

Merging the School Infrastructure Backlog Grant with the Education Infrastructure Grant: Response to National Council of Provinces Committee on Appropriations



Prepared by SECTION27 (6 April 2022)

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Merging the School Infrastructure Backlogs Grant (SIBG) with the Education Infrastructure Grant (EIG)

Context

The proposed merging of the School Infrastructure Backlog Grant (SIBG) into the Education Infrastructure Grant (EIG) occurs in a context of a school infrastructure crisis in South Africa, that while exacerbated by the COVID-19 pandemic, has plagued the South African education system for decades before.

While South Africa is classified as an upper middle-income economy by the World Bank, it is also considered the most unequal nation in the world by the same institution.¹ Moreover, 30 percent of the income inequality is attributed to education, second only to race's contribution of 41 percent. Though it is clear that education is a tool that can alleviate inequality plaguing the nation, 86% of public schools [have no laboratory facilities](#) and more than 5 000 schools had either an unreliable water supply or no supply before the Covid-19 pandemic (Amnesty International).²

This battle has often culminated in civil society campaigns and eventually court rulings that have reinforced government's obligations to provide adequate public-school infrastructure. On Human Rights Day in March 2011, Equal Education led a march of 20 000 learners and supporters to Parliament to demand that the Minister of Basic Education Angie Motshekga adopt the [Minimum Uniform Norms and Standards for Public School Infrastructure](#). A year later, they successfully filed an application in the Bhisho High Court against the Minister, all MECs for Education and the then Minister of Finance to secure the norms and standards. In 2018, the Bhisho High Court ruled entirely in favour of the organisation, outlining that all schools with structures built of inappropriate materials must be fixed, that Minister Motshekga must change the Norms and Standards to include that plans and reports be made publicly available and that the word "prioritise" in the Norms and Standards must be read to mean the government must actually fix schools. Despite the Minister and MECs appealing the ruling directly to the Constitutional Court, the court reinforced the decision of the Bhisho High Court.

Another notable case was that of Michael Komape. In 2014, five-year-old Komape drowned in a pit toilet at his school, Mahlodumela Primary School in Chebeng Village, outside Polokwane. The Limpopo High Court ruled in favour of Komape's family (represented by SECTION27) and ordered the defendants - Limpopo Department of Education (LDoE) and the Department of Basic Education (DBE) - compelling the provincial administration to provide a detailed list of all schools in the province with pit toilets along with plans to eradicate these. The Komape family later

¹ Sulla, Victor; Zikhali, Precious; Cuevas, Pablo Facundo.

Inequality in Southern Africa: An Assessment of the Southern African Customs Union (English).

Washington, D.C.: World Bank Group.

<http://documents.worldbank.org/curated/en/099125303072236903/P1649270c02a1f06b0a3ae02e57eadd7a82>

² Amnesty International, BROKEN AND UNEQUAL: THE STATE OF EDUCATION IN SOUTH AFRICA. Johannesburg, South Africa

<https://www.justice.gov/eoir/page/file/1247956/download>

returned to the High Court and successfully obtained an order declaring that the LDoE and DBE's plans to eradicate illegal sanitation by 2030/31 were unconstitutional and in breach of the structural order. The court ruled in September 2021 that the LDoE and DBE must submit revised plans including a more rapid timeframe for the eradication of illegal sanitation in the province.

Moreover, the Covid-19 pandemic has exacerbated the school infrastructure crisis. Government decided to cut school infrastructure funding to pay for Covid-19 relief measures. School infrastructure grants such as the Education Infrastructure Grant (EIG) and the School Infrastructure Backlog Grant (SIBG) saw a net amount of R1.7 billion cut from their programs, with an additional R4.4 billion being reprioritised within infrastructure budgets for Covid-19 related measures. This decision had a deep impact on the [provision](#) of school infrastructure and further set back the DBE's legal duty to provide public school infrastructure under the Regulations Relating to [Minimum Uniform Norms and Standards for Public School Infrastructure](#) (referred to thereafter as Norms and Standards).

Education Infrastructure Grant

The EIG is a direct grant to provincial education departments that is used to supplement the school infrastructure programme in provinces. In 2018, National Treasury [reported](#) that only Mpumalanga (at 93 percent), Limpopo (at 97 percent) and Gauteng (at 99 percent) did not manage to spend 100 percent of their total allocations, indicating a generally good spending performance. The FFC has found that the EIG has performed well, as reflected in its over 100% spending record over the years, until 2016/2017.³ However, National Treasury has [pointed out the gap](#) between expenditure and performance, after considering that the EIG was almost fully spent by the provinces but the completion of new and replacement schools in 2017/2018 were well below target in almost all the provinces.

School Infrastructure Backlog Grant

The School Infrastructure Backlog Grant (SIBG) is an indirect grant which funds the nationally administered Accelerated School Infrastructure Delivery Initiative (ASIDI). The ASIDI Programme was initiated in 2011 to accelerate the implementation of the Norms and Standards. The FFC found that both the SIBG's financial and non-financial performance was poor. From 2011–2013, only 49% of the SIBG's original budget was spent. In response to the SIBG's poor spending since its introduction, its allocations have decreased.

One prevailing criticism of the SIBG is its use of implementing agents rather than state departments to carry out these infrastructure projects, resulting in increased costs for 'middle-men', without correlating results. A [report](#) by Equal Education found that the slow and irregular performance of implementing agents has been a stumbling block to the successful implementation of the Norms and Standards. It found that implementing agents receive on average between 4.5% to 10% of the cost of a school infrastructure project in management fees, regardless of performance. Worse, the public cannot evaluate their actual work owing to the lack

³ Fiscal and Financial Submission for the 2016/17 Division of Revenue. Chapter 3: A Review of Direct and Indirect Conditional Grants – The Case of Selected Conditional Grants. Cape Town, South Africa <http://www.treasury.gov.za/documents/national%20budget/2016/review/Annexure%20W1.pdf>

of publicly available performance information. Nevertheless, there have been reports of unsafe infrastructure that endangers the lives of learners, as seen at Lingelihle Senior Secondary School where an incomplete wall unfortunately [killed a learner](#) after the school had complained repeatedly to the implementing agent responsible about the unsafe wall.⁴

The SIBG was intended to be a temporary intervention; in the long run, provinces need to have the capacity, technical skills and the institutional memory to develop and maintain their infrastructure. Furthermore, the FFC [recommended](#) that National Treasury and departments consider indirect grants like the SIBG only as a last resort measure while continuing to build capacity in provinces and municipalities, a position supported by Treasury.

In addition to the poor financial performance of the SIBG and alleged poor performance of its implementing agents, some civil society organisations have expressed [concern](#) that the SIBG would be merged without having met its targets. Whichever process will be followed, the National Treasury, the Departments of Education and the provinces need to ensure the SIBG-EIG merger does not result in a slowing down of school infrastructure delivery. Moreover, it is imperative that there is robust engagement and consultation with the public. At this moment, while we are aware that National Treasury intends on merging the SIBG and the EIG, the budget review and explanatory memorandum to the division of revenue provides no information on the rationale for the merger, nor the extent to which any consultation with stakeholders has taken place. Lastly, in a context of infrastructure issues in South African schools, it is important that the merger does not result in a decrease in funds allocated to resolving this crisis

Conclusion

The Department of Basic Education has expressly indicated that “*it is committed to improving the physical infrastructure and environment at every public school in the basic education sector*”. We are of the view that this can be achieved through a transparent merger of the SIBG into the EIG, which is evidence based, reflects robust engagement with stakeholders and one that builds the capacity of provinces to adequately improve the state of school infrastructure.

SECTION27 is of the view that the National Treasury and/or the Department of Basic Education should publish any research it has undertaken or is relying on as a basis for merging the SIBG and EIG, as a part of a public consultation exercise.

⁴ Nika Soon-Shiong.

Implementing agents: The Middlemen in Charge of Building Schools.
King Williams Town, Eastern Cape, South Africa: Equal Education.

<https://equaleducation.org.za/wp-content/uploads/2020/09/EE-IA-Report-23-10-19-Digital.pdf>