

R2E CWD

Campaign to Promote the Right to Education of Children with Disabilities

Submission to the Parliamentary Portfolio Committee on Basic Education on the Annual
Performance Plan 2012 – 2013 of the Department of Basic Education

19 March 2012

1. Introduction

R2E CWD stands for the Right to Education for Children with Disabilities. This is a campaign with a national membership of both children's rights and disability focused organisation that aims to promote the right to education for children with disabilities in South Africa.

This written submission deals broadly with education for children with disabilities and the Annual Performance Plan 2012 – 2013 of the Department of Basic Education. The submission will first deal with the international law obligations placed on South Africa to realise the right to education for children with disabilities. After that it will speak to the following five points:

- Inclusive Education;
- Implementing a court order;
- Teacher training;
- Access to education; and
- The quality of education for children with disabilities.

It should be remembered that South Africa is a State Party to the United Nations Convention on the Rights of Persons with Disabilities; the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. With that, South Africa has also ratified the United Nations Convention on Economic Social and Cultural Rights.

All these treaties place a positive obligation on the South Africa to realise the right to education for children with disabilities. Therefore plans and actions need to be put in place by the Executive arm of Government to realise this right.

2. Annual Performance Plan 2012 – 2013

As mentioned in the introduction, we would like to raise five points in relation to education for children with disabilities and the Annual Performance Plan of the Department of Basic Education. From the outset, we noted that the Minister of Basic Education highlights very important processes in her foreword. These include expanding ECD and grade R and the focus on maths and science. However, the Minister does not mention of any initiative by the Department of Basic Education on education for children with disabilities. This omission seems to highlight that the Department is not prioritising the right to education for children with disabilities.

2.1 *Inclusive Education*

Inclusive education refers to the education system's capacity to respond to the need of all learners and to support and manage this diversity within ordinary classrooms. Education White Paper 6: Building an Inclusive Education and Training System defines inclusive education by highlighting the following bullet points:

- Acknowledging that all children and youth can learn and that all children and youth need support.
- Enabling education structures, systems and learning methodologies to meet the needs of all learners.
- Acknowledging and respecting differences in learners, whether due to age, gender, ethnicity, language, class, disability, HIV or other infectious diseases.
- Broader than formal schooling and acknowledging that learning also occurs in the home and community, and within formal and informal settings and structures.
- Changing attitudes, behaviour, teaching methods, curricula and environment to meet the needs of all learners.
- Maximising the participation of all learners in the culture and curriculum of educational institutions and uncovering and minimising barriers to learning.

Therefore the entire education system should strive to be inclusive to address various learning needs of children. Inclusive Education should not be seen as a “sub-system” within the education system. Rather the education system as a whole should be inclusive. Within the explanation above on inclusive education as found in White Paper 6, one can draw the conclusion that the inclusive nature of the entire education system is acknowledged. Education White Paper 6 calls for a piloting of this system by way of full service schools to be established over a 20 year period.

2.2 *Implementing a court order*

During November 2010 the Western Cape High Court handed down a judgment in the case of *Western Cape Forum for Intellectual Disability v Government of the Republic of South Africa and Government of the Province of the Western Cape*. In this judgment the applicants sought an order to ensure that the respondents realise the right to education for children with severe and profound intellectual disabilities. The Western Cape High Court agreed with them and ordered that respondents do the following:

- ensure 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;
- provide adequate funds to organisations which provide education for severely and profoundly intellectually disabled children in the Western Cape at special care centres, such as to enable them to:
 - have the use of adequate facilities for this purpose;
 - hire adequate staff for this purpose;
- provide appropriate transport for the children to and from such special care centres;
- enable the staff of such special care centres to receive proper accreditation, training and remuneration; and
- make provision for the training of persons to provide education for children who are severely and profoundly intellectually disabled.¹

¹ See *Western Cape Forum for Intellectual Disability v Government of the Republic of South Africa and Government of the Province of the Western Cape* (unreported judgment of 11 November 2010) para. 52.

The respondents were also given 12 months to report to the applicant on their implementation of this order.²

The Annual Performance Plan 2012 – 2013 acknowledge this judgment.³ However, the document does not stipulate what the Department of Basic Education's plans are to implement this judgment. Therefore the incorporation of the court order is not seen within the Annual Performance Plan of the Department.

2.3 Teacher Training

The Annual Performance Plan mentions the plans for teacher training in various parts. For example page 18 stipulates that “the finalisation of the integrated strategic planning framework for teacher education and development in South Africa (2011 to 2025) will shape teacher capacity building in the coming years and introduce a more multipronged approach to training. The approach includes a point system to encourage teachers' ongoing professional development and is a departure from the traditional top-down mode of in-service teacher development.”

It goes without saying that this is a welcomed initiative. However, in order to ensure that the education system is of an inclusive nature, a large emphasis should be placed on teachers being able to manage diversity within a classroom. The integrated strategic planning framework for teacher education and development should invest a large proportion of its multipronged approach (including the point-based system) to managing diversity within a classroom and school.

2.4 Access to Education

The Annual Performance Plan 2012 – 2013 stipulates the following in relation to access to basic education: “While there is a small gap that must be closed with respect to compulsory schooling and wanting to see more learners completing Grade 12 successfully, insufficient access to schooling is not the primary challenge for South Africa.” This statement is highly inaccurate in relation to access to education for children with disabilities.

The 2010 National Household Survey indicated that approximately 6.3% of the entire population older than 5 years old lives with a disability. It has been argued that this is an under-estimation, as the World Health Organisation's 2011 World Report on Disability placed the global disability population at about 15%.⁴ That said, even though it might seem a small percentage, the numbers of children with disabilities that are currently out of school is estimated to be extremely high. The proportion thus is a significant amount, even though the percentage might be small.

² Ibid.

³ Department of Basic Education *Annual Performance Plan 2012 – 2013* (2012) page 15.

⁴ See H Combrinck and L Wakefield (2011) “Pupils with disabilities ignored” in *Mail & Guardian* 2 December 2011. <http://mg.co.za/article/2011-12-02-pupils-with-disabilities-ignored/> (Accessed on 18 March 2012).

The Department of Basic Education does not acknowledge the out school learners with disabilities and plans to address increasing access to education for children with disabilities in the Annual Performance Plan. Of the small percentage of children out-of-school a disproportionately high percentage of these are children with disabilities.

2.5 *The Quality of Education*

The quality of education is one of the Government's 12 national outcomes to improve on. The Annual Performance Plan 2012-2013, to a large extent, also addresses this outcome. On page 16 one can see a substantial increase in both "curriculum policy, support and monitoring; and teachers, education human resources and institutional development" budgets. This speaks volumes in relation to increasing the quality of education.

It has come to the attention of the R2E CWD campaign that the quality of education in special schools, such as for those catering for sensory disabilities is not on par with education provided for at mainstream public schools. The R2E CWD campaign sees no reason why this should happen. Therefore the Department of Basic Education should provide some plans within its Annual Performance Plan as to how the quality of education in these special schools will not continue to be so low.

Another concern for the R2E CWD campaign is the linking of performance bonuses for principals to their specific schools' results. Whilst schools should be encouraged to achieve good academic results, the success of a school lies not only in its academic achievements, but also in its ability to cater to the needs of all learners and to encourage all learners to reach their full learning potential even if this falls below the academic standard for the grade. To link performance bonuses to academic success without acknowledging good inclusive practice would deal inclusion an insurmountable blow.

3. Conclusion

As we mentioned in the Introduction, South Africa has ratified various international and regional treaties, which places an obligation on the State to implement its provisions. Even before the adoption of the Convention on the Rights of Persons with Disabilities, South Africa took great policy steps to realise the right to education for children with disabilities by the adoption of Education White Paper 6.

Of concern to the R2E CWD campaign is the fact that the implementation of this White Paper is not going according to plan. During a presentation by the Department of Basic Education to on the implementation of White Paper 6 to this Portfolio Committee on 14 June 2011 this came to light.

That combined with the lack of planning for children with disabilities in the Annual Performance Plan 2012-2013 brings evidence to light of no responsiveness in planning for children with disabilities by the Department of Basic Education.

The R2E CWD campaign is willing to make an oral presentation (to the Portfolio Committee) with more specificity on how the Annual Performance Plan 2012-2013 does not make provision for realising the right to education for children with disabilities, at the next meeting on the Department of Basic Education's budget review presentation on 17 April 2012.