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7 September 2020

Dear Minister, Director-General and MECs for Basic Education

**PROGRESS REPORTS IN TERMS OF THE COURT ORDER IN EQUAL EDUCATION & OTHERS v  
MINISTER OF BASIC EDUCATION & OTHERS (22588/2020)**

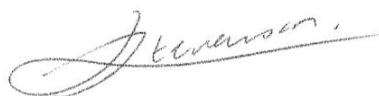
1. We acknowledge receipt of the affidavits, filed in terms of paragraphs 103.10 and 103.12 of the judgment in the case of *Equal Education & Others v Minister of Basic Education & Others* (22588/2020).

2. Thank you for the responses provided to our concerns in the letter dated 18 August 2020, which, for most provinces, were comprehensive and considered. We note from the reports that the provinces are devising systems for effective and efficient monitoring of the National Schools Nutrition Programme (“NSNP”). We commend your efforts to comply with the reporting requirements as set out in the court order. Furthermore, we appreciate the effort in implementing some of our recommendations in relation to communication strategies.
3. While there was a general increase in the number of learners accessing meals over the reporting period, we are concerned that many still did not receive their meals, and in most instances little was done to address the impediments.
  - a. Equalisers (Equal Education’s high school going members) in a small number of schools in Nquthu in northern KwaZulu-Natal, and in GaMashashane in Limpopo, the week before last said that they still were not receiving meals.
  - b. At five schools in the Vhembe district of Limpopo, principals said that many learners did not collect their meals because they did not have transport and so only the matrics who were back at school received NSNP meals daily. Despite school management teams making efforts to let learners remaining at home know that they could come to school to collect meals, there were also transport problems at three schools in the Mopani district and another five schools in the Sekhukhune district of Limpopo.
  - c. Last week, Equalisers from a few schools in King William’s Town and one school in Keiskammahoek (Eastern Cape) said that learners only got meals when they were at school for classes - the rotating school timetables that are necessary for physical distancing mean that these learners must sometimes learn from home.
4. We note that as of 31 August 2020, all grades have been phased back to school. As such, all the learners who are attending school, and are eligible to receive daily meals in terms of the NSNP, should be receiving their meals. Whilst we expect that the return

to school of all learners will lead to an increase in the number of learners fed, we are concerned about the following:

- a. We understand that in some instances, learners will attend school on a rotational basis, to allow for social distancing. We are therefore concerned about whether these learners will have access to their meals on days that they do not attend school and how this will be addressed by provinces.
  - b. It is not clear whether provinces have made any provisions for learners who have applied to be exempt, for medical or other resources, from physically attending school for the rest of the 2020 academic year, but who are entitled to receive meals under the NSNP.
5. We request that, in the next reports filed in terms of the order of court, these matters are addressed in addition to the reporting anticipated in terms of the order of the court.

Sincerely



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