

# Basic Education Shadow Report



A Review of the Department of Basic Education's Performance  
in the 2013/2014 Financial Year



# Basic Education Shadow Report: A review of the Department of Basic Education's performance in the 2013/2014 financial year

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# 1. Executive Summary

## School Infrastructure

The introduction of the regulations on the Minimum Uniform Norms and Standards for School Infrastructure ('the Regulations') must be applauded. However, Equal Education (EE) and the Equal Education Law Centre (EELC) have identified some troubling shortcomings:

- The Regulations do not apply to schools that are currently in the process of being built and improved upon or that have been scheduled to be built or improved upon in the Medium Term Expenditure Framework (MTEF) periods 2013/14 – 2014/15 and 2014/15 – 2015/16.
- Regulation 4(5) states that "the implementation of the norms and standards contained in these regulations is, where applicable, subject to the resources and co-operation of other government agencies and entities responsible for infrastructure in general and the making available of such infrastructure." Since the implementation of infrastructure targets may be shifted to other departments, the Department of Basic Education (DBE) itself is able to escape accountability in the event that dead-lines are missed or targets are not achieved.

These shortcomings significantly undermine the purpose of binding norms – as a means to hold the Department of Basic Education (DBE), the Minister, and government accountable.

The Accelerated Schools Infrastructure Delivery Initiative (ASIDI) has experienced significant reductions in financial allocations due to DBE under expenditure of its budget with the

most significant cut occurring in the 2013/2014 financial year – from approximately R5 billion first allocated in the 2011/12 to a revised allocation of 1.955 billion in the 2013/14 budget. The frequency and volume of reporting under ASIDI is commendable, but the conflicting nature of reports on progress and delivery (e.g. confusion about targets, the number of schools meant to be built, and when these schools are to be built) is a point of much concern. There has been slow progress on the eradication and replacement of inappropriate structures. Three years into the grant, the DBE should have properly planned to mitigate obstacles to delivery (such as inclement weather, difficult terrain, procurement problems and non-performing contractors) which the DBE has already identified.

The graph on page 9 of this submission ('Cumulative Monthly Expenditure on ASIDI: 2012/13, 2013/14 and 2014/15') shows slow and erratic spending by the DBE in the first half of three successive financial years. It may be that ASIDI has too many intermediaries, is too centralized and may be close to impossible to implement, despite sincere efforts by the DBE.

An examination of the Education Infrastructure Grant (EIG) expenditure trends of the Eastern Cape, KZN, and Gauteng shows that all three provinces are spending their allocated budgets well. However, there are concerns with the transparency of the EIG programme. Without the availability of planning documents, clear targets, reporting against targets and contracts with service providers it is difficult for Parliament to hold the DBE accountable.

## RECOMMENDATIONS

Parliament must request the National Treasury and the DBE to cost the Norms and Standards for School Infrastructure. They may request Parliament's Budget Office and the Financial and Fiscal Commission to provide assistance;

The DBE must provide clear and consistent reporting on ASIDI expenditure and progress to the Portfolio Committee on Basic Education; and

The DBE must make information publically available on the EIG so that progress can be adequately monitored by all relevant stakeholders.

## Nutrition

In the 2012/2013 financial year the Eastern Cape Department of Education (ECDoE) spent 98% of its National School Nutrition Programme (NSNP) grant. Site visits to Eastern Cape schools conducted by EE and the EELC in September 2014 showed that the NSNP was going well, with the ECDoE providing schools with funds timeously and financial accountability mechanisms in place. We were, however, informed of difficulties encountered in preparing food due to water scarcity in the Elliotdale, Mount Fletcher, Port St Johns and Idutywa areas. The other possible challenge schools could face, is that the DBE desired that they provide a second meal to learners but no additional funding had been allocated for this.

## RECOMMENDATIONS

Additional funding for the NSNP if second meals are to be provided to learners;

Meals for ECD to be incorporated into the NSNP

## Scholar Transport

Notwithstanding scholar transport being identified by the DBE as a specific focus area, the DBE Annual Report 2013-2014 only mentions the issue of learner transport once, in passing. Seven years ago Parliament's research unit pointed out transport problems experienced by rural learners – including high drop-out rates, levels of non-attendance and sexual and physical exploitation of learners when making the journey to and from school on foot. The Research Unit's report concluded that the Department of Transport (DoT) should "champion" a national programme of school transport and "should work closely with the DoE in order to facilitate a multi-faceted approach to learner transport problems". Yet the national policy on scholar transport has been more than five years in the making and its absence has resulted in the inconsistent and unfocused provision of scholar transport services at the provincial level and a lack of proper budgeting for the service, to the detriment of learners.

Both the Ministers of Transport and Basic Education have, on a number of occasions spanning the last three years, indicated to Parliament – through replies to parliamentary questions or DoT Annual reporting – that the draft national policy was on the verge of completion and would be finalized for public comments. Shockingly, the Minister of Transport also indicated that the DoT had not put in place any safeguards to co-ordinate scholar transport provision with the various provinces because the national policy had not been finalized. In the Budget Review and Recommendation Report (BRRR) of the Portfolio Committee on Transport for the 2012/2013 financial year, the Portfolio Committee expressed the need for improvement in scholar transport provisioning and lamented the delays in finalizing the 2009 Draft National Policy on Learner Transport. The Committee recommended that the implementation of the policy should commence with haste. The lack of reporting on the issue of learner transport constitutes a glaring gap in the DBE's current Annual Report. Particularly in the light of all these unfulfilled promises that the policy would materialize.

## RECOMMENDATIONS

The adoption of the National Scholar Transport Policy of 2009;

The DBE should collect and verify data on the number of learners who need scholar transport, particularly in the Eastern Cape; and

A grant geared towards providing learners with transport, particularly in rural areas, where learners have to walk long distances to and from school, should be established. Alternatively, schools should provide boarding facilities for those learners in high school.

### Section 100(1)(b) intervention in the Eastern Cape

In the DBE's 2013-14 Annual Report, the matter of the intervention is not addressed. It is mentioned once in passing. During a presentation to the Select Committee on Education and Recreation in September 2013, the DBE told members that "The 2013/14 post basket was declared in time as required by law...a point of concern is a marked decline in learner numbers over the last three years in the province [and] that holds implications for sustainability of current post basket and funding levels."<sup>1</sup> However, post provisioning norms are not fully implemented and many schools suffer from teacher shortages.

During a recent site visit to Eastern Cape schools, we were informed of water scarcity challenges in the Elliotdale, Mt Fletcher, Port St Johns and Idutywa areas. Where water is scarce, schools in deep rural areas are forced to use monies from their norms and standards for school funding to purchase water. They receive no additional money for having to carry this expense.

#### RECOMMENDATION:

**Allocation of additional funding to schools that need water. Taking into account that there are seasons when there is very little rain to fill water tanks at schools.**

### Underperforming Schools

The South African Schools Act was amended by Parliament in 2007 to include specific provision for the identification and remediation of "underperforming schools."<sup>2</sup> The section (s58B) requires that the Minister of Basic Education receives annual reports from all provincial Heads of Education Departments on the action taken in regard to underperforming public schools. This amendment of the Schools Act demonstrates the intention of Parliament to ensure that schools deemed to be 'underperforming' (the most vulnerable public schools) receive specific attention and intervention in order to address the causes of poor school performance. In turn, Parliament in its monitoring and oversight role has a critical function in ensuring that the DBE implements this section.

We are concerned that the DBE is attempting to address the challenge of underperforming schools in a fragmented manner, rather than considering as a coherent whole the many factors that impact school underperformance. This approach may negatively affect the DBE's ability to achieve meaningful change. We are further concerned that the DBE considers underperformance too late in the intervention process and does not proactively create plans of action to specifically target the problem. In its 2013-2014 Annual Performance Plan (APP), "underperforming schools" appears only twice (once to indicate improvements in the rates of underperformance).<sup>3</sup> The 2013-2014 Annual Report dedicated more time to addressing underperforming schools, commendably allocating an entire section to the issue and acknowledging particularly problematic reading levels.<sup>4</sup> However, the APP and the Annual Report do not reflect a cohesive approach to the issue of underperforming schools.

## RECOMMENDATIONS

**THE DBE MUST COMPLY FULLY WITH S58B AND REPORT TO PARLIAMENT ON SUCH COMPLIANCE;**

**REPORTS ON COMPLIANCE WITH S58B MUST INCLUDE INFORMATION ON THE NUMBER OF IDENTIFIED UNDERPERFORMING PRIMARY AND SECONDARY SCHOOLS;**

**THE ADOPTION OF A DETAILED NATIONAL POLICY OR GUIDELINES ON MEASURES TO IDENTIFY AND ADDRESS UNDERPERFORMING SCHOOLS; AND THE ALLOCATION OF A BUDGET FOR THIS PURPOSE. THESE GUIDELINES SHOULD NOT BE LIMITED TO IDENTIFYING UNDERPERFORMING SCHOOLS ONLY THROUGH ACADEMIC PERFORMANCE, BUT SHOULD ALSO INCLUDE SCHOOL SAFETY AND SCHOOL MANAGEMENT RELATED ISSUE AS WELL AS MONITORING OF DROP-OUT AND REPETITION RATES (SECONDARY SCHOOLS), ABSENTEEISM, CURRICULUM IMPLEMENTATION;**

**THE APP AND ANNUAL REPORT MUST ADOPT SPECIFIC PERFORMANCE INDICATORS ON UNDERPERFORMING SCHOOLS.**

<sup>1</sup> Parliamentary Monitoring Group, Section 100(1)(b) Interventions in Limpopo and the Eastern Cape: Minister and Department of Basic Education Progress Reports. September 2013. Available at: <http://bit.ly/equalpmgsec100>

<sup>2</sup> Section 58B: Identification of underperforming schools. Section 58B must also be read with Section 16A (1) (c) which requires the principal of an underperforming school to develop a plan to improve the academic performance.

<sup>3</sup> DBE APP 2013-2014, above note 2 at pages 7 and 99.

<sup>4</sup> DBE Annual Report 2013-2014, above note 22 at pages 70 and 132-33.

## 2. Introduction

This report is submitted by Equal Education (EE) and the Equal Education Law Centre (EELC)

The purpose of this brief is to aid the Portfolio Committee on Basic Education in its preparation for the 2013/2014 Budget Review and Recommendation Report (BRRR) which forms an integral component of Parliament's oversight and monitoring function in relation to the Executive's performance. In this regard the submission contains recommendations and questions for Parliament to consider.

EE and the EELC would like to acknowledge that there are areas in which the Department of Basic Education (DBE) has moved forward in achieving its objectives in the 2013/14 financial year. But this brief also highlights important weaknesses that affect the quality of education provided to learners in South Africa.

## 3. School Infrastructure

The DBE's Action Plan to 2014 highlights as one of its goals, "[ensuring] that the physical infrastructure and environment of every school inspire[s] learners to want to come to school and learn, and teachers to come and teach."<sup>5</sup> This goal is reiterated in the DBE's APP 2013-2014, which states that, "the focus in 2013 will be on strengthening initiatives to mitigate the impact of poverty on the basic education sector, with particular focus on infrastructure [...especially in terms of eradicating persistent backlogs...]"<sup>6</sup>

The execution of this goal is evident in the Department's efforts to address issues of inadequate infrastructure through a number of measures. Namely: the introduction of the Minimum Uniform Norms and Standards for School Infrastructure, the Accelerated School Infrastructure Delivery Initiative (ASIDI), and the Education Infrastructure Grant (EIG).



Education in South Africa is highly unequal. Decades of Apartheid policy meant that previously white schools received more funding than schools in black, coloured and Indian communities. Many of the inequalities created during Apartheid remain twenty years into our new democracy.<sup>7</sup> According to the Minister of Basic Education, of the 23 742 schools in the country, 862 of these do not have access to water, 1366 do not have access to electricity and 643 of these do not have access to sanitation.<sup>8</sup> The bulk of the schools that do not have access to basic services are in the Eastern Cape.<sup>9</sup> This section of the submission will discuss the recently introduced norms and standards on school infrastructure and assess the expenditure trends and progress on infrastructure programmes, including those implemented by provincial education departments.

<sup>5</sup> Department of Basic Education. Action Plan to 2014: Towards the Realisation of Schooling in 2025, at page 9. Available at (<http://www.education.gov.za/LinkClick.aspx?fileticket=Dmjw7rpw9wo%3D&tabid=418&mid=1211>)

<sup>6</sup> Department of Basic Education, Annual Performance Plan 2013-2014. Dated 13 March 2013, at page 5. Available at: <http://www.education.gov.za/LinkClick.aspx?fileticket=CQ9wvkQ9GUK>

<sup>7</sup> Equal Education, Annual Report 2012 at page 7. Available at ([http://www.equaleducation.org.za/content/2013/08/07/Annual\\_Report\\_2012.pdf](http://www.equaleducation.org.za/content/2013/08/07/Annual_Report_2012.pdf))

<sup>8</sup> National Council of Provinces, oral reply, question 34. Internal question paper 11-14/2014, 05/09/2014. Access to running water/sanitation/electricity. Available at ([http://www.parliament.gov.za/live/commonrepository/Processed/20140925/588284\\_1.pdf](http://www.parliament.gov.za/live/commonrepository/Processed/20140925/588284_1.pdf))

<sup>9</sup> Same as above

### 3.1 Norms and Standards for School Infrastructure

The publishing of legally binding norms and standards on school infrastructure on the 29 November 2013 constitutes a significant step towards ensuring that all learners in South Africa are provided with an effective learning environment.

However, there are some troubling aspects with the norms. The norms were intended to set the basic standards that all schools in the country are required to adhere to, but a significant category of schools have been excluded. All schools that are currently in the process of being built and improved upon or that have been scheduled to be built or improved upon in the Medium Term Expenditure Framework period (2013/2014 – 2014/2015 – 2015/2016) are forever excluded from the binding effect of the norms. This significantly waters down the accountability purpose these regulations were intended to serve.

In addition, regulation 4(5)(a) of the norms makes delivery subject to the resources and co-operation of other government agencies and entities. This clause fundamentally undermines the regulations and unacceptably shifts the overarching responsibility that the DBE bears to ultimately ensure that the targets set under the norms are achieved.

It remains unclear how, in addition to the current infrastructure programmes (ASIDI and EIG), the norms and standards will be funded to ensure that deadlines contained therein are complied with. There is also no indication that national treasury or the DBE have done a costing exercise to determine the amount of funding required in order to achieve the infrastructure targets contained in the norms.

One possibility would be increasing the amounts allocated towards the EIG and ASIDI grants taking into account the costs required in order to achieve the targets and timeframes set in the norms.

'It remains unclear how, in addition to the current infrastructure programmes (ASIDI and EIG), the norms and standards will be funded to ensure that deadlines contained therein are complied with'

### 3.2 Accelerated School Infrastructure Delivery Initiative

The School Infrastructure Backlogs Grant, commonly known as ASIDI, was intended to ensure the eradication of inappropriate schools by replacing 496 mud schools between the 2011/2012 and 2013/2014 financial years and to provide basic services like water, sanitation and electricity. R8.2 billion was allocated for the grant.

Due to massive challenges with regard to expenditure over the years, the length of the project was extended and the budget reduced

*'To give effect to Cabinet approved budget reductions, R1.2 billion over the medium term has been reduced from spending on the school infrastructure backlogs grant...The reductions to the school infrastructure grant align this allocation more closely with the ability of the sector to deliver school infrastructure and extend the deadline for addressing the school infrastructure backlog by one year, from 2015/16 to 2016/17.'*<sup>10</sup>

These reductions occurred due to the DBE's under expenditure of its budget. 89.13% was underspent in the 2011/12 financial year and 58.4% in the 2012/13 financial year. The reductions are illustrated in the table below.

<sup>10</sup> National Treasury, Estimates of National Expenditure, at page 316. 26 February 2014. Available at: (<http://www.treasury.gov.za/documents/national%20budget/2014/ene/FullENE.pdf>)



## Reductions to ASIDI budget over the period 2011/12 to 2014/15

### In Financial Year 2011/2012

Actual Allocation	R700 000 <sup>11</sup>
Estimate in 2010/2011	-

### In Financial Year 2012/2013

Actual Allocation	R2 315 000'
Estimate in 2011/2012	R2 315 000'

### In Financial Year 2013/2014

Actual Allocation	R1 955 981'
Estimate in 2011/2012	R5 189 000'
Estimate in 2012/2013	R5 189 000'

**Reduction from initial estimate to actual allocation (R3 233 019')**

### In Financial Year 2014/2015

Actual Allocation	R2 938 503'
Estimate in 2012/2013	R5 500 300'
Estimate in 2013/2014	R3 169 503'

**Reduction from initial estimate to actual allocation (R2 561 797')**

It must be noted that the most significant allocation cut occurred in the 2013/14 financial year, from approximately R5 billion first allocated in the 2011/12 budget to a revised actual allocation of 1.955 billion in the 2013/14 budget.

Although reporting by the Department to Parliament on the expenditure of funds allocated to ASIDI is commendable it is concerning that a number of conflicting reports (in the media, on the DBE's website and to Parliament) on progress and delivery have been made. This confusion was highlighted by Parliament earlier this year:

*'Members were not happy though. There was confusion about targets, the number of schools that were meant to b[e] built and when they were meant to be built. The Department was highly criticised for its lack of proper planning.'*<sup>12</sup>

What is common knowledge is the slow progress on the eradication and replacement of inappropriate structures through ASIDI. According to the DBE 49 schools that were earmarked for completion in the 2011/12 financial year were completed in March 2014, prior to the end of the 2013/14 financial year. In the 2014/2015 financial year: 150 schools that were earmarked for completion in the 2012/13 financial year are currently at different stages of completion.<sup>13</sup> The DBE's reasons for delays include inclement weather, difficult terrain, procurement problems and non-performing contractors.<sup>14</sup> Three years into the grant, proper planning by the Department should have mitigated some of these challenges, resulting in targets being met and budgets spent.

The bar graph below, looks at the expenditure trends of the DBE on ASIDI over three financial years. Each bar shows the cumulative spending, as percent, of the funds on a monthly basis from the beginning to the conclusion of a financial year.

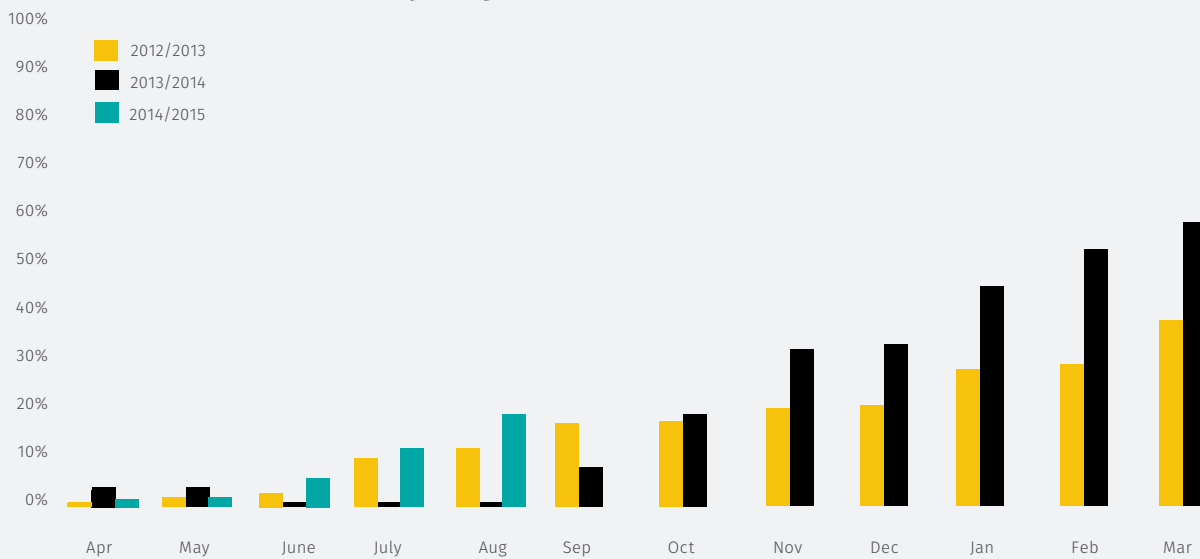
<sup>11</sup> '000

<sup>12</sup> Parliamentary Monitoring Group. Accelerated Schools Infrastructure Development Initiative (ASIDI) Programme: Deputy Minister of Basic Education Progress Briefing. Standing Committee on Appropriations. 20 February 2013. Available at: (<http://www.pmg.org.za/report/20130220-department-basic-education-progress-accelerated-school- infrastructure>)

<sup>13</sup> DBE website. Available at (<http://www.education.gov.za/Programmes/ASIDI/tabid/841/Default.aspx>)

<sup>14</sup> ASIDI Progress Report by the DBE to the NCOP Education & Recreation, dated 12 September 2012. Available at <http://www.pmg.org.za/report/20120912-basic-education-progress-made-accelerated-schools- infrastructure- deli>

## Cumulative Monthly Expenditure on Asidi 2012/13, 2013/14, 2014/15 <sup>15</sup>



The graph illustrates the extremely slow and erratic spending by the DBE - particularly in the first half of the financial years - which could account for the slow progress in the eradication of inappropriate structures

The sporadic and uneven reporting on performance has made it difficult to monitor and diagnose specific problems in delivery. But three years into this process, it is worth pausing and asking whether the problems with ASIDI are not intractable. Compared to the Education Infrastructure Grant spending discussed below, it may be that ASIDI involves too many intermediaries, is too centralized and is close to impossible to implement; despite the sincere efforts of DBE.

### 3.3 Education Infrastructure Grant

The Education Infrastructure Grant (EIG) is used to supplement infrastructure programmes in provinces to accelerate construction, maintenance, upgrading and rehabilitation of new and existing school infrastructure.<sup>16</sup> The grant is provided to provincial departments to implement targets, and the DBE monitors this progress.

EE examined the expenditure trends of three provinces, Eastern Cape, Gauteng and Kwazulu Natal over the course of three financial years; 2012/13 to 2014/15. The table below shows how much of the budget has been spent by these provinces by the end of each quarter of the financial year. We found that all the provinces were spending their allocated budgets well.

<sup>15</sup> Bar graph looks at the monthly expenditure trends of ASIDI during the 2012/13, 2013/14 and 2014/15 financial years, in percentage points. ASIDI is funded by the School Infrastructure Backlogs Grant. We are not able to monitor actual expenditure on ASIDI (or the School Infrastructure Backlogs Grant), using budget documentation from the National Treasury, as it not specifically reported on in monthly or quarterly in-year monitoring statements.

The DBE is responsible for expenditure on ASIDI. The vast majority of spending on ASIDI is spending on capital assets (i.e. building of school infrastructure). In order to monitor expenditure on ASIDI we can therefore use expenditure on capital assets by the DBE as a proxy. For example, in 2013/14 the DoRA shows that R 1 955 918 000 was allocated to the School Infrastructure Backlogs Grant (or ASIDI). In that same financial year, the DBE's budget estimate for expenditure on capital assets was R1 951 086 000, confirming the close alignment of spending on ASIDI and spending on capital assets by the DBE.

All national departments are required to report to the National Treasury on their monthly expenditure, according to economic classification. These figures are reported in the monthly in-year statements of National Revenue, Expenditure and Borrowing. The statements can therefore be used to monitor the DBE's monthly expenditure on capital assets which provides an estimate of the DBE's monthly expenditure on ASIDI.

<sup>16</sup> DBE APP 2013-2014, above note 2 at 22.

## Cumulative Expenditure on Education Infrastructure (Funded by EIG and ES)<sup>17</sup>

### Eastern Cape

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
2012/13	R74,380	R208,197	R165,445	R564,864
Cumulative %	7.75	29.43	46.66	105.49
2013/14	R208,223	R312,027	R358,888	R381,875
Cumulative %	17.33	43.29	73.15	104.93
2014/15	R147,947			
Cumulative %	12.96			

### Gauteng

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
2012/13	R319,995	R393,639	R253,611	R408,283
Cumulative %	57.45	128.13	173.67	246.97
2013/14	R189,159	R320,073	R525,150	R330,509
Cumulative %	18.11	48.76	99.05	130.69
2014/15	R146,556			
Cumulative %	9.76			

### Kwa-Zulu Natal

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
2012/13	R651,850	R957,070	R513,912	R462,043
Cumulative %	25.23	62.28	82.17	100.05
2013/14	R664,869	R762,601	R548,623	R445,340
Cumulative %	24.90	53.47	74.02	90.70
2014/15	R916,093			
Cumulative %	35.15			

The table shows that by the end of the fourth quarter of the 2012/13 financial year, KZN had spent over 100 percent of its budget, and by the end of the 4th quarter of 2013/14, 90 percent of the budget had been spent. KZN and Gauteng have supplemented their EIG considerably with funds from their equitable share, hence expenditure exceeding 100 percent in some instances.

The budget trends show far better expenditure by provinces, than that of ASIDI. However we remain concerned with the transparency of the EIG programme. Without the availability of planning documents, clear targets, reporting against targets and contracts with service providers, it is difficult for Parliament to hold the DBE accountable. Currently, the only publically available information on EIG performance are the Infrastructure Project Lists, provided in the provincial education department votes. However, these lists do not provide a clear indication of the scope of the projects. It is difficult to decipher what in fact is being planned to be delivered.

<sup>17</sup> In the Eastern Cape, the Infrastructure Development (Programme 8) accounts for the majority of the spending by the provincial education department on capital assets. We are therefore using payments on capital assets as a proxy for spending on school infrastructure funded by the EIG and the equitable share. A small portion of the EIG goes towards current expenditure, while payments on capital assets also include spending on assets other than school infrastructure, but we do feel that by tracking spending on capital assets we can get a good approximation of the progress with spending on school infrastructure by the Eastern Cape. The same is true for all provinces where expenditure on capital assets by the provincial department of education is a good proxy of expenditure on school infrastructure.

The source of information is the provincial quarterly Statements of Receipts and Payments, published by the National Treasury for every quarter. These statements show quarterly expenditure by provincial department according to economic classification. These statements can therefore be used to monitor quarterly spending by provincial departments of education on capital assets, and therefore on school infrastructure.

## 3.4 Recommendations:

- 1) Parliament to request National Treasury and the DBE to cost the norms and standards for school infrastructure. They may request Parliament's Budget Office and the Financial and Fiscal Commission to provide assistance.
- 2) Clear and consistent reporting by the DBE on ASIDI expenditure and progress to the Portfolio Committee on Basic Education.
- 3) The DBE must make information publically available on the EIG so that progress can be adequately monitored by all relevant stakeholders.

## 4. Learner Nutrition

The National School Nutrition Programme (NSNP) is funded through a conditional grant that is transferred to provincial education departments. The minimum requirements of the programme include; the provision of nutritious meals to all learners in quintiles 1-3 primary and secondary schools, as well as identified special schools, on all school days; and compliance with recommended food specifications and the approved menu. The cost per meal per learner per day stands at R2.56 for primary and identified special schools and R3.46 for secondary schools (inclusive of cooking fuel and honorarium).

The DBE's National School Nutrition Programme Annual Report 2012/13 states that the programme has reached approximately nine million learners across the country, 1,5 million of which are in the Eastern Cape.

The Eastern Cape Department of Education (ECDoE) spends approximately 25% of its budget every quarter. Payments to "non-profit institutions" that implement the programme account for the majority of this expenditure.

This also includes small payments for other goods and services, such as travel and salaries for people working in this programme. In 2012/13 98% of the grant (as well as a small amount in roll overs) was spent. The adjusted expenditure for 2013/14 suggests almost 100% expenditure of the grant.



### Eastern Cape: Quarterly Expenditure on the NSNP<sup>18</sup>

R '000	DoRA	1st Quarter	2nd Quarter	3rd Quarter	3rd Quarter	4th Quarter	
		Prov Payments	Prov Payments	Rollover	Revised Budget	Prov Payments	Prov Payments
2012/13	R903,644'	R236,986'	R468,147'	R4,170'	R907,814'	R652,461	R897,490'
2013/14	R949,162'	R244,160'	R481,308'	R0	R949,162'	R708,853	R943,456

In September 2014, EE and the EELC conducted site visits to a number of schools across the Eastern Cape, to ascertain whether school nutrition and learner transport were being provided. We found that the NSNP was going well, with the ECDoE providing schools with funds timeously and financial accountability mechanisms in place. The schools told us about some of the foods on their menus, which are derived from the menu provided by the DBE.

We were informed of difficulties encountered in preparing food due to water scarcity in the Elliotdale, Mount Fletcher, Port St Johns and Idutywa areas. The other possible challenge schools could face, is that the DBE desired that they provide a second meal to learners but no additional funding had been allocated for this.

<sup>18</sup> Source: National Treasury, 2012, 2013, 2014. Provincial In-year Publications: Quarterly Statements of Receipts and Payments, Various Releases. Available at <http://www.treasury.gov.za/publications/PiP/default.aspx>; own calculations

# 4.1 Recommendations:

- 1) Additional funding for the NSNP if second meals are to be provided to learners
- 2) Meals for ECD to be incorporated into NSNP

## 5. Scholar Transport

There are numerous challenges facing the South African education system in the provision of scholar transport. Firstly, the delivery of this service requires the Departments of Transport and Basic Education to work together to ensure adequate data capturing of the number of learners in need, sufficient budgeting to meet this need and that service actually reach the intended beneficiaries. But these cross cutting roles have resulted in confusion and inertia on the ground.



It is unclear whose responsibility it is to provide this service. For example in the Eastern Cape, service delivery targets are set by the education department but the budget for scholar transport comes from Eastern Cape Department of Transport (ECDoT). This makes it difficult to hold a particular department accountable for poor or no implementation

The table below shows the number of learners provided with transport (derived from the ECDoE) against the amounts allocated for implementation (derived from the ECDoT). It also shows spending on transport decreasing in the 2014/15 financial year despite an increase in learner numbers.

### Budget Allocation for Scholar Transport and Numbers of Scholars Targeted <sup>20 21</sup>

'000	2012/13	2013/14	2014/15	2015/16	2016/17
	Outcome	Revised	Estimate	Estimate	Estimate
<b>Scholar Transport (ECDoT)</b>	R 366 070'	R383 593'	R356 076'	R372 818'	R392 951'
<b>Target Number of Scholars (ECDoE)</b>		55 000	55 537	57 936	57 936

In a recent visit to the Eastern Cape we met with principals and teachers in the Dutywa, Libode and Mount Fletcher education districts to enquire about learner transport. None of the schools visited received any form of assistance with transport, despite the lengthy distances that many of their learners were walking to and from school each day. Including distances in excess of 8km (i.e a total of 16km to and from school). We were informed of:

- Bicycles that had long since been condemned to the scrap heap because of age, use and a lack of maintenance;
- Learners having to cross mountainous terrain to reach their schools
- Learners that have to navigate their way across treacherous rivers in the rainy season to access their schools;
- Learners who are forced to remain absent from school during inclement weather because of river swells;
- Very young learners having to negotiate across busy highways;
- Learners exiting the basic education system after grade 7 because they cannot afford to travel to their nearest secondary school;
- Principals diligently applying for learner transport assistance each year simply to be told by the district office that no assistance would be forthcoming due to a lack of funding; and
- Learners unable to complete their homework because walking a long and arduous journey means that they arrive at their homes far too late and have to wake up extremely early to begin their trip to school all over again.

<sup>19</sup> Source: National Treasury. 2014. Estimates of Provincial Revenue and Expenditure Eastern Cape. Available at: [www.bit.ly/estprovrev](http://www.bit.ly/estprovrev)

<sup>20</sup> Scholar Transport is a line item within the Transport Operations Programme in the EC DoT, but no service delivery targets are provided.

The target number of scholars is a service delivery target within the budget of the EC DoE, but no budget allocation is provided for this service.

In addition one principal also observed a correlation between learner performance and the distances that learners lived from his school. Commenting that where learners were able to move so as to be closer he noticed a remarkable improvement in their results. These findings are by no means new. Seven years ago Parliament's Research Unit pointed out similar problems including safety concerns:

*“rural schools experience levels of non-attendance and high dropout rates of learners due to the problem of accessing transport and the long distances that learners have to walk to school. Sexual and physical exploitation of learners while on their way to school is a pervasive reality.”*<sup>21</sup>

More recently the South African Human Rights Commission found that the failure of the Eastern Cape Departments of Basic Education and Transport to provide affected learners with subsidized transport was contrary to their best interests and violated their rights to a basic education.<sup>22</sup>

An examination of the DBE's Action Plan reveals that despite the existence of scholar transport interventions in all nine provinces “clearly not all needs are being met.”<sup>23</sup> Unsurprisingly therefore, the DBE's 2013-2014 APP places transport at the forefront of the DBE's action agenda promising to strengthen “initiatives to mitigate the impact of poverty on the basic education sector with a particular focus on transport.”<sup>24</sup>

Notwithstanding scholar transport being identified by the DBE as a specific focus area, the DBE Annual Report for the 2013-2014 period only mentions the issue of learner transport once, in passing, in the process of referring to national fiscal interventions in “education priorities” like scholar transport.<sup>25</sup> It is troubling that an issue of such critical importance to the realisation of the right to basic education has been left entirely off the DBE's reporting agenda. Particularly because a national learner transport policy is desperately needed to set national norms and standards so as to promote proper co-ordination amongst all stakeholders and to ensure a proper framework for monitoring and evaluating the delivery of this service.<sup>26</sup>

The national policy on scholar transport has been more than five years in the making and its absence has resulted in the inconsistent and unfocused provision of scholar transport services at the provincial level and a lack of proper budgeting for the service, to the detriment of learners. The 2009 Draft Policy itself notes the deleterious effects of operating in a national policy void:

*“the absence of a national policy on scholar transport has resulted in fragmented provision of scholar transport services administered by the Provincial Departments of Education and Transport. Consequently the amount of funding made available for scholar transport varies and is often insufficient to meet the existing need. The operationalization and management of scholar transport has also taken different forms in the various provinces.”*

In tracking the trajectory of unfulfilled promises regarding the near finalisation of the Draft Policy we examined the Department of Transport [DoT] Annual Reports for the last two years and the responses to parliamentary questions posed to the Minister of Basic Education and Transport on the issue. In this regard the DoT Annual Report for the 2011 to 2012 period (ending 31 March 2012) revealed that the process for developing a national scholar transport policy was

*“at the final stage with the final draft having been agreed to with key stakeholders, notably the [DBE]. It will be gazetted early in the new financial year for final official comments and approval processes.”*<sup>28</sup>

The Report also states that the roll out of the DoT's Shova Kalula (bicycle) scholar transport service could not be accounted for because the service is “dependent on the approval of the scholar transport policy”.<sup>29</sup>

<sup>21</sup> Getting the Kids to School: The Transport Challenge for Learners in South Africa, Parliament of the Republic of South Africa - Research Unit, 7 September 2007 at page 10. Available at <http://www.pmg.org.za/docs/2007/070912trnschallenge.pdf>

<sup>22</sup> South African Human Rights Commission report dated 28 August 2014 concerning a complaint regarding a lack of transport at a senior Secondary School in Queenstown, Eastern Cape Province at paras 10.1 & 10.2. Available at <http://www.sahrc.org.za/home/21/files/Lindiwe%20Mazibuko.pdf>

<sup>23</sup> DBE, Action Plan to 2014, above note 1.

<sup>24</sup> DBE APP 2013 to 2014, above note 2 at page 5. See also page 16 which reads: “During 2013 the Department will carry out monitoring and support for schools and districts as indicated in the National Strategy for Learner Attainment . . . activities will be focused on scholar transport.”

<sup>25</sup> DBE, Annual Report for the 2013-2014 period (ending March 2014) at page 56. Available at: <http://bit.ly/dbeannual2014>

<sup>26</sup> Final Draft National Scholar Transport Policy, published by the DoT in February 2009 at page 7. Available at: <http://bit.ly/scholartranspolicy>

<sup>27</sup> Final Draft National Scholar Transport Policy, above note 23.

<sup>28</sup> DoT Annual Report 2011-2012 for the year ended 31 March 2012, Information on Predetermined objectives, Programme 7 at page 29.

See also page 112 which lists actual performance (2011/2012) as “the draft scholar transport policy is complete” and reason for variance from the target of finalising the policy as “Awaiting internal sign off before gazetting”.

And page 120 “The Scholar Transport Policy shall be finalized to provide clear guidelines with regard to transporting of learners in the country, This function is performed by different departments in the various province and a clear migration plan will be developed to address function shift challenges were migration is preferred.”

<sup>29</sup> DoT Annual Report 2011-2012, above note 25 at page 110.



Almost two and a half years ago, in May 2012, the Portfolio Committee on Basic Education enquired about the number of learners who qualified for learner transport under the Draft Policy who had not received this service. The Minister's response was that the DBE had not calculated the numbers but that it was "working with the DoT to finalise and gazette the policy. This includes determining the number of learners who qualify and the estimated cost of providing this service."<sup>30</sup> Minister Motshekga also promised that the Draft Policy would "be released for public comment." The following month, in June 2012 Minister Motshekga again reported to the Portfolio Committee that the policy would be gazetted.<sup>31</sup>

Since as early as August 2012 the Minister of Transport has been making similar statements to the Portfolio Committee on Transport.<sup>32</sup> Shockingly explaining that the DoT had not put in place any safeguards to co-ordinate scholar transport provision within the various provinces because the national policy had not yet been finalised.<sup>33</sup>

During the course of last year the Minister of Transport informed the NCOP that:

*"a(i) the [DoT] is currently finalising the National Learner Transport Policy to guide the implementation of learner transport nationally. Furthermore effective monitoring structure is being established consisting of representatives of [DBE] and [DoT] to improve the monitoring of the scholar transport programme. a(ii) Furthermore the [DoT] is engaging national treasury regarding the development of appropriate funding model for scholar transport."*<sup>34</sup>

The DoT Annual Report for the 2012-2013 period again identifies learner transport as:

*"an important element that needs to be overhauled. In the short to medium term, the focus will be on obtaining approval of the National Scholar Transport Policy from Cabinet and constant monitoring of the implementation of the Scholar Transport Programme by the [DoT]. Furthermore, the DoT will be developing national operational guidelines to remedy operational challenges that provinces are facing with the implementation of the Scholar Transport Programme. These measures are aimed at ensuring that the Scholar Transport Programme is provided effectively and efficiently."*<sup>35</sup>

The same Annual report also indicates that the Draft Policy was approved by the Director General of Transport and that it would be submitted to the Minister of Transport for approval in April 2013. It attributes the delay in finalising the policy to the "consultation process".<sup>36</sup>

In the Budgetary Review and Recommendation Report (BRRR) of the Portfolio Committee on Transport on the performance of the DoT for the 2012-2013 financial year dated, 29 October 2013,<sup>37</sup> the Committee noted "with concern the need for improved scholar transport"<sup>38</sup> and

*"recommended that the policy bottlenecks that have characterised the stakeholder consultation on the development of the . . . Scholar Transport policies should be resolved as a matter of urgency. The implementation of these policies should commence as soon as possible."*<sup>39</sup>

The lack of reporting on the issue of learner transport constitutes a glaring gap in the DBE's current Annual Report. Particularly in the light of all these unfulfilled promises that the policy would materialize.

<sup>30</sup> Parliamentary Internal Question 1124, Internal Question Paper 11/2012, dated 4 May 2012. Response received May 2012. Available at <http://bit.ly/intquespaper>

<sup>31</sup> Parliamentary Internal Question 1366, Internal Question Paper 14/2012, dated 25 May 2012. Response received June 2012: "The Draft National Scholar Transport Policy has been reviewed and is being discussed within different structures in the Department of Transport. The policy will be gazetted once the process is completed and approval is granted." Available at: <http://www.pmg.org.za/node/35689>

<sup>32</sup> Parliamentary Internal Question 909, Internal Question Paper 10/2012, dated 26 April 2012. Response received 6 August 2012: "The Draft National Scholar Transport Policy is at the final consultation stage. The Department of Basic Education made material inputs to the draft which required going back to consult other key stakeholders." Available at: <http://www.pmg.org.za/node/33006>

<sup>33</sup> Same as above.

<sup>34</sup> National Council of Provinces, Question 262, Internal Question Paper No 18 - 2013, dated 14 June 2013. Response received 3 July 2013. Available at: <http://www.transport.gov.za/LinkClick.aspx?fileticket=JQJ7q2sKzLU%3D&tabid=644&mid=1598>

<sup>35</sup> DoT Annual Report 2012/2013, for the year ending March 2013 at page 11 (Minister's Foreword)

<sup>36</sup> DoT Annual Report 2012/2013, above note 32 at page 94.

<sup>37</sup> BRRR of the Portfolio Committee on Transport on the performance of the DoT for the 2012-2013 financial year dated 29 October 2013. Available at <http://www.pmg.org.za/budgetary-review-and-recommendation-report-portfolio-committee-transport-performance-department-transport-for-201213-financial>

<sup>38</sup> BRRR, above note 34, at 7.17.

<sup>39</sup> BRRR, above note 34, at 8.1

# 5.1 Recommendations:

- 1) The adoption of the National Scholar Transport Policy of 2009
- 2) DBE should collect and verify data on the number of learners who need scholar transport, particularly in the Eastern Cape.
- 3) A grant geared towards providing learners with transport, particularly in rural areas,
- 4) where learners have to walk long distances to and from school. Alternatively provide boarding facilities for high school learners.

## 6. Section 100(1)(b) intervention in the Eastern Cape

In 2011, the Eastern Cape Department of Education was placed under national administration through a Constitutional provision of Section (100) (1)(b). The six identified priority areas in the implementation of Section 100(1)(b) were:

Management of Human Resource Capital

Implementation of the National School Nutrition Programme

Procurement and delivery of LTSM

Effective management and provisioning of learner transport

School infrastructure development programme: priority mud and unsafe schools

Education systems and operations: planning, accountability, supply chain management, financial management.

This section will assess the performance of the DBE with regard to the Section 100(1)(b) intervention in the Eastern Cape, during the 2013/14 financial year. It will focus specifically on school infrastructure development and the recruitment and appointment of personnel. In the DBE's 2013/14 Annual Report, the matter of the intervention is not addressed. It is mentioned once in passing:

*“key interventions are in place for areas identified, like the distribution of textbooks and workbooks, implementation of the NSNP [National School Nutrition Programme], building new schools to meet demand, and establishing systems and operations relating to planning and accountability, budgeting and financial management, supply chain management and HR capacity.”<sup>40</sup>*

During a presentation to the Select Committee in September 2013, the DBE told members that

*“The 2013/14 post basket was declared in time as required by law...a point of concern is a marked decline in learner numbers over the last three years in the province that holds implications for sustainability of current post basket and funding levels.”<sup>41</sup>*

Although posts are declared, post provisioning norms are not fully implemented and many schools suffer with teacher shortages. This sentiment was expressed to us by an Eastern Cape principal in Mt Fletcher as follows: “teachers are few and learners are many”. As a measure to fill the gap of a Life Sciences teacher this principal explained that learners did not receive Life Sciences tuition during school hours but instead had to come to school on Saturdays, as this was the only time that a teacher from a neighbouring school could fill in.

Another school in the same district told us that they had 10 teachers. The principal described this as “enough in amount but not enough in subjects”. They did not have a teacher able to teach Physical Science, and a curriculum adviser who is knowledgeable in the subject assisted them on occasion with teaching. Teacher shortages were also reported in the King William's Town area.

The main challenge schools experienced were around infrastructure, particularly access to water. All the schools we met with, barring one, stated that they experienced water shortages that impacted negatively on teaching and learning. Only one school had a tap in its yard (which sometimes did not have any water), but all schools had water tanks. When water runs out of these tanks the schools have to buy it from municipalities. Depending on the location and accessibility of the school, the water can be very expensive. The more inaccessible a school is and deeper into a rural area, the more expensive it is to buy water, which is difficult for schools in the lower quintiles. We were told that teachers and learners often have to fetch water from nearby streams (which disrupts teaching and learning) or use their norms and standards for school funding allocations to buy water. There is no additional funding to the norms and standards for funding allocation to these schools that takes into account the need and cost of water in these areas.

## 6.1 Recommendations:

1. Allocation of additional funding to schools that need water, taking into account that there are seasons when there is very little rain to fill water tanks at schools.

<sup>40</sup> DBE, Vote No. 15, Annual Report 2013/14, above note 22 at page 198.

<sup>41</sup> Parliamentary Monitoring Group, Section 100(1)(b) Interventions in Limpopo and the Eastern Cape: Minister and Department of Basic Education Progress Reports. September 2013. Available at (<http://www.pmg.org.za/report/20130911-section-1001b-interventions-in-limpopo-and-eastern-cape-minister-department-basic-education-progress-reports>)

## 7. Underperforming Schools

THE DBE IS ADDRESSING UNDERPERFORMING SCHOOLS IN A

# FRAGMENTED

MANNER, AS OPPOSED TO USING A COHERENT APPROACH

WE ARE CONCERNED ABOUT A LACK OF TRANSPARENCY IN REPORTING AND REMEDIAL MEASURES

DBE'S DEFINITION OF UNDERPERFORMING SECONDARY SCHOOLS ARE THOSE WITH A PASS RATE BELOW

## 60%

IN NSC EXAMINATION IS INADEQUATE AND INCOMPLETE

THE DBE MUST COMPLY FULLY WITH S58B, ADOPTING AND REPORTING ON SPECIFIC PERFORMANCE INDICATORS ANNUALLY

IN 2013 MOSHESH SENIOR SECONDARY SCHOOL ACHIEVED A PASS RATE OF

## 11%

IN THE NSC

## 7.1 Section 58B South African Schools Act: Underperforming Schools

The South African Schools Act was amended by Parliament in 2007 to include specific provision for the identification and remediation of “underperforming schools.”<sup>42</sup> The section (s58B) requires that the Minister of Basic Education receives annual reports from all provincial Heads of Education Departments on the action taken in regard to underperforming public schools. This amendment of the Schools Act demonstrates the intention of Parliament to ensure that schools deemed to be ‘underperforming’ (the most vulnerable public schools) receive specific attention and intervention in order to address the causes of poor school performance. In turn, Parliament in its monitoring and oversight role has a critical function in ensuring that the DBE implements this section of the Act. It will be demonstrated below that there has been a general failure of the DBE to comply with this section of the Schools Act, and in turn in addressing the problem of underperforming schools.

We are concerned that the DBE is attempting to address the challenge of underperforming schools in a fragmented manner, rather than considering as a coherent whole the many factors that impact school underperformance. This approach may negatively impact the DBE’s ability to achieve meaningful change. We are further concerned that the DBE considers underperformance too late in the intervention process rather than proactively creating plans of action to specifically target the problem. In its 2013-2014 APP, “underperforming schools” appears only twice (once to indicate improvements in the rates of underperformance).<sup>43</sup> The 2013-2014 Annual Report dedicated more time to addressing underperforming schools, commendably allocating an entire section to the issue and acknowledging particularly problematic reading levels.<sup>44</sup> However, the APP and the Annual Report do not reflect a cohesive approach to the issue of underperforming schools.

‘We are concerned that the DBE is attempting to address the challenge of underperforming schools in a fragmented manner, rather than considering as a coherent whole the many factors that impact school underperformance’

The Annual Report contains no reference to the Ministerial committee created to assess the appropriateness of NSC benchmarks, which appeared in the APP as a planned initiative. Moreover, the interventions described in the Annual Report are vaguely worded and provide little guidance on future practices. In its 2014-2015 APP, the DBE has only one program/indicator specifically targeting underperforming schools.<sup>45</sup> Further, the DBE’s focus has been on the NSC results and has given less attention to the Annual National Assessments (“ANA”), which could help inform interventions earlier on.

## 7.2 Lack of clear plan to ensure implementation of s58B of SASA and lack of transparency

One of the biggest challenges to gauging progress on the problem of underperforming schools is the lack of transparency in the statutorily required reporting and remedial measures. Evidence supports this concern. Sections 16(A) and 58(B) of the South African Schools Act and Section 8 of the National Education Policy Act obligate the DBE to work with subsidiary provincial education departments to: (1) collect reports, in order to identify underperforming schools, (2) assist in implementation of remedial programs, and (3) continue monitoring and evaluation in order to ensure improvement in school performance.

The legislative framework also establishes a strict timeline to guide the reporting and remedial processes. Yet, despite repeated engagement with the DBE on these issues, we have been unable to obtain any clear information regarding reporting or implementation of/compliance with this statutory framework.

<sup>42</sup> Section 58B: Identification of underperforming schools. Section 58B must also be read with Section 16A (1) (c) which requires the principal of an underperforming school to develop a plan to improve the academic performance.

<sup>43</sup> DBE APP 2013-2014, above note 2 at pages 7 and 99.

<sup>44</sup> DBE Annual Report 2013-2014, above note 22 at pages 70 and 132-33.

<sup>45</sup> DBE APP 2013-2014, above note 2 at page 80.

- In 2012, the Equal Education Law Centre (EELC) wrote to the DBE requesting information on compliance with s58B of the Schools Act. In response, the DBE admitted that it had not been receiving reports from the provincial education departments on underperforming schools and, effectively, there had not been compliance with the statute up until then. However, the DBE also committed to ensuring compliance with the Act from then on.<sup>46</sup> However, to date the DBE has yet to produce any documents to this effect and despite the fact that the AR claims “all nine provinces submitted reports to the Minister.”<sup>47</sup>
- Second, the DBE is obligated to “take all reasonable steps to assist” in implementing improvement plans.<sup>48</sup> But it has indicated no guidance on action plans and has not provided requested plans or budgetary allocations to EE or the public.
- Third, effective monitoring and evaluation are impossible in the absence of clear guidelines to the PEDs. A comprehensive national policy must be put in place to guide PED’s on this issue. The DBE must ensure adequate data is compiled and used to define indicators that can be used by PEDs. To date, no guidelines have been created or adopted.

### 7.3 The DBE’s Identification of underperforming schools is inadequate and incomplete

In its communication with the EELC, the DBE stated that its criteria for the determination and identification of underperforming schools was that: “all secondary schools that achieve below 60% in the 2012 NSC examination are to be deemed as underperforming and; using literacy as a proxy - all primary schools with more than 50% of learners performing at level 3 and below in ANA grades 3 and 6 to be deemed as underperforming.”<sup>49</sup>

The 2013 National Senior Certificate (“NSC”) results reveal stark inequalities in educational performance across South African Schools and demonstrate that school underperformance should be a critical concern. Free State, Gauteng, the Western Cape, and the North West had the highest NSC pass rates, all attaining over 85%. The Eastern Cape and Limpopo fell at the bottom, with pass rates of around 65% and 72%, respectively.

Across the country, 1,407 High Schools had pass rates below 60% and therefore qualified as ‘underperforming’ in terms of the DBE stated policy. Nearly 90% of these schools are in Quintiles 1, 2, or 3. In the Eastern Cape, roughly half of all High Schools are underperforming. This indicates that it is by far the poorer communities and learners who suffer the brunt of underperformance, a trend that reinforces and exacerbates existing inequality within the system.

The APP and Annual Report mostly measure underperformance through NSC results. Though the Annual Report delivers the welcome news that districts are being supported as to how to interpret the ANA results, the defining criterion for receiving DBE support was districts that achieved below a 65% pass rate on the NSC.<sup>50</sup> The DBE’s goal of extending support to districts with a pass rate below 70%<sup>51</sup> is admirable, but consideration of the NSC alone in determining which schools need assistance is insufficient. Additionally, when the APP discusses underperforming schools, it does so primarily in the context of the NSC.<sup>52</sup> Data on the number of primary schools with ANA results showing that more than 50% of learners are below the required numeracy and literacy levels have not been made publically available or reported on to Parliament - making it impossible to identify the exact number of underperforming primary schools. In turn, this makes an assessment of compliance with statutory obligations with respect to these primary schools difficult and a cause for serious concern.

The DBE’s heavy focus on the NSC is problematic for several reasons. First, it ignores the fact that many students drop out before grade twelve; as the DBE itself observes in the APP, dropout rates in the Senior Phase alone are in the double digits.<sup>53</sup> By comparing the number of passes against the number of students who sat for the test—not, say, the number of learners in that cohort when it entered primary school—the DBE is failing to account for students who did not progress far enough in school to take the NSC, thereby artificially inflating perceived learner achievement. Though the AR claims the matric pass rate was 80.2% in 2013,<sup>54</sup> the ratio of matric passes in 2013 to enrolment in Grade 2 in 2003, which more accurately reflects dropouts, is only 40.4%.<sup>55</sup> Secondly, this approach does not account for the performance of primary schools, when the foundation for future learning is laid and as is required by the DBE’s own policy on underperforming schools.

<sup>46</sup> Letter from EELC to DBE, dated 12 December 2012.

<sup>47</sup> DBE Annual Report 2013-2014, above note 22 at page 13.

<sup>48</sup> South African Schools Act of 1996, Section 58(B)(4).

<sup>49</sup> Letter from the Department of Education dated 26 June 2013 to the EELC

<sup>50</sup> DBE Annual Report 2013-2014, above note 22 at page 132.

<sup>51</sup> Same as above.

<sup>52</sup> See, e.g., DBE APP 2013-2014, above note 2 at pages 7, 16, 31 and 32.

<sup>53</sup> DBE APP 2013-2014, above note 2 at page 4.

<sup>54</sup> DBE Annual Report 2013-2014, above note 22 at page 39.

<sup>55</sup> DBE, “How Many School Entrants Go On To Pass Matric?”, Available at: <http://bit.ly/passmatric>

To its credit, the DBE has taken steps towards incorporating the ANAs into its approach to underperforming schools. For example, it has performed pilot studies on support programs for improving ANA results and on whether ANA results can be used to improve schools.<sup>56</sup> It envisions using these results to inform school improvement plans (SIPs).<sup>57</sup> These studies are a positive development since the 2012 National Education Evaluation and Development (NEEDU) National Report revealed that, though the ANAs can be a useful diagnostic tool and allow a subtler understanding of learner strengths and weaknesses, most schools do not know how to use their scores for diagnostic and monitoring purposes.<sup>58</sup>

However, so far there exists no available data on the aforementioned pilot programs. Past requests for information on the DBE's assistance to underperforming schools from PEDs have generally been met with little if any response; of the nine provinces, only four have responded to EELC's request. It is important that the DBE not follow the PEDs' trend and instead be open about its pilot programs so that other schools can benefit from lessons learned and observers can make sure they are extensive enough to be useful.

The DBE has additionally overlooked statutorily mandated metrics of underperformance besides test results. The DBE's narrow conception of underperformance fails to include "a breakdown in school management.." and the safety of learners and staff as contemplated in Section 58B(2)(b) and (c) of SASA. As a result schools facing, for example, extreme gang violence have not been identified as under-performing schools despite significant dangers to learners and teacher's lives.

The DBE NSC-oriented approach, has apparently not developed a comprehensive list of the schools that are de facto underperforming. Compounded by the DBE's long failure to demand the statutorily mandated reports on underperforming schools, the narrow conception of underperformance has prevented the DBE from adequately identifying schools that are underperforming or providing the assistance necessary to improve performance. The APP and Annual Report evince a failure on the part of the DBE to conceptualize underperforming schools as a category to which the DBE and other education officials owe special duties. As a result, the DBE has not developed a comprehensive, systematic approach towards gathering information and providing remedies, thereby leaving PEDs with the responsibility to develop and implement strategies without any clear direction from the DBE.

#### 7.4 Moshesh Senior Secondary School: A Case of an Underperformance.

Moshesh Senior secondary School is a school located in Matatiele, Eastern Cape. During 2013 a group of learners of this school approached EE for assistance with regard to the problems besetting the school. This School had all the hallmarks of an Underperforming School: weak governance; mismanagement; poor NSC results, However it was not until these learners assisted by EE and the EELC instituted legal proceedings that the Eastern Cape Department of Education (ECDoE) and the DBE took notice of this school. The parties ultimately settled the matter out of court and Moshesh was declared an underperforming school – a declaration long overdue given that Moshesh has been achieving less than a 60% pass rate for a number of years (most recently having achieved an 11% NSC pass rate in 2013). This case is indicative of the possible non-identification of numerous underperforming schools by provincial education departments and a failure across the board to ensure compliance with s58B. Had it not been for the court case Moshesh SSS would probably not have been receiving any special attention despite being in desperate need of that.

Further Moshesh also shows the effect of a gap in national policy or guidelines on the need to specifically identify and address underperforming schools. Since the settlement agreement, which was made an order of court on 21 November 2013, there has still been a failure by the provincial education department to adopt effective intervention strategies at the school. The school still faces shortages of textbooks and teaching posts. Media reports about the dismal state of the school prompted a response from the Minister's office that she had "since instructed the MEC to immediately resolve the issues plaguing the school, and directed the acting director general... to follow up on the matter,"<sup>59</sup> However, if section 58B had been complied with in general such instructions from the Minister would presumably have come years ago. Moshesh remains a school in crises much like many other poor rural schools across the country – to whom s58B should be applying.

<sup>56</sup> DBE APP 2013-2014, above note 2 at page 51.

<sup>57</sup> DBE APP 2013-2014, above note 2 at pages 5 and 99.

<sup>58</sup> NEEDU National Report 2012 at pages 52-54.

<sup>59</sup> [www.citypress.co.za/news/angie-motshekga-probe-sadtu-posts-sale/](http://www.citypress.co.za/news/angie-motshekga-probe-sadtu-posts-sale/)



## 7.5 Recommendations:

- 1) The DBE must comply fully with s58B and report to Parliament on such compliance.
- 2) Reports on compliance with s58B must include information on the number of identified underperforming primary and secondary schools.
- 3) The adoption of a detailed national policy or guidelines on measures to identify and address underperforming schools; and the allocation of a budget for this purpose. These guidelines should not be limited to identifying underperforming schools only through academic performance, but should also include school safety and school management related issue as well as monitoring of drop-out and repetition rates (secondary schools), absenteeism, curriculum implementation.
- 4) Adoption of specific performance indicators on underperforming schools in the APP and Annual Report.

# 8. Conclusion

Given the past and present trends relating to Infrastructure planning, budgeting and implementation, there are several key changes that must be effected through direct intervention from the DBE and Parliament's oversight. It is not unreasonable, when contemplating the outlined infrastructure targets and objectives to get a sense that these may not be met within the timeframes. Such delays can no longer be tolerated within the South African education landscape.

School nutrition is undoubtedly a crucial intervention that has seen significant improvements in its administration over the years. We note with some concern, however, that an ECD nutrition budget is not allocated to schools, creating a heavier burden for schools in the lower quintiles to bare.

The lack of adequate provision for learner transport in rural schools across the country has become an issue of concern. The situation is exacerbated by the absence of an adopted Policy on learner transport and a specific grant geared towards this provision. It is worrisome that this issue is barely acknowledged by the DBE in their Annual Report or Annual Performance Plan. This means that thousands of learners across rural provinces will struggle to access schooling for years to come.

EE and the EELC are concerned that the DBE is attempting to address the challenge of underperforming schools in a fragmented manner, rather than considering as a coherent whole the many factors that impact school underperformance. This approach may negatively affect the DBE's ability to achieve meaningful change. We are further concerned that the DBE considers underperformance too late in the intervention process and does not proactively create plans of action to specifically target the problem.



Of the **23 742 schools** in the country, **862** have no access to water, **1366** have no electricity, and **643** have no access to sanitation

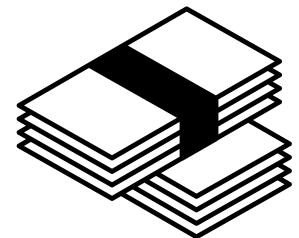
Learner Transport is mentioned **once in passing** in the DBE's 2013-2014 Annual Report



in 2012, **98%** of the Eastern Cape's NSNP budget was spent. This indicates the programme is going well

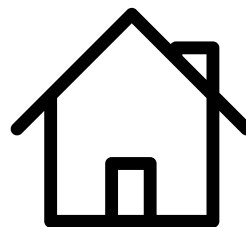


The more inaccessible a school is, the more expensive it is to buy water to fill the water tanks in Eastern Cape Schools



Cost per meal per learner per day stands at R2,56 for primary school

**1407** secondary schools have a pass rate below 60%, the main criteria to be classified as underperforming secondary schools



The DBE provides meals for learners in quintiles 1, 2 and 3



**16km**

The distance some school children have to walk to and from school daily



