SECTION27 Statement on Report by Professor Mary Metcalfe Verifying the Delivery of Textbooks to Limpopo Schools in terms of the Order of the North Gauteng High Court

16 July 2012

SECTION27 and the Department of Basic Education are today releasing the 'verification report' into the delivery of textbooks to learners in grades 1-3 and grade 10 in Limpopo Schools. The report is available ****

We thank Professor Metcalfe and her team. Not only have they done a great amount of work in the last two weeks, but they have made a personal sacrifice out of a commitment to the right to basic education. We note that the cost of this extensive investigation has been less than R300,000 - something we wish other organisations and individuals would emulate in the interests of public service.

At the outset we would like to say that SECTION27 has approached the Limpopo text book crisis with a sincere intent of resolving it together with the DBE, in the interests of the learners. We accept that the education crisis in Limpopo is not the Minister's sole responsibility. The crisis has been long in the making and was inherited by the DBE in December 2011 when it took over the administration of the Limpopo department.

SECTION27's intention is not to vilify any particular person. However, we maintain our position that once the National Executive (Cabinet) decided to intervene in Limpopo under s100(1)(b) of the Constitution they assumed, through the DBE, full responsibility for meeting minimum standards for the delivery of basic education services within the Province. Regrettably, because of a misconception of the powers the National Department assumes under a s100(1)(b) instead of resolving the looming crisis facing learners it became worse. The non-delivery of text books is a manifestation of this.

MOST IMPORTANT FINDINGS OF THE REPORT:

- 1. The Gauteng North High Court originally ordered the DBE to "provide textbooks on an urgent basis, commencing on 31 May 2012 and concluding by no later than 15 June 2012." This date was set based on the Department's own commitment in court papers to meet this date. The date **for delivery to schools** was later extended by agreement with SECTION27 to June 27th.
- 2. On 28th June the DBE reported that 98% of books had been delivered. SECTION27 disputed this hence the agreement on a verification investigation.

- 3. Prof Metcalfe's report shows that in fact on 27th June only 15% of books had been delivered to schools (p17). By July 3rd this had increased to 48%. According to the report (p48), by July 11th 22% of schools were still awaiting text books.
- 4. On the first day of a new term there is a risk that many learners still remain without text books or with insufficient text books.
- 5. We accept that all these figures require further verification and draw attention of the media to recommendation 8 (Outstanding Verification and Corrective Action). But on these facts the DBE remains in violation of the Court order. This needs very urgent remedy.

The report points to a number of other important challenges that must be overcome:

- 6. The current crisis of text books is not new. 8.1% of schools sampled by Prof Metcalfe's team reported not having received Learner Teacher Support Materials in previous years. This affects tens of thousands of learners.
- 7. Communication to Limpopo Principals and teachers by the Department is inexcusable. The Metcalfe report reveals that the first communication to schools about the non-delivery of text books was only made on 17th May. In addition, it was not until June 29th that Principals were informed they would not receive the books they ordered.
- 8. The Limpopo education department has a dismal communication infrastructure: only 2.7% of schools have access to e-mail; 23.6% have fax; 28.4% have landlines and 71 % depend on principal's cell phones.

OUR ONGOING CONCERNS

'Catch up plan'

We are especially concerned that the continued late delivery of text books impedes the 'catch up plan' for Grade 10s.

Whilst the DBE filed its catch up plan with the High Court on 8th June 2012, the agreement with SECTION27 of 21 June 2012 (now made an order of court) expanded the requirements of the catch up plan to include "additional tuition for learners and content knowledge support for teachers on an ongoing basis". The DBE is required to report on the implementation of the catch up plan by 30 July.

We restate need for continued input and for full co-operation by all stakeholders, including SADTU and the Principals Association, in ensuring that we respect the rights and best interests of the learners. Learners are not failing in education. Education is failing them.

Budget for basic education

Prof Metcalfe's report (p21) shows that the Limpopo Department of basic Education "was unable to proceed with the procurement of textbooks at the end of 2011 because the education budget for 2011/12 was exhausted before the end of 2011." It is not entirely clear where the funds budgeted for the textbooks at the beginning of 2011/12 went to, although it is clear poor financial and budget management were certainly at the heart of the problem.

Even so, the department should have been aware of their cash flow problems long before their budget was depleted and should have made provision for the purchase of books long before the end of the year. It is obvious that they failed to do this.

As a result of the mismanagement of the budget for textbooks in 2011/12 the recent purchase of books has been from the 2012/13 budget. This money would ordinarily be used for purchasing text and work books for the 2013 academic year. It is clear from the report that Next year new CAPS text books will be required for grades 4 - 9 and 11, as well as top up for other grades.

If provision is not made for the shortfall in the budget for these books, which must be purchased before the end of this year 2012/13, the department will simply be deferring the current crisis until next year.

The question is where will the money necessary to overcome this budget crisis come from?

WAY FORWARD:

- A. SECTION27 accepts the 16 detailed recommendations made by Prof Metcalfe and calls for their urgent implementation. We note that a several recommendations do not just have a bearing on Limpopo, but on the management of textbook procurement and delivery nationally.
- B. It is clear from this and other reports that Limpopo Education Department is rotten, riven with corruption and incapable of meeting its constitutional obligation to learners. We call for the department to be cleaned out, for the vigorous prosecution of charges of corruption, for maximum openness about those charged and for the MEC for Basic Education, Dickson Masemola to be fired.
- C. The repeated defence that there was (and is) no money for textbooks can no longer be accepted. The reason that resources are unavailable is due to corruption and serious mismanagement of finances. Under the section 100 intervention the NBE bears the duty to resolve issues of financial mismanagement, fraud and corruption to ensure that the amount that is budgeted for education is the amount that is received in the education system.
- D. SECTION27 will continue to work with teachers, learners, principals and parents to monitor the education crisis in Limpopo. We will remain critical and independent of the DBE. We reserve our rights to return to Court in this matter. But we will also do what we

can to assist the Minister and her team to resume the provision of basic education in Limpopo.

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