

Adv Misser

By email: Misser.S@dbe.gov.za

Copied:

Dr Kumalo

By email: Kumalo.F@dbe.gov.za

Dr Whittle

By email: Whittle.G@dbe.gov.za

Ms Gela

By email: Gela.N@dbe.gov.za

19 January 2021

Dear Adv. Misser

1. Pursuant to the meeting on 18 January 2021 with stakeholders and the Legal and Legislative Services division of the Department of Basic Education (“DBE”), Equal Education Law Centre, Equal Education and SECTION27 are grateful for the opportunity to make submissions on the Amendment of Directions issued in terms of Regulation 4(3) of the Regulations made under the Disaster Management Act, 2002 (Act No. 57 of 2002) (“Draft Amended Directions”).
2. Our input relates to the opening of schools for feeding of qualifying learners in terms of the National School Nutrition Programme (NSNP), and is informed by the experience of learners over the past six months.
3. We welcome amended direction 5C(6) which provides:

All public schools will open for feeding of qualifying learners in terms of the National School Nutrition Programme from 27 January 2021.

4. Research has shown that access to school meals for learners who are not in school is a challenge. The [Synthesis Report](#) in the NIDS-CRAM Wave 2 survey notes that: “Reported rates of children receiving a free school meal in the last 7 days were much higher for households with open grade learners (50%) compared to households with closed grade learners (10%) during July and August. (i.e. for grades that were re-opened incrementally).”

5. Furthermore, we understand from Equalisers (learner members of Equal Education) that these difficulties are exacerbated because of the non-provision of transport for the collection of food; a lack of communication by schools, districts and provinces about the availability of food; and the inconsistent application of the principle that learners should be able to collect food from the school closest to them, regardless of whether that is the school that they attend. The daily collection of school meals in the form of cooked meals (without the necessary support, such as the provision of scholar transport) becomes a cumbersome and expensive exercise for learners who are not in school on the day.
6. To overcome the challenges described above and to mitigate the impact of child-hunger, clarity in the Amended Directions is required. We propose the following wording:

5C(6) All public schools will open for feeding of qualifying learners in terms of the National School Nutrition Programme from 27 January 2021.

- a. Transport will be provided to and from school for learners to collect food in terms of the National School Nutrition Programme from 27 January 2021.*
- b. Provinces will consider the provision of weekly food parcels as an alternative to daily cooked meals.*
- c. Qualifying learners will be able to collect food at the school closest to their homes.*
- d. Schools, districts and provinces will alert learners, parents and guardians to the contents of Direction 5C(6) (a) – (c) using all available communications channels, including the media. In this communication, it must be made clear to learners, parents and guardians how and where meals will be provided and what transport arrangements have been made.*

7. We urge the DBE to provide such specificity in its directions so as to fulfil its obligations under the National School Nutrition Programme, to ensure compliance with the spirit of the judgment in *Equal Education and Others v Minister of Basic Education and Others* and to alleviate the ongoing hunger of millions of learners around the country.

Sincerely

SECTION27

EQUAL EDUCATION

EQUAL EDUCATION LAW CENTRE