

The Free State Education Department is pleading with parents, to support their children who are beneficiaries of the National School Nutrition Programme to access meals at schools.

Parents and caregivers are urged to encourage eligible learners to collect meals provided through the National School Nutrition Programme.

The Free State Department of Education provides nutritious meals for close to 600 000 learners drawn from quintile 1-3 schools and some special schools.

In a televised address on Thursday, President Cyril Ramaphosa pronounced that schools would be on a 4-week break, but also added that the school nutrition programme would continue to operate.

29 July 2020 marked the third day of schools closure. Grade 12 learners are expected to return on Monday 3 August 2020, whilst Grade 7 learners are expected to report back at school on Monday 10 August 2020. The rest of the learners will be reporting back to school on Monday 24 August 2020.

Free State Education Hod, Adv Tsoarelo Malakoane emphasized that schools will prepare meals throughout the school break.

" We will prepare meals for the learners even when schools are closed. We are deeply concerned that very few learners turn up and this creates fruitless expenditure. Hence I am appealing to parents to encourage learners to collect their food", said Adv Malakoane

The department calls on communities to allow and support learners who benefit from the nutrition programme to go to school to get the food supplies.

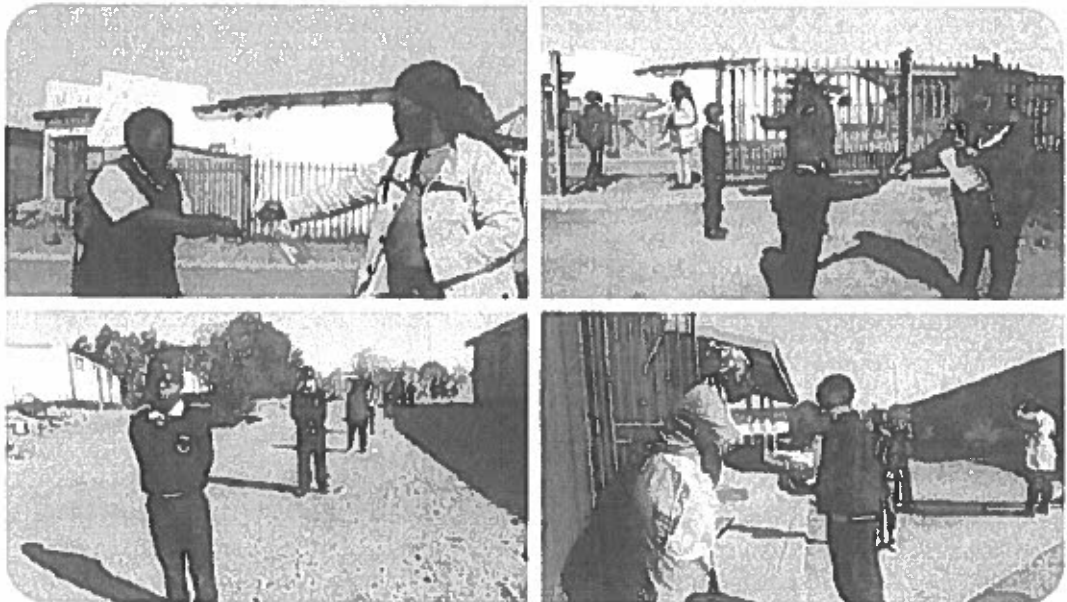
The department will continue to implement the Standard operating procedures of Covid-19 regulations whenever learners collect their meals at schools.

End.

Issued by the Free State Department of Education



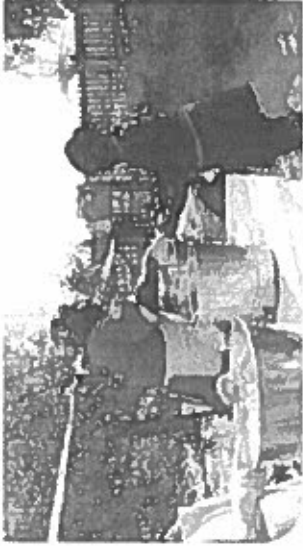
MEC Tate Makgoe @MECTat... · 01 Jul
We are at Kgato Primary School to monitor NSNP. Learners in quintile 1-3 schools are receiving their daily meals, including those from grades that are not back at school. About 600 000 learners benefit from this programme #NSNP #QualityEducationForAll @DBE_SA @ElijahMhlanga – at Bloemfontein Suid Rocklands





MEC Tate Makgoe @MECTat... · 01 Jul ▾

Toka Primary School is also feeding all their learners this morning. And importantly, observing all the Covid-19 regulations. #QualityEducationForAll #NSNP @DBE_SA @ElijahMhlanga @KST_DWSD @Kagiso_Trust @MyKamva

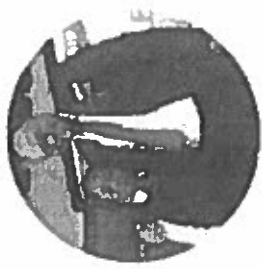


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MEC Tate Makgoe @MECTat... · 24 Jul ▾

431 851 00 has been set aside for the NSNP for 2020/21. This will enable us to reach over 600 000 learners. NSNP will continue during the break under safe and orderly conditions. #BudgetSpeech



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MEC Tate Makgoe @MECTat... · 29 Jul

Note for parents. Please encourage learners to go to school and collect their meals. #NSNP @DBE_SA @KST_DWSD @Kagiso_Trust @MyKamva @SadtuNational @ElijahMhlanga

For immediate release

programme would continue to operate

MFDA STATEMENT

FREE STATE DEPARTMENT OF EDUCATION URGES LEARNERS TO FETCH FOOD FROM SCHOOLS

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29 July 2020 marked the third day of schools closure. Grade 12 learners are expected to return on Monday 3 August 2020, whilst Grade 7 learners are expected to report back at school on Monday 10 August 2020. The rest of the learners will be reporting back to school break

"We will prepare meals for the learners even when schools are closed. We are deeply concerned that very few learners turn up and this creates fruitless expenditure. Hence I am appealing to parents to encourage learners to collect their food", said Adv Malakoane



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MEC Tate Makgoe @MECTat... · 29 Jul

Free State National School Nutrition Program underway to provide learners healthy meals @DBE_SA



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MEC Tate Makgoe @MECTa... · 03 Aug

We are at Olympia Primary School this morning to monitor and ensure that learners receive their daily meal. #NSNP

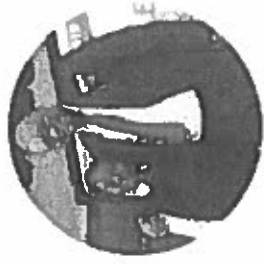
#QualityEducationForAll @DBE_SA

@ElijahMhlanga @KST_DWSD

@Kagiso_Trust @MyKamva

@CAPSRadioSA – at Heidedal





MEC Tate Makgoe @MECTa... · 05 Aug ▾

There are 524 080 who are eligible learners for school nutrition programme but but todote only less than 5% of them are coming to schools to fetch their meals. @ElijahMhlanga @HubertMweli @SABCNews @OFMNews9497 @KST_DWSD



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Free State Department of Education

Head Office and District Offices Contact Details

Designation	Official	Contact Details	Email Address
Head Office	Dr JEM Sekolanyane	051 4048417	cfo@fseducation.gov.za
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Thabo Mofutsanyana	Ms LF Mabaso	058 713 6959	Lindi.Mabaso@fseducation.gov.za
Fezile Dabi	Dr VH Chuta	016 973 9150	Chuta@fseducation.gov.za