

IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

Case No: 22588/2020

In the matter between:

**EQUAL EDUCATION**

1<sup>st</sup> Applicant

**THE SCHOOL GOVERNING BODY OF  
VHULAUDZI SECONDARY SCHOOL**

2<sup>nd</sup> Applicant

**THE SCHOOL GOVERNING BODY OF  
MASHAO HIGH SCHOOL**

3<sup>rd</sup> Applicant

and

**MINISTER OF BASIC EDUCATION**

1<sup>st</sup> Respondent

**MEC EDUCATION, EASTERN CAPE**

2<sup>nd</sup> Respondent

**MEC EDUCATION, FREE STATE**

3<sup>rd</sup> Respondent

**MEC EDUCATION, GAUTENG**

4<sup>th</sup> Respondent

**MEC EDUCATION, KWAZULU-NATAL**

5<sup>th</sup> Respondent

**MEC EDUCATION, LIMPOPO**

6<sup>th</sup> Respondent

**MEC EDUCATION, MPUMALANGA**

7<sup>th</sup> Respondent

**MEC EDUCATION, NORTHERN CAPE**

8<sup>th</sup> Respondent

**MEC EDUCATION, NORTH WEST**

9<sup>th</sup> Respondent

**MEC EDUCATION, WESTERN CAPE**

10<sup>th</sup> Respondent

**CHILDREN'S INSTITUTE**

*Amicus curiae*

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**AFFIDAVIT IN TERMS OF PARAGRAPH 103.12 OF THE ORDER OF  
COURT: NORTH WEST DEPARTMENT OF EDUCATION**

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I, the undersigned,

**JOHANNES NKHONO MOHLALA**

hereby declare under oath as follows:

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1.1 I am a major male, appointed as Administrator for the North West Department of Education, in terms of Section 100(1)(b) of the Constitution of the Republic of South Africa, 1996.

1.2 My office is situated at Second Floor, Garona Building, Mmabatho.

1.3 The facts deposed to herein are within my person knowledge, save where otherwise stated, and are true and correct.

2 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.

3 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 Affidavits that has been filed on behalf of the Department.

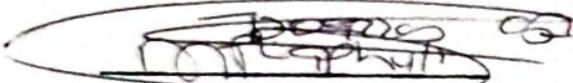


4 In respect of the number of learners fed, I refer the above Honourable Court to an excel spreadsheet, annexed hereunto as annexure "JM1".

5 In respect of the remainder of the feedback, I annex hereunto a further report, under the heading NORTH WEST RESPONSE TO SECTION 27 LETTER DATED 18 AUGUST 2020, which I annex hereunto as annexure "JM2".

  
DEPONENT

SIGNED and sworn to before me at Midrand on the 20 day of September 2020, the deponent having acknowledged that he/she knows and understands the contents of this affidavit and all the provisions of Act 16 of 1963 and the Regulations promulgated in terms thereof concerning the taking of the oath having been complied with in my presence and within the area for which I have been appointed as Commissioner of Oaths.

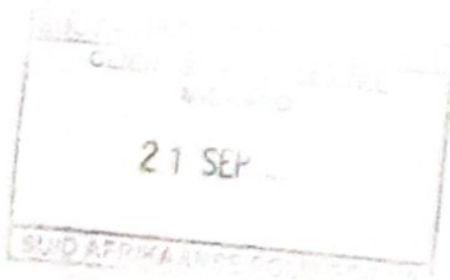


COMMISSIONER OF OATHS

Capacity: Constable

Full names: Lutendo Mphahuli

Physical address: One Souda Drive & Udale Close  
Halfway garden, Midrand.



JM<sup>2</sup>



## **education**

**Lefapha la Thuto la Bokone Bophirima  
Noord-Wee Departement van Onderwys  
North West Department of Education  
NORTH WEST PROVINCE**

Block D, Old Mmabatho High School Hostel,  
1305 Albert Luthuli Drive, Mmabatho 2735,  
Private Bag X2044, Mmabatho 2735  
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e-mail: Lnana@nwpg.gov.za

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### **DIRECTORATE: LEARNER SOCIAL SUPPORT SERVICES**

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#### **NORTH WEST RESPONSE TO SECTION 27 LETTER DATED 18 AUGUST 2020**

#### **SECTION 4**

##### **4.1. The number of learners being fed remains low and the department's plan to remedy this.**

- The department acknowledges that the number of learners being fed is low and this is as a result of the following factors:
  1. Those schools which have remained closed during the school break.
  2. The schools which did not report the number of learners receiving meals on daily basis.
  3. Parents who did not allow their children to go to schools to collect meals.
  4. Schools experienced serious food wastage due to learners not collecting meals and these schools stopped preparing meals after informing their respective circuits or districts.
- The department's plan to remedy the situation.
  1. Communication with the schools to encourage learners to collect meals was strengthened. The department continued to use different media platforms to address the matter.
  2. Schools were encouraged to report number of learners receiving meals on daily basis through SA SAMS for capturing and reporting.
  3. District directors encouraged Sub District managers to assist circuit managers to facilitate collection of reports from schools on daily basis.
  4. The NSNP managers were part of the virtual meeting on the 14<sup>th</sup> August 2020 to address reporting challenges and intervention strategies.
  5. Monitoring of the programme was further strengthened to assist schools to comply with reporting requirements.

##### **4.2. Monitoring plans, monitoring tools and monitoring reports.**

- The programme has designed an annual monitoring plan, which is a requirement of the Business Plan and the Conditional Grant Framework. The plan must indicate the number of schools to be visited for support and districts report their achieved visits on quarterly basis. Monitoring plans have long been designed as a requirement.
- Monitoring tools have been re-designed for COVID 19 period and to check if schools are complying with COVID 19 protocols. Monitoring tools collect information around cleaning, sanitization, social distancing and wearing of masks by all people in the school premises. The monitoring tools check compliance.
- The reports of the province to the applicants mainly focused on provision of meals to learners during break.
- The challenges and noncompliance by schools were mainly for programme implementers for future intervention and support to schools. There was never an

expectation that all monitoring findings from individual schools must be part of the consolidated report.

- However, as a response to this communication, these details will be part of the consolidated report.

#### 4.3 Contact details

- Contact details of the monitors are recorded in the school's visitor's books or log books for further enquiry and follow up. A provision for this was not made but it can be included in the monitoring tools in future. All schools have contact numbers of respective district officials for communication and further enquiries.
  - The care-givers communicate through the schools or school governing bodies. However, urgent matters that need intervention may be directly communicated with the department.
5. Requested information in the next report.
- The requested information will be part of the reports going forward.

#### Annexures to this report.

1. Monitoring tool.
2. Sample of communication by schools which stopped preparing meals due to low/nonattendance by learners.