



**SUBMISSION TO THE SELECT AND STANDING
COMMITTEES ON APPROPRIATIONS ON THE 2022
APPROPRIATIONS BILL**

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SUBMITTED BY:**

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INTRODUCTION

As South Africa enters a less stringent phase of the pandemic, the need to mitigate the immediate and long term consequences of Covid-19, as well as the burdensome systemic and historic inequalities in our country, has become overwhelming. Before the pandemic, South Africa's education system was already characterised by inadequate funding, inequality, poor service delivery, decreasing per learner expenditure, and a chronic lack of basic and safe resources.¹ Covid-19 has also created unique challenges to the basic education system. Over the past two years the sector has contended with severe budget² cuts as well as high learning losses as a result of school closure.³ All of these factors have pushed our education sector to the brink and jeopardised many learners' constitutional right to basic education.

According to the Department of Basic Education (DBE) in its 2022/23 Annual Performance Plan:

¹ 2022/23 Department of Basic Education Annual Performance Plan; Spaul, N "Priorities for Education Reform in South Africa: A Report to President Ramaphosa & Minister Mboweni" 2019, available [here](#)

² 2020 Supplementary Budget Review Document

³ NIDS CRAM Survey, 5th Wave Synthesis Report, available [here](#)

“Since its outbreak two years ago, the COVID-19 pandemic [...] has increased inequalities and exacerbated a pre-existing education crisis. Enrolment in the first quarter of 2021 was around 50 000 (0.4%) lower than expected [...] 54% of contact time was lost in 2020 due to closures and rotations. In the second half of 2021, 22% of contact time was lost due to rotations and regular absenteeism. These averages hide huge inequalities across grades and schools. In historically disadvantaged schools, around 70% of a year’s worth of learning was lost in 2020.”

In the context of such limited financial resources and a proliferation of spending needs, decisions around allocation and monitoring of expenditure require heightened scrutiny. Equal Education (EE) is grateful for the opportunity to make a submission and presentation to the Standing Committee of Appropriations who, like civil society, is committed to ensuring that the national budget aligns with effective policy and that there is oversight and strengthening of national and provincial and municipal expenditure.

OVERVIEW OF THE STATE OF EDUCATION IN SOUTH AFRICA

Receiving a quality basic education is a human right under South Africa’s Constitution. This stems from the acknowledgement that education and learning play a pivotal role in the development of both a person and society through its ability to unlock equality, dignity and freedom for all.

South Africa’s National Development Plan⁴ states that:

“The single most important investment any country can make is in its people. Education has intrinsic and instrumental value in creating societies that are better able to respond to the challenges of the 21st century. Lifelong learning, continuous professional development and knowledge production alongside innovation are central to building the capabilities of individuals and society as a whole. South Africa has set itself the goals of eradicating poverty, reducing inequality, growing the economy by an average of 5.4 percent, and cutting the unemployment rate to 6 percent by 2030. Education, training and innovation are critical to the attainment of these goals.”

Numerous court judgements have affirmed the vital role of the right to basic education as well as the contents thereof. This has resulted in the acknowledgment that there are certain core components which are intrinsic to the fulfillment of the right. These include safe and appropriate infrastructure, furniture, teaching and learning materials such as textbooks, and scholar transport.⁵ The right to basic education is also an immediately realisable right.⁶ This means that

⁴ South Africa’s National Development Plan 2030, available [here](#)

⁵ Tripartite Steering Committee and Another v Minister of Basic Education and Others 2015 (5) SA 107 (ECG); Minister of Basic Education v Basic Education for All 2016 (4) SA 63 (SCA); Minister of Basic Education v Basic Education for All 2016 (4) SA 63 (SCA); Madzodzo and Others v Minister of Basic Education and Others 2014 (3) SA 441 (ECM)

⁶ Governing Body of the Juma Masjid Primary School v Essay NO 2011 (8) BCLR 761 (CC); 2011 ZACC 13 at para 37.

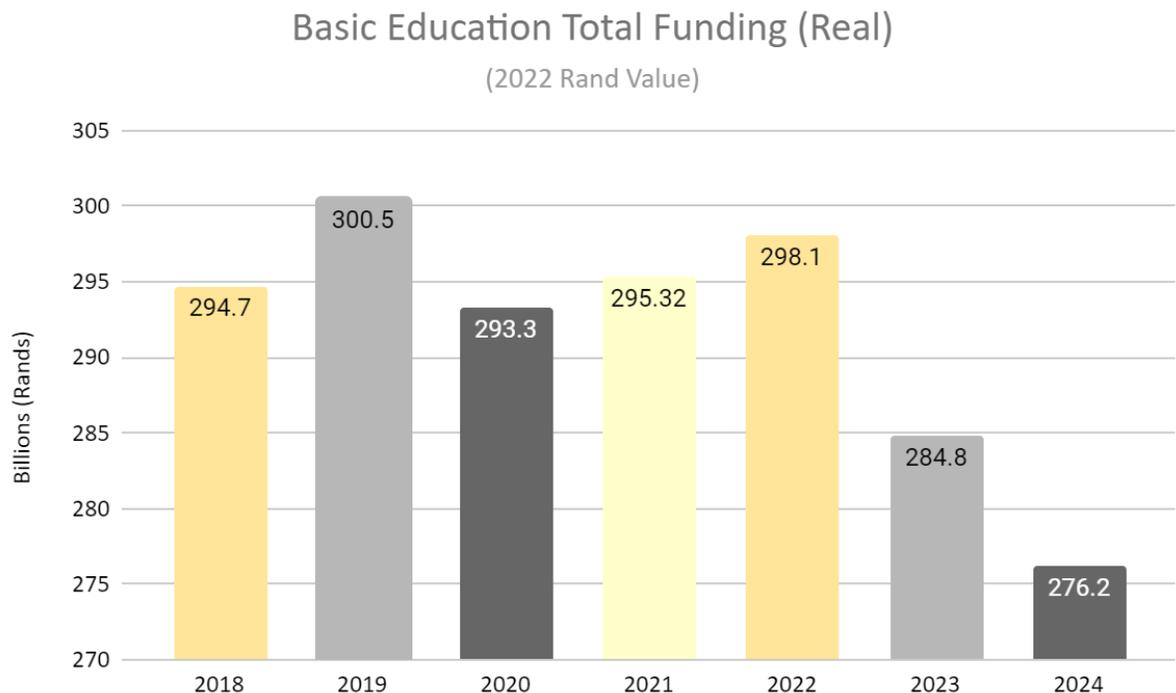
our government has a constitutional duty to prioritise the achievement of quality basic education for all, including through adequate funding in the budget.

Despite this, basic education funding has experienced continued de-prioritisation in recent years, with the Covid-19 pandemic accelerating this trend. This has been a direct consequence of the South African government's decision to adopt austerity measures and reduce social spending in response to rising public debt.⁷ However it is not an issue of budget allocations alone. Weakened state capacity and corruption have also eroded national and provincial departments ability to properly plan for and spend money allocated to them in the annual budget.

2022/23 BASIC EDUCATION FUNDING

Consolidated Budget

EE is encouraged to see that the deep and regressive cuts made to basic education in the past two years are not continued.



For 2022/23 we are seeing basic education funding keeping up with inflation with a small real increase in allocation. This is roughly R20 Billion more than was predicted in the 2021/22

⁷ Imali Yesizwe, Budget Justice Coalition, 2020, available [here](#)

Medium Term Budget Policy Statement (MTBPS) at both a national and provincial level.⁸ It is also more than the projections made in February 2020/21 and therefore shows a return to what was predicted before Covid-19 budget cuts were implemented.⁹ Unfortunately over the medium term we see that these funding levels are not sustained with a large real drop in education funding. The decreasing funding for basic education will have a real and devastating impact on vulnerable learners across the country. These funding projections do not reflect the additional and unique challenges that basic education faces as a result of Covid-19, where more resources will be needed to overcome infrastructure backlogs, large learning losses and increasing learner enrollment.

infrastructure

School infrastructure is a key resource needed to ensure that learners attend school in a safe and conducive learning environment. Despite the Minimum Norms and Standards for School Infrastructure being signed into law in 2013, the DBE and Provincial Education Departments (PEDs) have failed to meet any of their deadlines, which include making sure that all schools have sufficient water, electricity, toilet facilities, fences, internet, telephones and enough classroom space.¹⁰ EE has, over the years, documented the effects of poor infrastructure delivery in schools. Our latest report on overcrowding '*No Space For Us: Understanding Overcrowding in Gauteng's Schools*' details the devastating impact of insufficient classroom space on teaching and learning.¹¹

Infrastructure in particular was badly hit during Covid19 as many school infrastructure projects were postponed or canceled.¹² South Africa's infrastructure crisis is worsened by the fact that many of our current schools and their infrastructure resources are fastly deteriorating. For example, in the Western Cape, five out of every seven schools in the province were built more than 40 years ago and are "reaching the end of useful life".¹³

⁸ 2021/22 Medium Term Budget Policy Statement, National Treasury

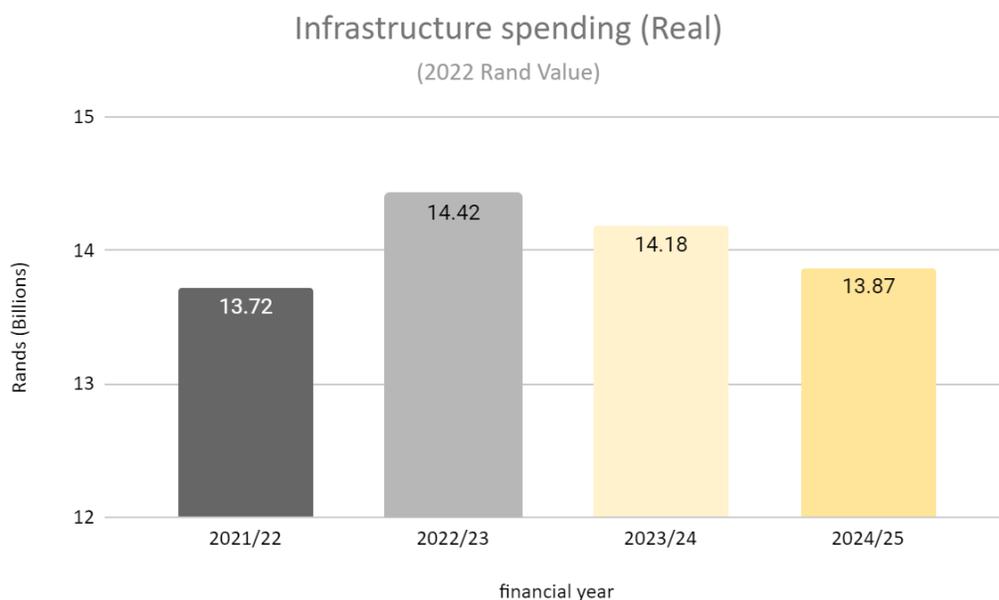
⁹ 2020/21 February Budget, National Treasury

¹⁰ Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure (GNR 920 of 29 November 2013, Government Gazette No 3708) Available [here](#).

¹¹ No Space For Us: Understanding Overcrowding in Gauteng's Schools, Equal Education, 2022, available [here](#)

¹² Department of Basic Education presentation to the Standing Committee on Appropriations, July 2020. Available [here](#).

¹³ Western Cape Education Department presentation to the Portfolio Committee of Basic Education, May 2021. Available [here](#).



Looking at the 2022/23 infrastructure funding, EE is encouraged to see that the severe cuts to infrastructure during 2020/21 and 2021/22 have not been repeated. We are also seeing that infrastructure funding is increasing in 2022/23 by approximately R700 million. While we are pleased to see a real term increase in infrastructure spending, the 2022/23 infrastructure budget is an insufficient step in addressing the deep infrastructure crisis facing South Africa and beyond 2022/23 infrastructure funding once again decreases in real terms.

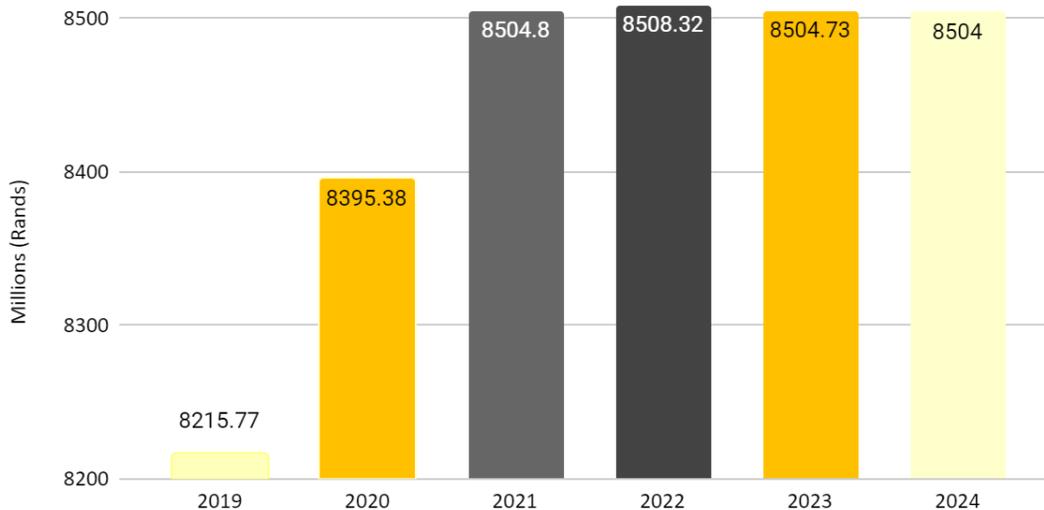
National School Nutrition Programme

More than R26 billion has been allocated to the National School Nutrition Programme (NSNP) over the next three years.¹⁴ This means that over the next three years funding for the NSNP is just managing to keep up with inflation. Considering the cuts made to other education priorities in the medium term, Equal Education is pleased that NSNP is not suffering the same fate. However we are concerned that this funding is not keeping up with increases in food prices, which may impact the nutritional value of the meals that learners receive.

¹⁴ 2022/23 Budget Review Document, National Treasury

NSNP Funding (Real)

(2022 Rand Value)



EXPENDITURE

The quality of basic education provided to learners is also determined by the capacity of national, provincial and local governments to spend these funds effectively. In its report on the “25 Year Review of Progress in the Basic Education Sector”, the DBE stated that:

*“When the capacity to support quality education is limited, the impact of otherwise good policies and programmes is restricted.[...]many feel that the main challenge now is about effective implementation rather than about new or better policies [...]”*¹⁵

Both National Treasury, and the Appropriations Committee, along with other key players are mandated to take an active role in the oversight and capacity-building of provincial and municipal governments and their departments. National Treasury, as outlined in its Annual Performance Plan for 2022/23, is the *custodian of the nations financial resources*.¹⁶ Its responsibilities include:

- Enforcing transparency and effective management in respect of revenue and expenditure, assets and liabilities, public entities, and constitutional institutions.
- Coordination of fiscal relations between the three spheres of government with an emphasise on ensuring sound budgetary planning at provincial and local levels of government.

¹⁵ Department of Basic Education, 25 Year Review Report, 2019, available [here](#)

¹⁶ National Treasury Presentation to Parliament’s Finance Committee: Annual Performance Plan 2022/23, 23 March 2022; available [here](#)

- Strengthening public sector financial management as well as improving financial management governance and compliance across all spheres of government and in government entities.¹⁷

Underspending, irregular expenditure, and wasteful and fruitless expenditure are consistent issues in the basic education sector and fundamentally undermine government's functionality. Since 2012/13 at least R2.7 Billion has been irregularly spent through the Accelerated School Infrastructure Delivery Initiative (ASIDI).¹⁸ Between 2011 and 2019, 30 percent of ASIDI funding was not even spent.¹⁹

As such the sector requires dedicated attention and resources to address these issues. EE calls on the Appropriations Committee to ensure that National Treasury fulfills its duty in monitoring and assisting in the elimination of expenditure related issues in the basic education sector

HIGHER EDUCATION

Access to higher education is an important socio-economic right. A tertiary qualification significantly improves an individual's employment prospects, and the sector is essential to economic growth. It therefore remains a critical responsibility of the State to ensure that higher education is accessible, and is not hijacked to serve the interests of the private sector or politicians.

Access to and exclusion from higher education institutions has been a salient and contentious issue in democratic South Africa. In particular, fees have emerged as a primary factor that exclude poor, predominantly black, students and have featured prominently in student protests.

In 2012 a report commissioned by Higher Education Minister Blade Nzimande was completed on the topic of free university education for the poor. The report found that free university education for the poor is feasible and should be pursued, even if the costs are high. However, little progress was made on the recommendations of the report.²⁰ The #Feesmustfall movement highlights the depth of the need for an intervention where university fees and the exclusion of poor and working-class students is concerned, and also serve an indictment on government for failing to take seriously the issues faced by its people.

Within the current crisis in our higher education section, an incredible burden is placed on students and their families. The Daily Vox reports that many students overwhelmed by the incredible financial strain of university fees are forced to forego housing, and

¹⁷ National Treasury Presentation to Parliament's Finance Committee: Annual Performance Plan 2022/23, 23 March 2022; available [here](#)

¹⁸ Budget Review and Recommendations presentation by the Auditor General to the Portfolio Committee on Basic Education, November 2021, available [here](#)

¹⁹ Presentation by FCC to the Basic Education Committee, November 2020, available [here](#).

²⁰ Equal Education, Report on Higher Education, 2019

“bear the unfortunate reality of having to sleep in the computer labs; libraries and any other space they are lucky to find unoccupied by another student”²¹.

Others have no choice but to extend this weight onto their family members.

While former President Jacob Zuma supposedly answered the call for fee-free higher education in December 2017 the statement’s superficiality was exposed almost immediately.

The years following this announcement have been marked by questions around how the absence of policy to facilitate access to higher education institutions has hindered the implementation of fee free higher education. In addition, this announcement came amidst budget shortfalls, which led to monies being diverted away from other sectors (such as basic education) to higher education. The country found itself in a place where critical rights and services were pitted against each other.

While the National Student Financial Aid Scheme (NSFAS) would be the appropriate channel to ensure that students from poor and working class households access higher education institutions without the burden of having to worry about fees, the scheme has for years been dysfunctional. During a parliamentary portfolio committee on higher education meeting in February 2021, Tshwane University of Technology (TUT) revealed that it was still owed R430 million by NSFAS, while the Cape Peninsula University of Technology (CPUT) stated that it was owed more than R11 million. Wits University stated that the net outstanding for 2020 is approximately R150 million. During this meeting, North-West University (NWU) spokesperson Louis Jacobs also included that the last payment from NSFAS of R38 million for last year was still outstanding.²²

This crisis impacts students currently studying for their degrees and results in additional hindrance for individuals not able to receive the credentials for the qualifications they have earned due to the inefficiencies within NSFAS.

The Department of Higher Education, Science and Technology should work closely with NSFAS to address these inefficiencies and to ensure that the framework determining categories of financial need and allocated funding is improved – no student should fall through the cracks and the lion’s share of public funding must prioritise those most in need.

While much of the public discourse around access to higher education has rightly highlighted fees as a barrier, failures in the basic education system – to provide quality education and to keep learners in school – mean many young people never meet the academic standard to attend university, or to succeed in higher education. This must be addressed with the same urgency as higher education funding.

²¹ The Daily Vox UKZN: Poor Black Students Still Face Harsh Discrimination Available [here](#).

²² City Press: Struggling Nsfas owes universities millions for 2020 academic year Available [here](#).

RECOMMENDATIONS

Failing to allocate sufficient funding for basic education and eliminate spending irregularities will jeopardise the provision of schooling essentials like educators, textbooks, furniture, and safe infrastructure, and delay the immediate realisation of basic education. Equal Education calls on the Appropriations Committee to:

- Advocate for basic education to receive funding that grows in line with learner enrolment and inflation and is pro poor and gender inclusive.
- Call on the National Treasury to provide meaningful oversight of the sector.
- Engage National Treasury on the decision to reduce infrastructure funding over the medium term, once inflation is taken into account.
- Ensure that PEDs have sufficient funding to meet the national minimum thresholds for per learner funding.
- Ensure that National Treasury and DHET, develop a cohesive policy that ensures that all learners have access to higher education.