

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

**CASE NO: 22588 / 2020**

In the matter between:

**EQUAL EDUCATION AND OTHERS**

**APPLICANTS**

and

**MINISTER OF BASIC EDUCATION AND OTHERS**

**RESPONDENTS**

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**AFFIDAVIT IN TERMS OF PARAGRAPH 103.12 OF THE ORDER OF COURT;  
LIMPOPO DEPARTMENT OF EDUCATION**

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I, the undersigned


**KHATHUTSHELO ONICA DEDEREN**

Do hereby declare under oath as follows:

1. I am a major female, appointed as the acting Head of Department of the Limpopo Department of Education, with the address of my office and that of the Department situated at number 113 Biccard Street, Polokwane.
2. The contents of this confirmatory affidavit fall within my personal knowledge, unless the context indicates otherwise, and are to the best of my belief and knowledge both true and correct.
3. The purpose of this Affidavit is to report back to the above Honourable Court in terms of paragraph 103.12 of the Order of the above Honourable Court dated 17 July 2020.



4. In respect of the steps that the Provincial Education Department (“PED”) has taken, I first of all refer the above Honourable Court to the previous Affidavit filed on behalf of the PED, dated 31 July 2020.
5. I annex hereunto as annexure “OD1”, an Excel spreadsheet containing the information which has to be reported back on to the above Honourable Court.
6. I furthermore annex hereunto as annexure “OD2”, the Limpopo NSNP monitoring tool.
7. Further to the above I annex hereto as annexure “OD3” a document titled Plan to feed learners as per the Court Judgement.



**K.O DEDEREN**

I certify that the Deponent acknowledge that she knows and understands the contents of this affidavit, that she has no objection to the prescribed oath and that she considers this oath binding on her conscience. I also certify that this affidavit was signed in my presence at Polokwane on this 01<sup>st</sup> day of September 2020 and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended by Government Notice R1648 of 19 August 1977, have complied with.

**COMMISSIONER OF OATHS**

**FULL NAMES:**

**STREET ADDRESS:**

**CAPACITY:**

**AREA:**

**Surprise Mpho Lebepe**  
BOSMAN PROKUREURS  
KOMMISSARIS VAN EDE / COMMISSIONER OF OATHS R.S.A  
PRAKTISERENDE PROKUREUR / PRACTICING ATTORNEY  
37 Voortrekker Str. Cnr Voortrekker & Bodenstein Str  
Polokwane 0689  
TELL: 015 291 3863 - FAX: 015 291 3807

"ODI"

Province	NUMBER OF LEARNERS FED			Number of Volunteer Food Handlers	Number of service providers	ME	
	15 January-18 March 2020	08 June – 27 July 2020	27 July –to date			Type of food provided to learners	Menu attached Yes/No
EC							
FS							
GP							
KZN							
LP	1,655 069	196 028	1 398 605	10383	283	Starch(maize meal),Protein(S oya and pilchards) and cooking oil and salt for seasoning	Yes
MP							
NC							
NW							
WC							
Total							

NARRATIVE (A SUMMARY BY DBE)

IMPACT OF COVID 19 ON THE PROGRAMME	COMMUNICATION STRATEGIES (How has province communicated to parents about feeding )	HOW TO MANAGE THE PROGRAMME UNDER DISASTER MANAGEMENT ACT
<p>The programme has been forced to serve meals with alternative means. The strength of the programme is when learners are eating from the same pot. Distribution of food hampers is a challenge as, is expensive, learners are staying in different areas, very difficult to distribute and forced to have a common collecting point.</p>	<p>Communication was done through Circulars, radio transmission, Media and Press statements. Circulars were issued through School principals, dissemination of information through community radio stations and SABC radios</p>	<p>Food stuff were delivered at school for all learners. Grades phased in received/served meals for learners at their respective schools. Parents of Learners not phased were requested to collect food hampers for their children at schools.</p>

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FUNDING			MONITORING	PARTNERSHIP		
Expenditure as July 2020 (%)	Balance as at July 2020	Cost of food parcels	Number of monitors / field workers	Name of the partners	Description of the donation	Donation cost
15%	1 007 101 037 08	R201.97	126	Tiger Brand Foundation	Breakfast to Waterberg District (Modimolle and Warmbath Circuits)	

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*[Handwritten initials]*

ENU		INFRASTRUCTURE				2020/21 Allocation
Description of food parcel package	Type of transport used by learners to collect food parcels/	Total number of schools	Number of schools with Kitchens	Number of schools with Food Storage areas	Number of schools with cooking and eating utensils	
1 X 5 kg Maize meal; 6x 400g Pilchards, soya, 1x750ml cooking oil , 1x500g salt	Learner Transport was provided to all learners on learner transport services. Arrangement between parents and service provider were made to time food preparation and serving period. Learners were fed and taken back home	3683	Kitchens with Certificate of Acceptability: 63	1800	Eating utensils:2377 Cooking equipments:1700	Grant allocation: 1 369 485,00

"OD2"



**LIMPOPO**  
PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT OF EDUCATION  
NSNP MONITORING TOOL**

*Interview at the office – request to see NSNP educator and file*

<b>SECTION A</b>  <b>Interview and School Details</b>	A1	District		
	A2	Circuit		
	A3	Name of official monitoring		
	A4	Date of visit		
	A5	Name of school		
	A6	EMIS number		
	A7.1	Respondent 1	Name	
			Position	
	A7.2	Respondent 2	Name	
			Position	
	A8.1	School enrolment		
	A8.2	NSNP approved learners		
	A9	Percentage of learners eating on average on a daily basis		
	A10	Which grades are currently phased in?		
A11	By what time is the feeding of learners attending school completed?			
	By 10am	10 - 11am	After 11am or no feeding	
A12	Are learners in grades not yet attending school being offered food/meal?	Y	N	
A13	If 'YES' to A12	Estimate the % of learners in grades not yet attending school that are taking advantage of this food/ meal?	< 25%	+/- 50%
			+/- 75%	All/ Most
	How are the learners receiving the food/ meal?  Circle the most appropriate answer(s)	Come to school and eat the meal on site		
		Collect cooked meals to eat at home		
		Collect food parcels from school to take home		
A14	If 'NO' to A12 then indicate why not  Circle the most appropriate answer(s)	Collect food parcels from a designated venue to take home		
		Other		
A14	If 'NO' to A12 then indicate why not  Circle the most appropriate answer(s)	We are not ready to be able to offer this yet		
		We were not aware that we had to do this		
		Learners in those grades don't come to school		

**COMPLETE B1 FOR SCHOOLS USING THE "DECENTRALISED" PROCUREMENT MODEL**

Inspect the NSNP file for evidence to answer questions B1 - B7			Yes	No
<b>SECTION B1</b>	B1	Is the NSNP feeding file complete according to the standard index?		
	B2	Are the signed Food Handler contracts for the current year available (with certified copies of ID's attached)?	2	0
	B3	Has the Food Handler attendance register been completed on a daily basis (for the current month)?	2	0
	B4	Are the daily feeding registers complete up to the date of the visit?	2	0
<b>Record Keeping and Management Practices</b>	<b>Check the following documentation for the previous month:</b>			
	B5	Is there a copy of the School Monthly Financial Pack on file and are all sections complete?		
	B6	Has the Income and Expenditure Report been correctly completed?		
	B7	Is Expenditure as a % of budget <del>more than 80% and less than 120%</del> ?		
<b>DECENTRALISED</b>	<b>Interview now moves to the kitchen / food prep area / storeroom</b>			
	B8	Is the Stock Register up to date and accurate for the current month?		
	B9	Is there evidence that the school is using the "Daily Meal Preparation Quantity Calculator" to determine the correct amount of food to prepare	2	0
	B10	Is there a copy of the Food Handler duty list on the wall in the kitchen / preparation area / storeroom?	2	0
	B11	Did the school follow a competitive process of obtaining 3 quotations when appointing the supplier for the last quarter?		
<b>RECORD KEEPING AND MANAGEMENT PRACTICES SCORE</b>				<b>/10</b>

**COMPLETE B2 FOR ALL SCHOOLS USING THE "CENTRALISED" PROCUREMENT MODEL**

Inspect the NSNP file for evidence to answer questions B12 – B18			Yes	No
<b>SECTION B2</b>	B12	Is the NSNP feeding file complete according to the standard index?		
	B13	Are the signed Food Handler contracts for the current year available (with certified copies of ID's attached)?	2	0
	B14	Has the Food Handler attendance register been completed on a daily basis (for the current month)?	2	0
	B15	Are the daily feeding registers complete up to the date of the visit?	2	0
<b>Record Keeping and Management Practices</b>	<b>Check the following documents for the previous month:</b>			
	B16	Is there a copy of the School Monthly Financial Pack on file and are all sections complete?		
	B17	Has the Income and Expenditure Report been correctly completed?		
<b>CENTRALISED</b>	B18	Did the school check delivered quantities against the expected quantities (as per school specific delivery schedule)		
	<b>Interview now moves to the kitchen / food prep area / storeroom</b>			
	B19	Is there evidence that the school is using the "Daily Meal Preparation Quantity Calculator" to determine the correct amount of food to prepare	2	0
	B20	Is there a copy of the Food Handler duty list on the wall in the kitchen / preparation area / storeroom?	2	0
<b>RECORD KEEPING AND MANAGEMENT PRACTICES SCORE</b>				<b>/10</b>



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**SECTION C AND CALCULATION PAGE**

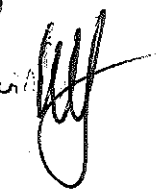
FOOD GROUP	A	B	C	D	E
	Product	Quantity Description <small>(eg: 2 x 5kg bags, 20 x 425g tins, etc)</small>	Quantity Prepared <small>(Kg, tin, litre, each)</small>	Quantity Should Have Prepared <small>(Kg, tin, litre, each)</small>	Percentage Prepared <small>(%)</small>
	From observation in the kitchen				
				Daily Meal Preparation Quantity Calculator	Column C ÷ D x 100
Starch					
Protein					
Fruit / Vegetable					

**SECTION D : NUTRITION EDUCATION, HEALTH AND SAFETY**

Area	Tool Question	Suggested Evidence/Guidance	Yes	No
School	1	Did the school conduct sanitization and screening at the school gate/entrance for all who enter the school? <ul style="list-style-type: none"> <li>o Apply hand sanitiser AND</li> <li>o Have their temperatures taken</li> </ul>	1	0
	2	Are hand sanitizers visible at all entrances to kitchen, storeroom, classes	1	0
	3	Has the school received and displayed COVID-19 hygiene practice guidelines?	1	0
Food Handlers	4	Is there evidence that Food Handlers have been trained on COVID-19 hygiene practices?	1	0
	5	Are the food handlers clean and appropriately dressed? <ul style="list-style-type: none"> <li>o All need to be in place to get 1 point:</li> <li>o Do they appear clean?</li> <li>o Are they wearing face masks?</li> <li>o Are they wearing aprons?</li> <li>o Are they wearing appropriate head covering?</li> </ul>	1	0
	6	Are food handlers observing the 1.5m social distancing rule at all times? <ul style="list-style-type: none"> <li>o Are food handlers more than 1.5m apart during the visit? (meal preparation area and during serving and washing up)</li> </ul>	1	0
	7	Are food handlers washing their hands/changing gloves correctly? <ul style="list-style-type: none"> <li>o Even if wearing gloves food handlers should wash their hands with warm water and soap for at least 20 seconds</li> </ul>	1	0
Meal Prep Area	8	Is the meal preparation area clean and is there evidence that it has been correctly disinfected? <ul style="list-style-type: none"> <li>o Is there a system in place to ensure that surfaces are disinfected using bleach every hour that it is in use (20ml bleach/litre of water or 400ml bleach/20 litre bucket)</li> <li>o Schools could create a disinfecting register indicating who did so and when.</li> </ul>	1	0
	9	Is the preparation area ventilated? <ul style="list-style-type: none"> <li>o Windows and doors need to be open to reduce transmission the spread of the virus</li> </ul>	1	0
	10	Are cooking and eating utensils being cleaned correctly? <ul style="list-style-type: none"> <li>o Washed with warm soapy water</li> <li>o Rinsed with disinfectant (water and bleach)</li> </ul>	1	0
11	Is there a fire extinguisher in the meal preparation area and has it been serviced in the last 12 months? <ul style="list-style-type: none"> <li>o Normally when fire extinguishers are serviced a sticker is placed on the extinguisher indicating the date of service and / or the date that the next service is due</li> </ul>	1	0	

Area	Tool Question	Suggested Evidence/Guidance	Yes	No
Meal Prep Area	12	If the school uses gas, is the gas canister outside, protected and locked?	1	0
	13	Are sanitizers being positioned/stored away from flames/ the gas stove?	1	0
	14	Does the school have a basic First Aid Kit in the preparation area?	1	0
Store room	15	Is waste being managed correctly?	1	0
	16	Is the storage area clean, safe and hygienic and correctly disinfected?	1	0
	17	Is the food in the storeroom within its expiry date and in the original packaging?	1	0
Serving/ eating meals	18	Are all learners washing their hands before and after eating?	1	0
	19	Are learners eating in classrooms/dining hall, under the supervision of an educator and observing 1.5m social distancing?	1	0
	20	Prepared food is covered	1	0

**NUTRITION EDUCATION, HEALTH AND SAFETY SCORE** /20


  
 5

SECTION D NOTES	Q No.	DETAILED NOTES ON FINDINGS

Go and observe the garden(s) for evidence

Yes	No
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SECTION E Sustainable Food Production	E1	Does the school have a garden and/or food production initiative? If no, explain why not?	1	0
	<i>* "No" to E1, skip to E4</i>			
	E2	What is the condition of the garden and/or food production initiative?	Good	4
			Average	2
			Poor/neglected	0
	E3	What is the garden and/or food production initiative being used for? <i>(If used for any of the three purposes then 1 point is awarded – do not prompt)</i>	Supplement NSNP	1
			Educational purposes	
			Fund-raising	
	E4	Does the school have established partnerships with regards to sustainable food production? <i>(Maximum of 4 points)</i> If "Yes", please provide details: If "No", why not?	Yes	4
			No, but there is evidence of attempts made by the school	2
	No		0	
E5	Did the school receive training in sustainable food production in the last 3 years?	Yes	No	

**SUSTAINABLE FOOD PRODUCTION SCORE** /10

**NSNP SCHOOL MONITORING FEEDBACK FORM**

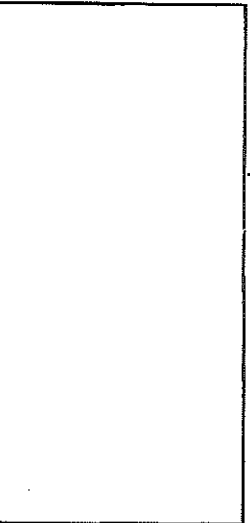
School Name \_\_\_\_\_

EMIS \_\_\_\_\_

Date \_\_\_\_\_

Category	Score	Observations/ Challenges identified	Recommendations / Action required
Learners attending school	Feeding Time	-	
	Balanced meal served (3 food groups)	-	
	Quantities prepared	-	
Feeding of Learners in Grades not yet attending school	-		
Record Keeping & Management Practices			
	10		
Health, Safety & Nutrition Education			
	20		

School Stamp



Monitors Signature \_\_\_\_\_

I have read and understood the report and the actions

to be taken and I will ensure these are addressed

Principal's Signature \_\_\_\_\_

# NSNP SCHOOL MONITORING FEEDBACK FORM

School Name \_\_\_\_\_

Circle the appropriate answer and calculate the index

EMIS No \_\_\_\_\_

Visit date \_\_\_\_\_

Comments on Performance

School Response

Time by which feeding is completed from A10 on page 11			Total
By 10am	10 - 11am	After 11am or no feeding	
20	10	0	20

Balance: Number of food groups from section C page 91			Total
3 groups	2 groups	1 group or no feeding	
20	10	0	20

Quantity: % of menu quantity prepared from column E on page 31					
	81-100%	61-80%	41-60%	25-40%	0-24%
Starch	20	15	10	5	0
Protein	20	15	10	5	0
Veget/Fruit	20	15	10	5	0

SCHOOL'S KEY PERFORMANCE INDICATOR  
 0-49 = red school    50-80 = yellow school    81-100 = green school

Record Keeping and Management Practices (from pg 2)	<input type="checkbox"/> /10	Comments on Performance	School Response
Nutrition Education, Health and Safety (from pg 4)	<input type="checkbox"/> /10		
Sustainable Food Production (from pg 4)	<input type="checkbox"/> /10		

School Stamp

Monitor's signature \_\_\_\_\_

I have read and understood the report and any actions that need to be taken and I will ensure these are addressed.

Principal's signature \_\_\_\_\_



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"OD3"



**LIMPOPO**  
PROVINCIAL GOVERNMENT  
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF  
**EDUCATION**

Plan taken to feed learners as per the Court Judgment

<p><b>3.1</b> The province's plan for the implementation of the programme is still not provided</p>	<p>Starting from 08 June 2020, 196 028 learners were served meals at school when grade 7 and 12 were re-introduced to school. Meals were served during feeding times as stipulated in the in the NSNP policy and guidelines. The implementation plan included serving learners meal even outside schooling environment, food hampers were also included to cover those living in a far flung areas.</p>	
<p><b>3.2</b> The province records a 100% feeding rate but acknowledges that it is recording the distribution of meals to schools not to actual to learners who are receiving meals. It is critical that reports</p>	<p>196 028 learners in grade 7 and 12 respectively who were at school received food in schools, they were joined by another 240 386 in grade 6 and 11 from 25 June 2020. From July 25 food for all learners were</p>	

<p>provide information on the latter</p>	<p>distributed to schools. In august food hampers for 145 000 learners were also distributed to schools. The province has now started with an additional monitoring tool which records the actual consumption at schools. This is done as some learners and parents are not picking or turning up for feeding and also collection. This will be reported by the end of August.</p>	<p>Food stuff were delivered at school for all learners. School were advised to serve learners meal at school monitored by teachers and Voluntary Food Handlers. Schools were also advised to provide workable arrangement to provide meals to learners who are staying in the far flung areas through a repackaged food items.</p>
<p><b>3.3 It remains unclear whether transport is being provided to all learners for the purposes of meal collection. No detail is provided on the days and times learners will be fetched to collect food hampers; the numbers of learner in the bus, the space of time within which learners are returned home.</b></p>	<p>All learners benefiting in learner transport who cannot reach the school were encouraged to use the available contracted learner transport vehicles starting from on 27 and 30 July. Communication to all schools were made to that effect. This services was made available for learners to reach their institution to receive cooked meal. From 01-31 August 2020. The</p>	<p><b>3.4 It says scholar Transport is reaching schools without commuters, yet no communication plan</b>  Information about availability of learner transport for the purposes of food distribution and collecting was disseminated to parents and Communities through Circular which was issued to address seamless information to schools. Radio announcement were made in local radio stations</p>



	<p>contracted vehicles are ranging from Mini, midi and a bus. The number of learners in the contracted vehicle is determine by the need of learner transport in such service. learners in this category were receiving food hampers for the month at school.(Included in the Hamper are 5 kg maize meal, 1 kg soya, 750 ml cooking oil, 6x 400g pilchards and 500g salt. Time scheduled to ferry learners to school is revised to accommodate packaging, preparation and school arrangements. Principals were urged to accommodate such arrangements. Buses will pickup and make return immediately after feeding and distribution. Transportation was made until the last learner is accommodated as this was a service for a month.</p>	<p>and SABC channels. Interviews were also made in various SABC shows. A media statement was issued to cover the print media.</p> <p>The SGB were together with all relevant structures such as Ward Councilors, ward committees, parents and social workers in the communities requested to create a workable plan to assist in distribution of food hampers to the relevant beneficiaries.</p> <p><b>3.5 The First report referred to the provision of food hampers, whereas the second report refers only to cooked meals. This inconsistency is not explained.</b></p> <p>The province is serving meals at schools only to learners who are able to walk to schools (those within the proximity) and again providing food</p>
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		<p>hampers to learners in the far flung areas. The report covers both.</p> <p><b>3.6 Monitoring Tool</b> Apart from the normal monitoring tool detailing the how the programme is being monitored. An additional tool has been developed which covers the range of areas in line with Covid 19 protocols. Attached is the tool which has been communicated with districts and will be used in when reporting in august.</p> <p><b>3.6 Contact details of circuit officials,</b> Attached please contact details of Circuit officials for further communication by care givers.</p>
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(6)



<b>Challenges</b>	There are schools which are preparing food for learners, however parents were not releasing learners to go school. Learner transport buses are reaching school with few commuters.	



**District NSNP Officials**  
**2019/20**

No	Surname &Initials	District	Cell/Telephone No
1	Mulisha S	Capricorn North	062 149 6312
2	Mabala J.K	Capricorn South	083 490 9537
3	Lekoloane T.V	Waterberg	083 349 1953
4	Molefe M.J	Mogalakwena	072 481 6866
5	Sedibane M.T	Sekhukhune South	076 777 1131
6	Sedibane M.T	Sekhukhune East	076 777 1131
7	Hlongwane M.G	Mopani West	071 793 4483
8	Sekwakwa C.J	Mopani East	082 818 2112
9	Muvhango T.H	Vhembe East	082 681 1773
10	Mudau T.E	Vhembe West	072 967 7785

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