



**EQUAL EDUCATION SUBMISSION TO THE SELECT COMMITTEE ON APPROPRIATIONS**

**2021/22 APPROPRIATIONS BILL**

**25 MAY 2021**

**SUBMITTED BY:**

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Equal Education (“EE”) is a membership-based, democratic movement of learners, parents, teachers and community members advocating for the provision of equal and quality education in South Africa. EE’s membership base spans across various provinces including Western Cape, Eastern Cape, Gauteng, Limpopo and Kwazulu-Natal.

EE welcomes the opportunity to submit comments on the 2021/2022 Appropriations Bill (The Appropriations Bill) to the Select and Standing Committees on Appropriations (the Committees). In making this submission we would like to draw the Committees’ attention to the insufficient allocation to basic education and its consequences for the sector both now and in the long term.

Our submission is structured as follows:

1. In **Part 1** we provide an outline of the right to basic education in context.
2. In **Part 2** we outline basic education funding trends between 2016/2017 - 2020/2021.
3. In **Part 3** we discuss the 2021/2022 Budget and the Appropriations bill.
4. In **Part 4** we provide key recommendations to the Standing and Select Committee on Appropriations.
5. **Part 5** concludes our submission.

### **Part 1: The Right to Basic Education in Context**

*“Schools should be getting more funds instead of money being taken away. We have schools that are not conducive to learning. We have schools that are not safe. We need more funding to maintain our classes. Our sanitation is very bad, we need toilets, we need classrooms. There is no electricity in our schools. We need more money to be able to maintain our schools and to make our schools functional [...]. Our schools need to be built properly so that everyone can have the chance to access all the opportunities.*

*[...]*

*Now that government has taken the funds that were supposed to go to schools and reallocated them to different programmes, I can say that the government is really not looking into the interest of the learners. [Government] is simply sidelining the learners, not seeing that learners are the future of the country. The money that is taken should be used to build schools. We have so many schools that are damaged, we have schools that do not have security, which do not have proper classes or sanitation, there should be money for such things.*

*Whenever parliament is doing their planning, they should at least prioritise schools [...]. We have organisations which have been campaigning and campaigning and campaigning and promises have been made but still nothing has been done. I would really like parliament to take our views into consideration and to actually look into the matter to try to improve our schools.”*

- Roy , Grade 12 Equaliser (Gauteng)

Under South Africa’s Constitution, basic education is a fundamental human right, not a privilege. As a constitutionally protected human right, basic education plays an important role in achieving equality, dignity, and freedom for all. This is because receiving an equal and quality basic education is key in helping all learners realise their full potential, providing all learners with the opportunity to rise out of poverty or their socio-economic status, and building a more engaged and healthy democracy.

The nature of the right to basic education is such that it places an obligation on government to actively take steps to promote and fulfil this right. Unlike other socio-economic rights, the right to basic education is an **immediately realisable right**<sup>1</sup>. This means that the Constitution emphasises the urgency with which the government must provide equal and quality education to all learners.

South African courts, including the Constitutional Court, have elaborated on the right to basic education by stating that it consists of certain core components. These include, among others, safe and sufficient

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<sup>1</sup> Governing Body of the Juma Masjid Primary School v Essay NO 2011 (8) BCLR 761 (CC); 2011 ZACC 13 at para 37.

infrastructure, transport, as well as learning and teaching school materials such as textbooks and furniture.<sup>2345</sup>

With the majority of learners attending fee-free public schools, government resources are critical in determining the quality of education these learners receive. The DBE itself acknowledges the central role that government plays in the realisation of the right to basic education. In its report on “25 Year Review of Progress in the Basic Education Sector”, it states that:

*“Although learning happens in classrooms throughout the country as learners engage with teachers and their peers, **the extent to which this interaction can happen effectively is influenced by the quality of support provided by the state in numerous ways and at various levels** [this includes] legislation, policies and plans and the way they are implemented by national, provincial and district level administrations.”<sup>6</sup>*

Therefore, a key way to realise all learners’ right to basic education is through adequate and progressive government funding for the basic education sector. It is through this lens that basic education funding and the Appropriations Bill will be analysed.

## **Part 2: Basic Education Budget Trends 2016/2017 - 2020/2021**

Despite positive statements from government on the need for progressive pro-poor funding for the basic education sector<sup>7</sup>, a worrying trend of deprioritisation of basic education funding has emerged over the

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<sup>2</sup> Tripartite Steering Committee and Another v Minister of Basic Education and Others 2015 (5) SA 107 (ECG) <sup>3</sup> Minister of Basic Education v Basic Education for All 2016 (4) SA 63 (SCA)

<sup>3</sup> See Equal Education v Minister of Basic Education on infrastructure, Madzodzo v Minister of Basic Education on furniture, Minister for Basic Education v Basic Education for All on textbooks, and Equal Education v MEC for Education, KwaZulu-Natal for transport.

<sup>4</sup> Minister of Basic Education v Basic Education for All 2016 (4) SA 63 (SCA)

<sup>5</sup> Madzodzo and Others v Minister of Basic Education and Others 2014 (3) SA 441 (ECM)

<sup>6</sup> accessed at:

<https://www.education.gov.za/Portals/0/Documents/Reports/DBE%2025%20Year%20Review%20Report%202019.pdf?ver=2019-12-13-133315-127>

<sup>7</sup> 25 Year Review of Progress in the Basic Education Sector. accessed at:

<https://www.education.gov.za/Portals/0/Documents/Reports/DBE%2025%20Year%20Review%20Report%202019.pdf?ver=2019-12-13-133315-127>

years. This trend dramatically accelerated as a result of the COVID-19 pandemic. COVID-19 forced government to revise their 2020/2021 budget and take the exceptional step of tabling a Supplementary Budget in June 2020. The 2020 Supplementary Budget made major changes to departmental funding as the state not only had to fund COVID-19 relief measures, but also decided which departments should be prioritised in this new environment. Basic Education was not deemed a frontline sector by National Treasury in the fight against the pandemic and therefore received no fiscal support to finance its COVID-19 relief efforts or to address the unprecedented challenges facing learners and schools. Instead the sector saw devastating cuts to its already insufficient budget allocations, including R2.1 billion from the Department of Basic Education’s budget and a net cut of R1.7 billion to school infrastructure grants.<sup>8</sup>

**Figure 1: Share of national non-interest expenditure allocated to basic education**



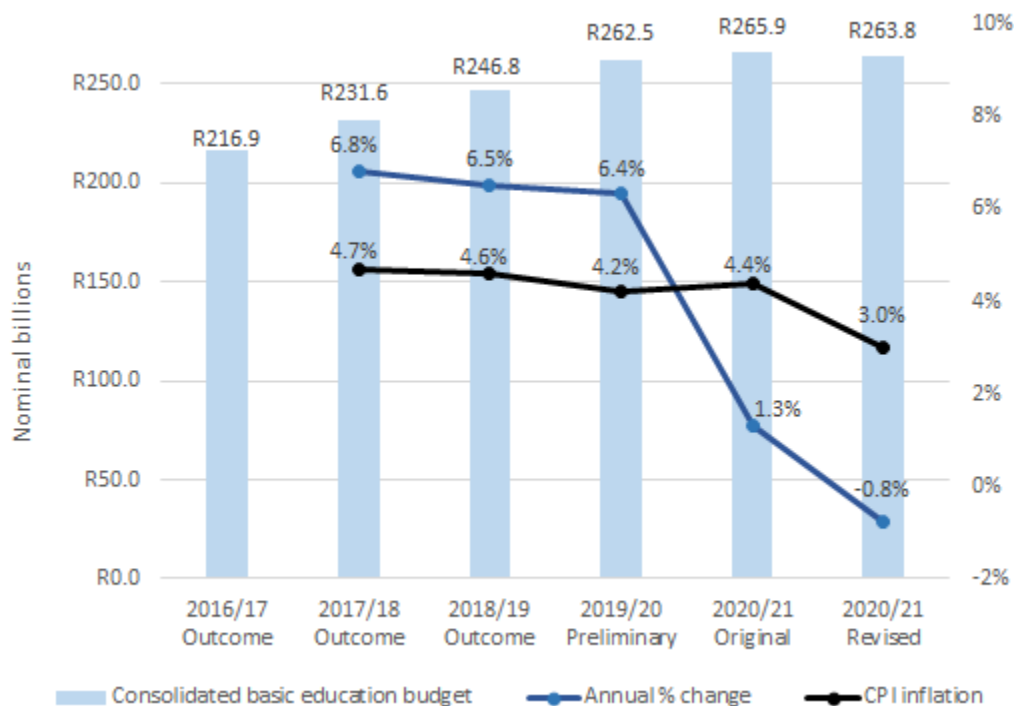
*Source: National Treasury Budget Reviews and own calculations*

Figure 1 above illustrates this trend of deprioritisation. While basic education received 18.7% of the non-interest expenditure allocation in 2016/2017, this had dropped to 17.3% in the February 2020/2021

<sup>8</sup> Data from Table B.2 of the Supplementary Budget Review and the excel data, accessed at: [www.treasury.gov.za/documents/National%20Budget/2020S/excelFormat.aspx#](http://www.treasury.gov.za/documents/National%20Budget/2020S/excelFormat.aspx#)

budget. COVID-19 accelerated this trend with basic education receiving a further drop in funding to 16.8% of non-interest expenditure in the 2020/2021 Supplementary Budget.

**Figure 2: Consolidated basic education budget (nominal), annual % change compared to CPI inflation**



Source: Equal Education, Equal Education Law Center, and SECTION27 - Submission to the Standing Committee On Appropriations And Select Committee On Appropriations 2019/20 Division Of Revenue Bill<sup>9</sup>

Figure 2 shows that the rate of growth of basic education funding has also been slowing down in recent years, culminating in a nominal annual increase of 1.3% in the February 2020/2021 Budget. However, in real terms, this translates to a cut of about 3.1%.<sup>10</sup> This means that, before the 2020 Supplementary Budget was announced, basic education was getting less money in 2020/2021 than it did the year before, when inflation (the increase in prices) is taken into account.

<sup>9</sup> Accessed at: <https://equaleducation.org.za/wp-content/uploads/2019/03/EQUAL-EDUCATION-SUBMISSION-TO-THE-STANDING-COMMITTEE-ON-APPROPRIATIONS-AND-SELECT-COMMITTEE-ON-APPROPRIATIONS.pdf>

<sup>10</sup> *Ibid*

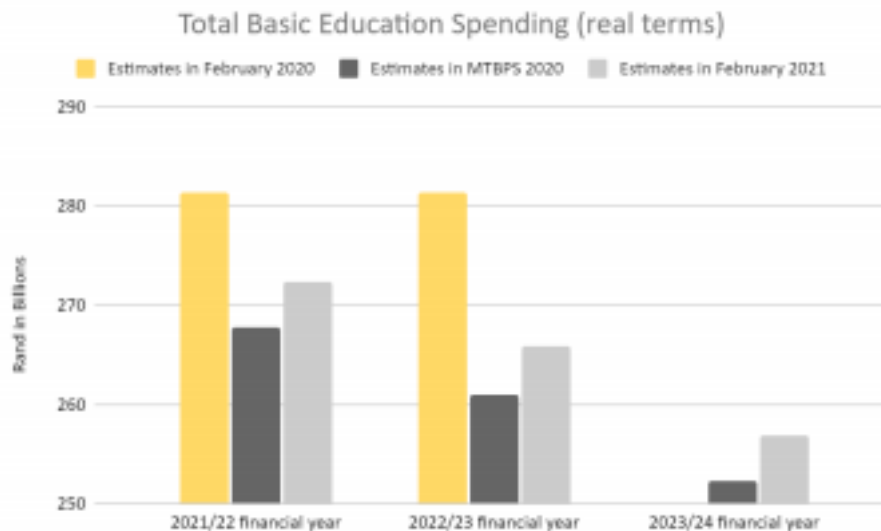
It is sometimes hard to understand what these budget trends mean for each learner. Recent research conducted by Nic Spaull found that education spending per learner has been steadily decreasing, with an average real-term reduction in spending from R17 822 per learner in 2010 to R16 435 in 2017. This represents an 8% decline since 2010.<sup>11</sup> This is a result of decreasing funding allocations coupled with increasing learner enrollments.

Therefore, the deprioritisation of basic education funding has made a serious impact on learners' right to basic education. National Treasury's fiscal response to COVID-19 dealt a hard blow to an already fragile system. How money is allocated to basic education over the next few years will be critical.

### Part 3: 2021/2022 Appropriation Bill

The 2021/2022 budget represents a continuation of a concerning trend of underspending on basic education. While it does not contain the same dramatic cuts as the 2020/2021 Supplementary Budget and MTBPS, it is clear from Figure 3 below that funding has not yet returned to pre-Covid19 levels.

Figure 3: Total Basic Education Expenditure (real terms)



<sup>11</sup> Nic Spaull "Basic education thrown under the bus – and it shows up in test results," Business Day, April 16, 2018 <https://www.businesslive.co.za/bd/opinion/2018-04-16-basic-education-thrown-under-the-bus--and-it-shows-up-in-test-results/> and <https://nicspaull.com/2019/01/19/priorities-for-education-reform-background-note-for-minister-of-finance-19-01-2019/>

Additional concerns regarding the 2021/2022 Budget and Appropriations Bill include<sup>12</sup>:

- **Total education funding:** As predicted in the 2020/2021 MTBPS, total basic education funding will **decrease every year for the next three years** (when inflation is taken into account).
- **Teacher salaries:** There will be **less money to pay teachers** and other education staff over the next three years. **Treasury's own documents say this will lead to bigger class sizes, especially in no-fee schools, which will likely negatively affect learning outcomes.**
- **Department of Basic Education (DBE):** The DBE's budget is **increasing by almost R4 billion** from last year, reversing the cuts that were made in response to COVID-19. While this is welcomed, the budget decreases again in the following two years.<sup>1</sup>
- **School nutrition:** About R8 billion has been allocated to the National School Nutrition Programme (NSNP) for 2021/22. This is the same amount that government originally said it would spend on the NSNP when it published the previous budget in February 2020. This means that **government did not add any new money** to ensure that COVID-19 does not rob children of their school meals. The DBE has said that providing food for learners to take home can be more expensive than providing meals at school.
- **Provincial budgets:** Total money allocated to provinces is **decreasing every year for the next three years** (when inflation is taken into account). Key services provided by provinces, such as education will be affected.

#### Part 4: Recommendations

*"I feel like my school needs more funding because we are situated in a very dangerous community. The government has not allocated enough funds to install a fence, camera, and hire a security guard. Because we don't have a security guard at night or cameras, last month there was a break in at the school and they stole our electricity box. [As a result]...we were behind on work and in the morning some classes were dark so we pretty much haven't done anything in the morning for the past four day."*

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<sup>12</sup> Data from 2021/2022 Budget Review



- *Lisa Magwaza, Grade 12 learner at Marian RC High School*

EE is concerned that the 2021/2022 Appropriations Bill fails to meet the needs of the basic education sector, further jeopardising learners' right to basic education, freedom, dignity and equality.

Unfortunately, these funding decisions are impacted by government's commitment to austerity budgeting. We believe it is important for the Select and Standing Committees to note that the decision to fund COVID-19 mitigation and adaptation in the basic education sector from within existing baselines, will have a direct impact on service delivery.

Section 195 of the Constitution states that public administration must be governed by South Africa's democratic values and constitutional principles. These include the progressive realisation of socio-economic rights and the immediate realisation of the right to basic education, the maintenance of high ethical standards and the efficient and effective use of public resources. It is against the backdrop of these rights and values that we make the following recommendations to the Committees:

1. Advocate for basic education funding that maintains positive growth and keeps in line with inflation specific to the sector, as per the [Basic Education Price Index](#).
2. Advocate for the basic education sector to **receive additional funds** to support and enable its COVID-19 response.
3. Demand that **minimum per learner funding thresholds are met**. We request that the Committees prioritise this issue and provide increased oversight of provincial education departments.
4. **Consider the need to provide additional funding to the NSNP programme** to cover COVID-19 related sanitising and safety needs as well as the likely increased need resulting from the socio-economic challenges brought about by the COVID-19 pandemic.
5. **Advocate against the deprioritisation of school infrastructure**. In particular, we request that the Committees ensure that sufficient funding is provided to the SIBG and the EIG for long term infrastructure projects, especially as the DBE has proposed that **all** learners in primary school return as of the end of May 2021

6. Support advocacy calling for **improved transparency** of budgetary decisions early in the budget decision-making process, so that tradeoffs which **affect rights fulfilment are adequately and meaningfully participative.**

## **Part 5 : Conclusion**

The realisation of the right to basic education is foundational to achieving an equal and free society. COVID-19 has brought unprecedented challenges to the basic education sector while it is still attempting to overcome historical and systemic inequalities. Now more than ever, it is vital that we ensure that learners' right to basic education is not jeopardised. This will entail a renewed commitment by government to prioritise the rights of learners.

Equal Education acknowledges the vital role that the Committees play in the allocation and oversight of government funding. We urge Honourable Members to consider what an appropriate response to this situation should be. The continued deprioritisation of basic education will have an impact on the realisation of learners' rights to basic education, both now and in the long term. We urge the Committees to seriously consider the proposals made and questions raised in this submission.