**3 September 2018**

**WRITTEN SUBMISSION**

**PORTFOLIO COMMITTEE ON BASIC EDUCATION**

**RE: Briefing by the Department of Basic Education on the First Quarterly Report on the Performance of the Department of Basic Education (2018/19)**

**Submission by**

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**THE WESTERN CAPE FORUM FOR INTELLECTUAL DISABILTY: BACKGROUND**

The Western Cape Forum for Intellectual Disability (WCFID), was established in 1971 with a small group of parents, professionals and persons involved with persons with intellectual disability (ID). It has grown into a formally constituted NGO, with a membership of +/- 220 organisations and individual working with children and adults with ID in the Western Cape.

The WCFID is an umbrella body providing a support network to service providers in the field of ID in the Western Cape, through:

* Training and support
* Resources
* Advocacy
* Learning and networking opportunities

WCFID lobbied government for 13 years for the Right to Education (RTE) for Children with Severe and Profound Intellectual Disability (CSPID), with little progress, and eventually litigated, successfully.

On 11 November, 2010, the High Court of South Africa (Case No 18678/2007. GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA, First Respondent; GOVERNMENT OF THE PROVINCE OF THE WESTERN CAPE, Second Respondent), ruled that:

[52] In the circumstances I conclude that the applicant is entitled to the relief sought and accordingly make the following orders:

1) It is declared that the respondents have failed to take reasonable measures to make provision for the educational needs of severely and profoundly intellectually disabled children in the Western Cape, in breach of the rights of those children to:

1.1 a basic education

1.2 protection from neglect or degradation

1.3 equality

1.4 human dignity

**2) The respondents are directed forthwith to take reasonable measures (including interim steps) in order to give effect to the said rights of severely and profoundly intellectually disable children in the Western Cape, including (but not limited to):**

**2.1 ensuring that every child in the Western Cape who is severely and profoundly intellectually disabled has affordable access to a basic education of an adequate quality;**

**2.2 providing adequate funds to organizations which provide education for severely and profoundly intellectually disabled children in the Western Cape at special care centres, such as to enable them to:**

**2.2.1 have the use of adequate facilities for this purpose;**

**2.2.2 hire adequate staff for this purpose;**

**2.3 providing appropriate transport for the children to and from such special care centres;**

**2.4 enabling the staff of such special care centres to receive proper accreditation, training and remuneration; and**

**2.5 making provision for the training of persons to provide education for children who are severely and profoundly intellectually disabled.**

Treasury provided a conditional MTEF grant of R477 million. The Minister of Basic Education provided an explanation for the distribution of the grant, in reply to a question by Mr SC Motau, (31 August 2017 - NW2247):

(1) (b) Provinces will distribute the grant in accordance with the following guidelines as stipulated in the Grant Framework:

* 13% for training of teachers and the 31 Outreach Teams;
* 11% for Learning and Teaching Support Materials, toolkits and equipment for centres and designated schools;
* 56% for compensation of itinerant teams and provincial co-ordinators; as well as
* 20% for administration including travel, vehicles, accommodation and subsistence.

(2) (a) The Grant will be used to benefit learners in the following ways:

* To provide therapeutic and psycho-social intervention to learners and their families in targeted 186 schools and 280 care centres by appointing and training 155 specialised staff, who will provide the therapeutic intervention and procuring equipment as well as learning teaching support materials (LTSM) to be used by the staff;
* To track, provide learner-specific support and follow up on their progress by creating a comprehensive and reliable database of learners in the targeted schools and care centres;
* To provide quality education and support to learners by further developing the professional capacity, knowledge and skills of caregivers and teachers in the 280 care centres, 186 schools;
* To facilitate leaners’ access to various government services and other intervention programmes through working collaboratively with other government departments and non-governmental organisations (NGO); and
* To advocate for learners’ rights to access public-funded quality education through documenting and reporting on the Grant’s achievements. <https://pmg.org.za/committee-question/6474/>

**Since WCFID’s last submission to the Portfolio Committee (5 March 2018), WCFID has:**

* Held a meeting with DBE DG Mweli to discuss WCFID’s concerns about the incongruence between the court order and the terms of the conditional grant. DG Mweli will arrange a follow-up meeting with WCFID, among other commitments
* Submitted comments to DBE on the *Draft Guidelines for the Resourcing of Inclusive Education* and the *Draft CAPS Curriculum for Learners with Severe Intellectual Disability (SID)*
* Submitted emails to DBE, calling for the classification, assessment and support for learners with severe to profound intellectual disability, according to internationally accepted guidelines (such as the World Health Organisation and DSM-V). DBE seems to conflate moderate and severe intellectual disability, which leads to the development of inappropriate material for learners with severe to profound intellectual disability and the misallocation of the conditional grant for the education of learners/children with severe to profound intellectual disability (L/CSPID). The DG’s Office, DBE, is in the process of responding, and has allocated a Reference Number to the submission.
* Submitted PAIA Requests to the Department of Basic Education and the Western Cape Education Department, via the Legal Resources Centre (LRC), about the implementation of the court order and the conditional grant for the education of learners/children with severe to profound intellectual disability (L/CSPID)

WCFID wishes to commend the DBE for reporting on its performance on the conditional grant for the education of learners with severe to profound intellectual disability, within DBE programmes. WCFID views this as an indication of DBE’s intention to include the marginalised and vulnerable community of L/CSPID, currently in special care centres, into the public education community.

**RECOMMENDATIONS**

We wish to request that the Portfolio Committee on Basic Education, in its oversight role, interrogates the 1st Quarterly Report (2018/19) presentation from the Department of Basic Education in relation to the provision of education to learners with severe to profound intellectual disability:

1. **SLIDE 5: LURITS uploads:**

Has DBE included Learners/Children with severe to profound intellectual disability on LURITS or EMIS as required by its agreement with Treasury and AGSA (Division of Revenue Bill B2:2018, page 133; DBE Annual Performance Plan 2018/19, page 71)?

1. **SLIDE 18: SUSTAINABLE DEVELOPMENT GOALS (SDGs)**

The **coordination** of government department services and the **coherence of department policies** are central to the implementation of the SDGs. SDG 4 calls for quality, inclusive, equitable education. The DBE Draft Policy for the Provision of Quality Education for L/CSPID includes responsibilities and roles for other departments.

* Has DBE consulted and planned with other departments (e.g. Department of Health; Department of Social Development; Department of Transport; Department of Public Works) since the court judgement (2010) and the approval of the conditional grant?
* Has DBE drawn up a funding model and an implementation plan with timeframes and performance indicators for the implementation of the court order, with other related departments?
* Is DBE the lead department in the implementation of the court order?

1. **SLIDE 27: INDICATOR TABLE: PROGRAMME 2**

**2.7.1 Access to the Learning Programme**

* When does DBE intend to gazette/promulgate the finalised Learning Programme (Public comments on the Draft Learning Programme, were submitted to DBE in December 2016)
* How is DBE counting the number of learners at special care centres accessing the Learning Programme?
* Are learners at special care centres recorded on a central database / LURITS / EMIS? (Division of Revenue Bill B2:2018, page 133; DBE Annual Performance Plan 2018/19, page 71)?
* Do learners at special care centres have EMIS numbers?
* Disaggregated data per province and per centre would enhance the ability of civil society and the Portfolio Committee to monitor the implementation of the court order and the conditional grant for the education of L/CSPID
* A substantial amount of the grant has been allocated to toolkits (LTSM). Have special care centres received the toolkits and training to incorporate the toolkits in implementing the Learning Programme?

**2.7.2 Access to therapeutic and psycho-social support services**

* Have all of these learners been individually assessed?
* If so, have centres received copies of the assessment reports of each learner?
* Do all of these learners have Individual Support Plans (ISPs), as required by the Draft Learning Programme?

**Milestones/progress in Achieving Annual Targets**

* In which provinces are the 5502 additional L/CSPID located (in disaggregated data, per province/per centre)?
* What was the nature of DBE’s Situational Analysis and Baseline Survey of L/CSPID at special care centres that informed its proposal to Treasury for the conditional grant for the education of L/CSPID?

**SLIDE 33**

**PROGRAMME 2: INCLUSIVE EDUCATION**

* Which province is not in Phase 1 of implementation of the Learning Programme? Where is that province in the implementation process?
* A substantial amount of the grant has been allocated to toolkits (LTSM). Have special care centres received the toolkits and training to incorporate the toolkits in implementing the Learning Programme?

**SLIDE 96: DETAILS OF EARMARKED ALLOCATIONS AND CONDITIONAL GRANT FOR THE 2018/19 FINANCIAL YEAR**

* The variance in expenditure on the conditional grant for the education of L/CSPID is of great concern and needs urgent attention and a drastic turnaround plan.

WCFID wishes to thank the Portfolio Committee on Basic Education for considering our submission. We are available to share any other information about the sector at our disposal, should the Committee wish to engage with us.