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**Joint media statement: Equal Education and Equal Education Law Centre have made a submission on the draft school admissions policy, urging Department of Basic Education to carefully reconsider some of the shortcomings that will have a negative impact on the right to education**

Equal Education (EE) and the Equal Education Law Centre (EELC) have made [a joint submission](#) on the Department of Basic Education's (DBE) draft amended National Admissions Policy for Ordinary Public Schools (the draft amended policy). While the DBE has made some positive draft changes to the admissions policy, like the anti-discrimination clause, some of the proposed amendments should be carefully reconsidered by the DBE to ensure that the right to basic education is realised for all learners.

The purpose of the policy is to provide provincial education departments and school governing bodies (SGB) with a framework for developing their own admissions policies. We know too well the struggle of parents/guardians to get their children a place at a suitable school. In Gauteng and the Western Cape especially, parents/guardians have, year after year, asked us to help them with overly complicated admission processes. Many children, at the beginning of each school year, are stuck at home for weeks without any access to basic education. The amendments to the admissions policy are an opportunity to have a significantly positive impact on the placement of learners in schools and the realisation of their right to basic education.

**Below is a summary of the comments that we submitted to the DBE on key areas of the draft changes:**

- **The draft amended policy is silent on the obligation of Education MECs to ensure learners are placed at schools**

It is the responsibility of the Education MECs to ensure that there are enough places for all the children in their province to attend a suitable school. In our submission, we recommend that, in order to ensure proper accountability of MECs and proper oversight by the DBE, and to protect the best interests of learners in line with the Constitution, this obligation placed on MECs, must be clearly stated in the amended admission policy.

In addition, we believe the amended policy must compel each MEC to publicly release an annual report on how they plan to fix the shortage of school spaces in their province. The reports should be released 30 days after the start of each academic year, as required by section 3(4) of the South African Schools Act (SASA). This report must outline:

- The number of unplaced learners in their province;
- Reasons why learners were not placed;
- Steps that provincial education departments will take, in consultation with education districts and schools, to fix the problem and ensure that all learners in a province are placed in suitable schools (a suitable school caters for the individual needs of the child, and including location, language, subject choice, support needs etc).

We also call on Basic Education Minister Angie Motshekga, as the custodian of the basic education sector, to set a reasonable timeframe by which all learners in the country must be inside a classroom.

- **The draft amended policy fails to tackle the problems with the admission administration system**

A key factor that contributes to the delayed placement of learners is a flawed admission administration system. There is too little coordination and communication between education districts and schools, where districts often fail to keep accurate records of unplaced learners - which results in these learners falling through the cracks. There is an urgent need for effective cooperation and communication between key stakeholders such as: provincial HODs, district officials, and SGBs to ensure that learners are quickly enrolled. The draft amended policy misses an opportunity to provide clarity on who has the final decision on admission of learners to school.

There is also confusion on the application process itself. For instance, an online application system is currently being used in some provinces, like Western Cape, Gauteng and Northern Cape. Some schools require that additional documents and forms be submitted to them directly by parents/caregivers over and above the completion of the online application. These requirements often lack uniformity and are not made clear to parents/caregivers. In addition, parents/guardians are often left without access to and help to navigate the online application system.

Our submission recommends that the draft amended policy make it clear that education district officials, as well as schools, have a responsibility to make sure that learners are in the classroom. In addition we call for the amended policy to mandate that the application process must be the same across all schools.

- **The draft amended policy allows learners who experience learning barriers to be excluded**

According to SASA, ordinary schools must take active steps to admit and support learners with special educational needs. However, each year parents/guardians appeal to the EELC for help, because learners with special needs, especially learners with disabilities, are often refused admission to ordinary public schools, without the school making any effort to consider ways in which it can accommodate the learner. Learners are often left out of classrooms while they are placed on long waiting lists for admission to special schools and without giving the necessary consideration to the choice of school of parents/guardians and the learners best interests.

Our submission argues that the amended policy must clearly state that there is an obligation on all ordinary public schools to admit learners with special educational needs and promote inclusive education.

- **The amended policy continues to fail undocumented learners**

Various parts of the draft amended policy introduce the requirement that a long list of documents must be submitted by parents/guardians when applying for enrolment of learners who are foreign nationals. Many of these documents are not required by the current admissions policy. To now include a list of documentary requirements in various clauses creates confusion over whether learners can be admitted if their parents/guardians cannot provide these documents. In addition, the amended policy says that when parents/guardians cannot provide certain documents or where certain information cannot be verified, that the school must report it to the Department of Home Affairs (DHA) or even the Department of Justice and Correctional Services (DJCS)!

In our submission we remind the DBE that no undocumented learner can be turned away from school and call for all clauses to be deleted that require schools to report cases where children are without the required documentation to the DHA and DJC.

**[END]**

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