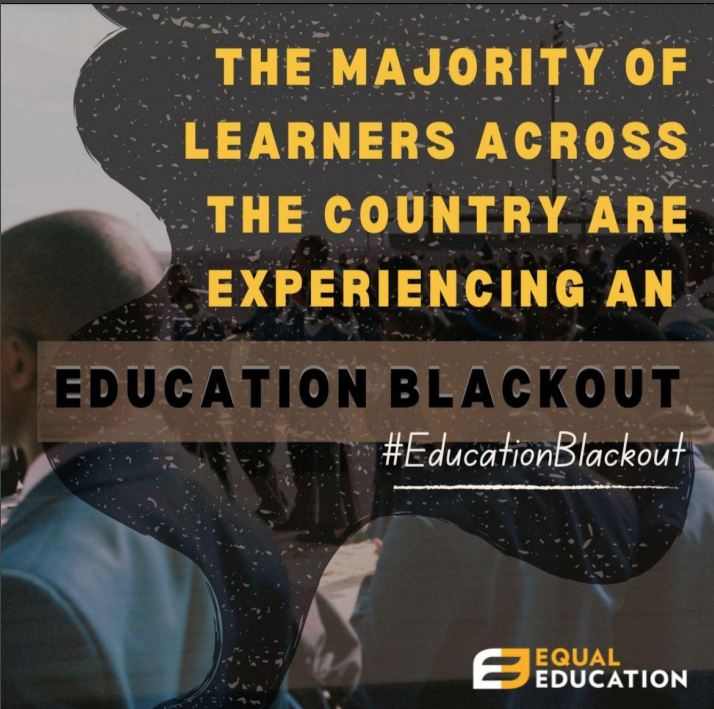




**EQUAL EDUCATION SUBMISSION TO THE STANDING AND SELECT COMMITTEES ON
APPROPRIATIONS ON THE 2023/24 ADJUSTMENTS APPROPRIATION BILL**

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Equal Education (“EE”) is a youth-led mass democratic movement of learners, post-school youth, parents, teachers and community members who use mobilisation and public action, supported by careful research, to empower young activists and ensure equality in South African education. Our campaigns are informed by the experiences of EE members and by policy analysis. At EE we build an understanding of the education system while drawing attention to problems facing school communities and learners. EE offers a new way to participate in the democratic system and bring change to education and society.

EE welcomes the opportunity to submit comments on the 2023/2024 Adjustments Appropriation Bill to the Select and Standing Committees on Appropriations (“Committees”). In making this submission, we would like to draw the Committees’ attention to our concerns regarding the adjustments made to the basic education allocations and their consequences for schools and learners, both now and in the long term.

EE would also like to remind the Committees that their roles are not only in approving the budget but also in providing oversight of government spending across spheres and departments. In particular, we wish to bring attention to the critical role that the Committees must play in improving service delivery in the schooling sector.

I THE RIGHT TO BASIC EDUCATION

“Education is important because it is the key to our success and employment. If education was ‘top grade’ we would have more graduates, and more entrepreneurs would create more businesses, and that would mean more jobs.” — EE High School learner member

Under the Constitution, basic education is a protected fundamental human right, not a privilege. As a social good, basic education plays an important role in achieving equality, dignity, and freedom for all. This is because receiving an equal and quality basic education is key to helping all learners realise their full potential, providing all learners with the opportunity to rise out of poverty or their socioeconomic status, and building a more engaged and healthy democracy.

The right to quality basic education places an obligation on our government to **actively take steps to promote and fulfil this right**. Unlike other socioeconomic rights, basic education is an **immediately**

realisable right. that requires our government to provide to all learners urgently. South African courts, including the Constitutional Court, have elaborated on the right to basic education by stating that it consists of certain core components, including, among others, safe and sufficient infrastructure, transport, as well as learning and teaching materials such as textbooks and furniture.

Provision of socio-economic rights like basic education has a direct impact on the government's fiscal and economic policies. These implications stem from both our Constitution and international law. The International Covenant on Economic, Social and Cultural Rights (ICESCR), which South Africa has ratified, emphasises the need for governments to maximise available resources for the achievement of basic human rights. It also states that the government must meet an extremely high standard to justify taking "retrogressive measures" against constitutional rights such as funding cuts. The Committees' work in light of this to seriously consider whether National Treasury is living up to its constitutional and legal obligations in the 2023/24 Budget not just in the case of basic education funding, but for all socio economic rights.

II BASIC EDUCATION - OUR CURRENT CONTEXT

Democratic South Africa has yet to deliver on adequate and equal education for all learners in the country. The schooling system continues to battle systemic inequalities that leave many schools with overcrowded classrooms, burnt-out teachers, unsafe and deteriorating school infrastructure, and a lack of basic services such as sanitation, water, and electricity. This continuous crises in the sector—which we call the #EducationBlackout— means learners do not have access to the needed basic school resources for proper learning. The intensity of the #EducationBlackout is felt differently by different provinces and schools, with learners schooling in rural and township schools disproportionately affected.

With the #EducationBlackout campaign, we aim to illustrate the difference in response between the crisis at Eskom and the schooling crisis. While government has rightly taken the crisis at Eskom seriously and developed significant interventions, the crisis in the schooling sector is not seen as critical or with the same response. Each year, school communities and learners are forced to accept government's refrain that they are 'doing the best they can' and that people must simply focus on the small gains made and be patient. This is simply unacceptable.

Inadequate school infrastructure is one of the biggest issues perpetuating the #EducationBlackOut

because without adequate and proper facilities and services such as school buildings, electricity, water, and sanitation facilities, schools will not be conducive learning environments. According to the Department of Basic Education's (DBE) latest publicly available information in its [2023 Education Facility Management System](#) (EFMS) report, over 3 900 of our public schools still have plain pit latrines on their premises, with 728 of schools still using these illegal and dangerous structures as their **only** form of sanitation. The continuous presence and use of these dangerous structures in schools, despite its prohibition in 2013, remain a great concern. Additionally, the EFMS report shows that 10 408 schools across the country rely on rainwater harvesting for water supply, a known unreliable water source. This means that for several schools across the country, access to water supply may be non-existent or greatly limited.

Regardless of the statistics, it is clear that the DBE and Provincial Education Departments (PEDs) have been unable to provide even the most basic infrastructure to schools. Given the appalling conditions that most learners contend with, it is little wonder that South African children struggle with the basics skills of learning to read and write, consistently [performing poorly](#) in international assessments such as the Trends in International Mathematics and Science Study (TIMSS), and Progress in International Reading Literacy Study (PIRLS). Our recent [research report](#), *Schooling under unusual conditions: Research into how school infrastructure shapes teaching and learning in South Africa*, emphasises the important role school infrastructure plays in teaching and learning.

The COVID-19 pandemic—which brought school interruptions, and remote and rotational learning—also set back gains in basic education, exposing existing inequalities in our schooling system, and highlighting the critical need for safe and proper infrastructure in the sector. With schools struggling to overcome severe learning losses, the amount of investment and attention given to basic education now will be critical in determining whether we can mitigate these devastating setbacks and arrest the crisis. EE, therefore, calls on the Committees and all of government to acknowledge the #EducationBlackout and its adverse impact on learners' futures.

II BASIC EDUCATION FUNDING

“The thing about budget cuts doesn't sit well with me because for us who are in public schools, we will suffer.” – EE High School learner member, Limpopo

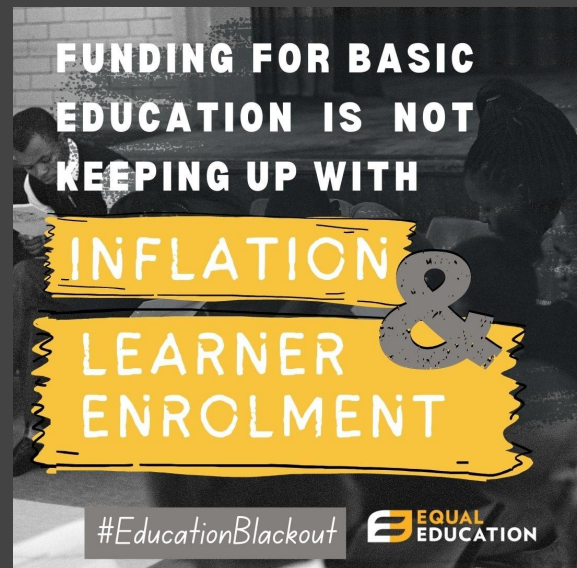
The full realisation of the right to quality basic education for all learners cannot be achieved without adequate funding to national and provincial education departments, and schools themselves to conduct the business of education provision. Adequate funding for the schooling sector must consider important factors such as rising inflation and learner enrollment, and systemic inequalities in the system, as well as the evolving needs of the sector broadly.

While the February budget allocation was almost a billion rand higher than projected in the 2022/23 MTEF, this additional allocation did little to address the funding gaps in the sector once inflation is taken into account. When inflation is taken into account, the main budget decreased by 2.63%, much lower than the anticipated real decrease of 1.7% projected in the 2022/23 MTEF.

Despite the sector facing resource, infrastructure, and learning crises, the 2023/24 Medium Term Expenditure Framework (“MTEF”) shows a continuation of existing trends in basic education, where funding does not keep pace with inflation, growing learner enrollment, and the real costs of providing education services across the provinces. This is unfortunately a continuation of existing trends in basic education funding, the impact of which is borne by learners attending public schools across the country who rely entirely on government funding.

Although the adjusted appropriation injects about 10 billion additional funds to basic education for the 2023/24 financial year, as well as increased medium-term estimates, all gains from these increased allocations are nullified by higher-than-expected interest rates because funding levels will still not keep up with inflation over the medium term. This is without even factoring in rising learner enrollments over the next three years.

It is also worth noting that although this additional funding was specifically provided to implement the 2023 public-service wage agreement—that is to cover mostly teacher salaries—provincial education departments are constrained in hiring additional teachers as part of Treasury’s new cost-containment



measures. This decision could mean larger classroom sizes and higher learner-teacher ratios in a sector still plagued by overcrowding. All of these are set to threaten already fragile educational outcomes.

Regarding school infrastructure, the February main budget provided an additional R1.5 billion for overcrowding over the next 3 years and R283 million for the 2023/24 financial year for repairing flood-damaged schools in the Eastern Cape and KwaZulu-Natal. This was a welcomed and much-needed decision by Treasury because it meant that infrastructure issues such as overcrowding were getting renewed attention, and the additional funding would have a positive impact on efforts to address critical infrastructure backlogs in schools.

Given the extent of infrastructure backlogs in schools, coupled with the lack of maintenance of existing school infrastructure, we had hoped to see a sustained long-term commitment to increased school infrastructure funding for a more lasting difference. While the February budget and its medium-term projections did not do that, the adjustments to the education infrastructure grants—the Education Infrastructure Grant (“EIG”) and School Infrastructure Backlogs Grant (“SIBG”)—are rather alarming.

The #MTBPS2023 promised “targeted spending revisions that contain overall expenditure while directing resources to core functions”, yet the school infrastructure allocations (combined EIG and SIBG amounts) was slashed by over R1.7 billion. National Treasury’s reason for hacking the school infrastructure budget was because of “*significant and unforeseeable economic and financial events*”. Although Treasury claims that it tried to protect critical services from budget cuts, the decision to cut the school infrastructure budget amidst severe backlogs in the sector may have devastating impacts on learners in under-resourced schools.

Even if the entire school infrastructure budget was spent with no irregular, wasteful, and fruitless expenditure, the amount of allocations would still be substantially less than what is needed to address infrastructure challenges. R1.7 billion could have easily provided 2 991 additional classrooms, 12 516 toilets, 3 686 school libraries, and 1 180 sustainable water sources; facilities that school communities desperately need.

National and provincial education departments have, for many years now, reported limited resources as a reason for not meeting their targets, especially on school infrastructure. Budget cuts, however slight,

will exacerbate and provide 'justification' for non-performance as Treasury's renewed austerity measures will lead to half of the planned projects for 2023/24 not even making it to the starting line. More importantly, this appropriation adjustment will hamper the ability of education departments to meet their annual goals and broader constitutional mandates, worsening pre-existing challenges in quality service delivery to school communities. Learners attending public schools across the country who rely entirely on government funding are the most affected and punished by such austerity measures.

EE is also deeply concerned that despite the Early Childhood Development (ECD) Grant being grossly insufficient to cater for the 4.7 million eligible children, Treasury has seen fit to reduce the maintenance portion of the grant by R58 million. We need not emphasise that ECD is crucial to address foundational challenges in learning outcomes. So far, state funding of ECD remains inadequate at R17 per eligible child per day since 2019. This, together with cuts to part of the ECD grant, presents little surprise why children still cannot read for meaning by the time they turn 10 years.

An additional concern is that while education continues to be one of government's [largest spending](#) items, the sector has been getting an increasingly smaller proportion of government's overall spending prior to the COVID-19 pandemic. While we are relieved to see that since 2021 the percentage has begun to increase, we have still not seen a return to the pre-COVID division of revenue. This is concerning as it shows that basic education is slipping on government's priority despite it being an immediately realisable human right.

EE is calling for these budget cuts to be reversed and the schooling sector to receive adequate and progressive government funding now! This means funding that keeps up with inflation, the cost of providing educational services, and growing learner enrollments. Given that the schooling system is still deeply unequal, and government has yet to collectively meet the basic infrastructure standards as outlined in the Norms and Standards for Public School Infrastructure, the sector will also need more targeted investments in certain school communities to provide all learners with an equal and quality schooling.

IV ISSUES IN EXPENDITURE

Budget allocation is only one piece of the crisis puzzle. The sector, from national and provincial education departments to the school level, suffers from endemic spending challenges characterised by

underspending, irregular spending, and fruitless and wasteful expenditure.

Although this problem is not unique to a single sector or government department, the basic education system—which relies heavily on public procurement for the delivery of expansive, nationwide, and decentralised education services and infrastructure—appears regularly in lists of top departments plagued by serious spending issues.

High levels of underspending, irregular spending, and fruitless and wasteful expenditure—particularly in school infrastructure grants—have been continuously highlighted by oversight bodies as great challenges in the sector. Underspending, irregular, fruitless, and wasteful expenditures significantly contribute to poor education service delivery. These spending issues also impact the ability of basic education to advocate for additional funding from the fiscus.

Although the sector is seemingly “bad at spending their money” and that additional funds will seem as “throwing money at the problem won’t help”, failure to balance this contradiction harms learners. The state of our schools would be drastically improved if the money education departments do have was spent judiciously. The Appropriations Committees have vital roles to play in this regard.

V THE ROLE OF THE APPROPRIATIONS COMMITTEES

One of the main functions of parliament is to analyse, pass, and monitor the budget as part of its oversight responsibilities. This responsibility does not begin and end with approving budgets. Section 55(2) of the Constitution clearly outlines the broader oversight powers of the National Assembly, stating that it:

“must provide for mechanisms to

(a) to ensure that all executive organs of state in the national sphere of government are accountable to it; and

(b) to maintain oversight of

(i) the exercise of national executive authority, including the implementation of legislation; and

(ii) any organ of state.”

The Committees' mandate, also derived from legislation and parliamentary policy, cuts across different government spheres and departments and must consider and report on, among others, spending issues; amendments to the Division of Revenue Bill, Appropriations Bill, Supplementary Appropriations Bill & the Adjustment Appropriations Bill; and reports on actual expenditure published by the National Treasury.

The Committees, therefore, have a clear legislative mandate to take an active role in monitoring departmental expenditures and intervening where necessary. It is precisely the fact that the Appropriations Committees sit at the juncture of economic and fiscal policy making, and expenditure oversight that makes their role so critical to ensuring the full realisation of all socio-economic rights, including the right to quality basic education.

Despite this, there is widespread criticism—most notably the State Capture Commission Report's finding that Parliament was a bystander to the "State Capture"—that Parliament is not fulfilling its constitutional mandate and is continuously unable or unwilling to properly hold government accountable for its misuse of public money. EE echoes the current public concerns that Parliament, in particular these Committees, are falling short of their duties in key areas. Concerns include that:

- over-reliance on the departments they watch over for information regarding their spending;
- rubber stamping executive decisions;
- public participation, most notably in the budget where no amendments by parliament have ever been made, remains a tick-box exercise; and
- where Committees do provide recommendations to government, they rarely hold the departments accountable if the recommendations are not implemented.

EE calls on the Committees to fulfil their constitutional mandate by working for the electorate by holding government accountable for how it uses public funds.

VI RECOMMENDATIONS

Equal access to quality basic education is an "immediately realisable" constitutional right and must be treated as a budget priority. The sector needs adequate resources to stop the #EducationBlackout. EE demands that parliament acknowledge the #EducationBlackout and ensure that schools get the money needed to tackle the many challenges they experience. EE, therefore, calls on:

- the Committees to reject this austerity budgeting and call for reversal of the cuts to ensure pro-poor spending.
- 2023/24 Budget and call for a budget for basic education that grows in line with inflation and learner enrollment.
- National Treasury to adopt a progressive approach to basic education funding that ensures that education budgets grow in line with inflation and learner enrollment at the very least.
- the Committees to take its oversight responsibilities seriously, by ensuring efficiency and effectiveness in departments' use of available resources to achieve quality service delivery, in particular basic education.
- the Committees to work in the public's interest by implementing the Zondo Commission recommendations on parliamentary practice.
- the Committees to ensure that proper oversight is provided if and when the Norms and standards get brought to parliament for amendment.