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28 October 2020

Dear Minister, Director-General and MECs for Basic Education

**PROGRESS REPORTS IN TERMS OF THE COURT ORDER IN EQUAL EDUCATION & OTHERS v  
MINISTER OF BASIC EDUCATION & OTHERS (22588/2020)**

1. We acknowledge receipt of your affidavits, filed between 13 and 20 October 2020, in terms of paragraphs 103.10 and 103.12 of the judgment in the case of *Equal Education & Others v Minister of Basic Education & Others (22588/2020)*.
2. We welcome what appears to be an increase in the number of learners fed across most provinces.
3. We also welcome the responses in the affidavit by the Director-General, to the questions that we have previously asked. In particular, we note and welcome the Director-General's undertaking in relation to a possible second wave of infections that the Department is "resolute that all eligible learners will receive or collect meals in line with the risk adjusted school calendar taking into account the COVID-19 protocols and measures".
4. We remain concerned about the following:
  - 4.1 The number of learners who appear not to be receiving meals in this period (22% of learners in Mpumalanga; 52% of learners in the Western Cape, 18% of learners in the Free State, according to the Department's own reports). No reason is provided for these shortfalls, nor are strategies provided to overcome these shortfalls.
  - 4.2 Statements about learners receiving food when they are home due to rotation or platooning are largely not supported by information we have gathered, provided below.
  - 4.3 While we understand that learners going to school to collect meals are able to use ordinary scholar transport, it is not clear how these learners are expected to return home having collected their meals, or whether they are expected to wait around the school (but not in class) until the end of the day when the scholar transport would ordinarily return them home.
- 5 A survey of 192 learners in Eastern Cape (6 learners), Gauteng (40 learners), KwaZulu-Natal (50 learners), Limpopo (62 learners) and Western Cape (34 learners) was conducted by Equal Education between 15 and 20 October 2020. The results are as follows:

- 5.1 188 of 192 learners report that they are receiving meals on days when they are at school.
- 5.2 135 of the 143 learners who report that they do not attend school every day (due to rotation or platooning) report that they **do not** receive a meal or a food parcel for the days when they are not at school.
- 5.3 77 of the 79 learners who report that they need scholar transport to collect food on the days when they are at home due to rotation or platooning report that they **do not** have access to scholar transport to collect food on the days when they are at home.

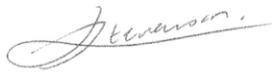
We will provide the results broken down by province upon request.

- 6 Given these survey results and the areas of concern with the affidavits, described above, questions remain about the integrity of the programme and we request the following:
  - 6.1 Copies of the revised 2020/21 business plans referred to in the Director-General's affidavit and which he has undertaken to make available to us upon request.
  - 6.2 Reasons for the continued and unexplained shortfall in the number of learners receiving meals together with clear strategies to overcome these shortfalls. This is necessary to ensure compliance with the spirit and purpose of the judgment which is to ensure that each and every eligible learner is fed in terms of the NSNP.
  - 6.3 An explanation, from each province, about the way in which the scholar transport system serves learners who wish to collect meals when not in school – i.e. does the scholar transport return learners home after they have collected a meal or do they remain around the school (but not in class) for the rest of the day, until the scholar transport returns all learners home.
  - 6.4 If learners have to wait until the end of the school day to return home, even if they are only collecting food, an explanation from each province for the decision to use this mechanism to provide meals that need to be collected daily, rather than food parcels.

6.5 An explanation of whether the department has further considered the food voucher system (referenced in the initial affidavit) to service learners on the days they are not in school.

6.6 For all provinces to issue a circular to schools to confirm that learners may collect a meal or a food parcel from the school closest to where they live, for the days that they are not in the classroom at the schools at which they are enrolled.

Sincerely,

A handwritten signature in cursive script, appearing to read 'S. Stevenson'.

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