



SCHOOLS INFRASTRUCTURE NORTH WEST INQUIRY REPORT





SOUTH AFRICAN HUMAN RIGHTS COMMISSION REPORT

NW/2021/0231

In the matter between:

| | |
|--|---------------------|
| JACQUELINE RACHELLE THEOLOGO | FIRST COMPLAINANT |
| SONAKILE FREDDY | SECOND COMPLAINANT |
| JUSTICE MACUCWA | THIRD COMPLAINANT |
| GLENVILLE FRANSMAN | FOURTH COMPLAINANT |
| NDITSHENI PHARAMELA | FIFTH COMPLAINANT |
| SOUTH AFRICAN DEMOCRATIC TEACHERS UNION | SIXTH COMPLAINANT |
| NATIONAL PROFESSIONAL TEACHERS ORGANISATION OF SOUTH AFRICA | SEVENTH COMPLAINANT |
| NATIONAL ASSOCIATION OF SCHOOL GOVERNMENT BODIES | EIGHTH COMPLAINANT |

And

| | |
|--|-------------------|
| NORTH WEST DEPARTMENT EDUCATION | FIRST RESPONDENT |
| NORTH WEST DEPARTMENT OF PUBLIC WORKS | SECOND RESPONDENT |
| DEPARTMENT OF EMPLOYMENT AND LABOUR | THIRD RESPONDENT |
| FINAL INQUIRY REPORT | |

ACRONYMS

| | |
|-----------------|--|
| CESCR | Committee on Economic, Social and Cultural Rights |
| COVID-19 | Coronavirus disease 2019 |
| DBE | National Department of Basic Education |
| DBSA | Development Bank of South Africa |
| DOL | Department of Employment and Labour |
| EIG | Education Infrastructure Grant |
| HSE | Health Safety and Environment |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| IDT | Independent Development Trust |
| MEC | Member of the Executive Council |
| NAPTOSA | National Association of Professional Teachers of South Africa |
| NASGB | National Association of School Governing Bodies |
| NSNP | National School Nutrition Program |
| NW DOE | North West Department of Education |
| NWPO | North West Province Office |
| NW DPWR | North West Department of Public Works and Roads |
| OHS | Occupational Health and Safety |
| OHS Act. | Occupational Health and Safety Act |
| PSP | Professional Service Provider |
| SADTU | South African Democratic Teachers Union |
| SAHRC | South African Human Rights Commission |
| SASA | South African Schools Act 84 Of 1996 |
| SGB | School Governing Body |

*"Education is both a human right in itself and an indispensable means of realising other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education plays a vital role in empowering women, safeguarding children from exploitation and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognised as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence."*¹

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¹ Committee on Economic, Social and Cultural Rights. (1999). General Comment 13: The Right to Education (Article 13). https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CESCR_General_Comment_13_en.pdf. Accessed on 24 April 2023.



EXECUTIVE SUMMARY

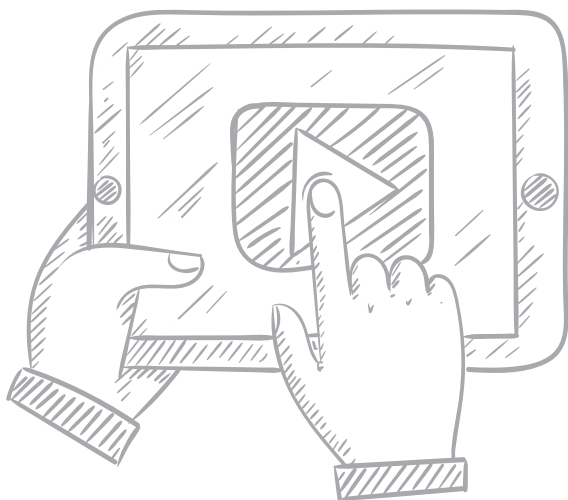
This is a report of the Commission's investigation into the challenges of school infrastructure in the North West. The investigation was prompted by complaints received by the Commission regarding challenges with school infrastructure in specific schools in the North West, as well as the Commission's own school monitoring work, which amongst others, assesses the state of infrastructure at public schools in the province.

Although the investigation was promoted by infrastructure challenges that had been identified in a few schools in the province, it became apparent during the investigation that infrastructure challenges at schools in the North West remain endemic, manifesting along racial and socio-economic lines. The identified infrastructure challenges ranged from blown-off roofs to collapsed ceilings, cracked walls, cracked floors, broken windows, the existence of asbestos in school structures, overcrowding in classrooms, inadequate perimeter fencing, as well as inadequate access to water and sanitation, amongst others. Although some progress has been made in addressing these challenges, much work remains to be done.

These challenges not only hinder learners' right to basic education, they also pose potential harm to learners and staff alike, in violation of the rights in section 29(1)(a), section 10, section 12(1)(e) and section 28(2) of the Constitution. These challenges persist despite the existence of clear constitutional, legislative and regulatory prescripts that provide guidance on how these challenges are to be addressed. Several reasons have been cited by the NW DOE for the persistence of these challenges, including the influx of foreign nationals in communities in the North West, an inadequate budget, and a lack of preventative maintenance. Whilst the Commission finds in its report that the first two cited reasons do not fully explain the existence of the identified challenges, lack of preventative maintenance as well as the absence of an effective system to report and monitor infrastructure challenges, was another significant factor. The lack of an effective system to report and monitor infrastructure challenges, in turn, impedes adequate infrastructure planning and budget management.

In view of the aforementioned findings, the Commission recommends in its report, amongst other things, that the NW DOE prepare a comprehensive plan of action which encompasses all schools identified to have infrastructure challenges in order to address the reported challenges. The Commission further proposes that the NW DOE's framework for funding SGBs be reviewed to ensure that adequate resources are made available to SGBs to enable them to undertake preventative maintenance and address minor infrastructure challenges. The Commission recommends that the DOL submit a time-bound program or plan of action to address OHS infrastructure challenges at schools. Furthermore, the Commission requests the submission of reports on progress made in complying with the prescripts set out in the Norms and Standards.

Through its report, the Commission hopes to contribute to the improvement of learning and teaching conditions in schools in the North West, as well as to the realisation of the rights in the Constitution.



1. INTRODUCTION

- 1.1 The South African Human Rights Commission (“**The Commission**” or “**SAHRC**”) is an independent state institution established in terms of section 181 of the 1996 Constitution of the Republic of South Africa (“**The Constitution**”). The Commission is mandated to strengthen constitutional democracy in South Africa. In terms of section 184(1) of the Constitution, the Commission should promote respect for human rights and a culture of human rights; promote the protection, development and attainment of human rights; and monitor and assess the observance of human rights in the Republic.
- 1.2 The Commission is empowered to investigate and report on the observance of human rights in the Republic of South Africa and to take steps to secure appropriate redress where human rights have been violated².
- 1.3 The North West Province Office (“**NWPO**”) identified inadequate school infrastructure as one of its systemic interventions for 2021/2022.³ This was in response to the complaints it had received on the subject matter.
- 1.4 The systemic intervention took the form of an investigation and an inquiry. The purpose of the investigation and inquiry was to assess:
 - 1.4.1 The prevalence of inadequate school infrastructure in the North West Province.
 - 1.4.2 The root causes of inadequate school infrastructure in the North West Province.
 - 1.4.3 The state’s plans to address the inadequate school infrastructure in the North West Province; and
 - 1.4.4 The impact of inadequate school infrastructure on learners’ right to basic education in terms of section 29(1)(a) of the Constitution and other related rights.

² Section 184(2) of the Constitution and section 13 of the South African Human Rights Commission Act 40 of 2013 (“SAHRC Act”).

³ 2021/2022 Operational Plan of the Commission.



2. PARTIES

2.1 The First Complainant is Jacqueline Rachelle Theologo (“**Theologo**”), an adult female politician and member of the North West Provincial Legislature for the Democratic Alliance. The First Complainant lodged the complaint against the First Respondent concerning the alleged inadequate school infrastructure at in Bethel Village, Mafikeng, in the Ngaka Modiri Molema District.



2.2 The Second Complainant is Sonakile Freddy (“**Freddy**”), an adult male Advocate and member of the North West Provincial Legislature for the Democratic Alliance. The Second Complainant lodged the complaint against the First Respondent regarding alleged dilapidated buildings at Setshwarapelo Primary School, a public school in Mokgareng Village, Taung, in the Dr Ruth Segomotsi Mompati District.

2.3 The Third Complainant is Justice Macucwa ("**Macucwa**"), an adult male secretary of the Setlagole Development Forum. The Third Complainant lodged the complaint against the First Respondent regarding the alleged deteriorating buildings, lack of proper sanitation, and overcrowding in classrooms at Setlagole Primary School and Kgosi Shoppe Secondary School. Both schools are public schools in Setlagole Village, Mafikeng, in the Ngaka Modiri Molema District.



2.4 The Fourth Complainant is Glenville Fransman ("**Fransman**"), an adult male politician and member of the Democratic Alliance in the North West Legislature. The Fourth Complainant lodged the complaint against the First Respondent regarding alleged asbestos structures at Promosa Secondary School, a public school in Promosa, Potchefstroom, in the Dr Kenneth Kaunda District.





- 2.5 The Fifth Complainant is Nditsheni Pharamela ("**Pharamela**"), an adult male principal at Leruntse Lesedi High School. The Fifth Complainant lodged the complaint against the First Respondent regarding delapidated classrooms, leaking roofs, inadequate sanitation and overcrowding at Leruntse Lesedi High School, a public school in Vrisgewaagd, Atamelang, in the Ngaka Modiri Molema District.



- 2.6 The Sixth Complainant is the South African Democratic Teachers Union ("**SADTU**"), a registered trade union in terms of section 96 of the Labour Relations Act 66 of 1995. The Sixth Complainant raised concerns regarding infrastructural challenges at various schools across the province. The specific issues raised included poor infrastructure and the prevalence of plain pit latrines in many schools across the province.
- 2.7 The Seventh Complainant is the National Professional Teachers Organisation of South Africa ("**NAPTOSA**"), a registered trade union in terms of section 96 of the Labour Relations Act 66 of 1995. The Seventh Complainant raised concerns regarding infrastructural challenges at various schools across the province. The specific issues raised included poor infrastructure and the prevalence of plain pit latrines in many schools across the province.
- 2.8 The Eighth Complainant is the National Association of School Government Bodies ("**NASGB**"), an association representing School Governing Bodies ("**SGBs**") nationwide. The Eighth Complainant raised concerns regarding infrastructural challenges at various schools across the province. The specific issues raised included dilapidated buildings, water shortages, leaking roofs, shortage of classrooms and a vibrating building.
- 2.9 The First Respondent is the North West Department of Education ("**NW DOE**"), a government department responsible for, amongst others, providing education and infrastructure at schools in the North West.
- 2.10 The Second Respondent is the North West Department of Public Works and Roads ("**NW DPWR**"), a government department responsible for, amongst others, assisting other government departments with implementing their infrastructural projects.
- 2.11 The Third Respondent is the Department of Employment and Labour ("**DOL**"), a national state department of the Republic of South Africa responsible for, amongst others, employment laws and enforcing the provisions of the Occupational Health and Safety Act 85 of 1993 and its related regulations.

3. BACKGROUND

- 3.1 As indicated above, several complaints were lodged with the Commission starting in 2018 relating to poor infrastructure in public schools in the North West.
- 3.2 The complaints related to:
- 3.2.1 Dilapidated buildings;
 - 3.2.2 Asbestos structures;
 - 3.2.3 Shortage of classrooms/overcrowding;
 - 3.2.4 Lack of water and sanitation; and
 - 3.2.5 Overcrowding at schools.
- 3.3 A further complaint was received by the Commission on 25 February 2022 from the fifth complainant relating to the infrastructure challenges at Leruntse Lesedi High School in Vrisgewaagd, Atamelang, in the Ngaka Modiri Molema District, as follows:
- 3.3.1 The school has an enrolment of 415 learners who are overcrowded in 10 classrooms.
 - 3.3.2 The school is old and dilapidated. The walls have cracks, roofs leak, and classrooms have insufficient lights.
 - 3.3.3 There is no admin block at the school. As a result, teachers use one of the classrooms as a staffroom.
 - 3.3.4 The school has inadequate sanitation, which poses health risks to learners and educators.
 - 3.3.5 The school has raised infrastructure concerns with NW DOE since 2018. These concerns were also raised with the Office of the Presidency and the former National Speaker's Office.
 - 3.3.6 The infrastructure challenges at the school have had an adverse impact on teaching and learning at the school, with the school reporting a significant dropout rate.



- 3.4 In addition to the complaints received, the Commission identified inadequate school infrastructure during school monitoring in the province. Inadequate school infrastructure was specifically observed at the following schools:



| Name of the School | District | Date of monitoring | Infrastructure Challenge |
|--|---------------------------------|--------------------|--|
| 1. Vukuzenzele Primary School | Bojanala Platinum District | 28 July 2021 | <p>One school block is in a state of disrepair with cracks on the walls.</p> <p>There is also a classroom shortage at the school resulting in overcrowding.</p> <p>There is also no laboratory or library at the school.</p> |
| 2. Keledi Secondary School | Bojanala Platinum District | 28 July 2021 | <p>There are shortages of classrooms and toilets at the school.</p> <p>There is also no staff room.</p> <p>There are also water access challenges. The school requires water tanks.</p> |
| 3. Freedom Park Secondary School | Bojanala Platinum District | 28 July 2021 | <p>The school has cracked walls and floors in most classrooms.</p> |
| 4. Monato Primary School | Bojanala Platinum District | 29 July 2021 | <p>The school has a collapsing roof, inadequate fencing and a shortage of scholar transport.</p> |
| 5. Holy Family Primary School | Bojanala Platinum District | 19 January 2022 | <p>There is a shortage of classrooms at the school.</p> <p>There is also no laboratory.</p> |
| 6. Johane Mokolobetsi Secondary School | Bojanala Platinum District | 20 January 2022 | <p>There is a shortage of classrooms at the school.</p> <p>The school also does not have an admin facility or library.</p> <p>The school still has plain pit latrines (12 of them).</p> |
| 7. Kgalagatsane Primary School | Bojanala Platinum District | 24 January 2022 | <p>There is a shortage of classrooms at the school.</p> |
| 8. Goutse Primary School | Dr K.K. District Municipalities | 8 February 2022 | <p>There is a shortage of classrooms at the school.</p> <p>The school is experiencing water access challenges and has no laboratory.</p> <p>The existing library facilities are also inadequate.</p> |
| 9. Maquassi Hills Primary | Dr K.K. District Municipalities | 8 February 2022 | <p>There is a classroom shortage at the school.</p> <p>The school does not have a laboratory or library.</p> <p>The school is also experiencing water access challenges due to its borehole malfunctioning.</p> |

| Name of the School | District | Date of monitoring | Infrastructure Challenge |
|------------------------------------|----------------------------|--------------------|--|
| 10. Kau Primary School | Bojanala Platinum District | | There is a classroom shortage at the school. There is also no electricity in the classrooms and no admin block. The school building is also dilapidated, and the windows don't close. |
| 11. Mmekwa-Maseding Special School | Bojanala Platinum District | 22 February 2022 | There is a classroom shortage at the school. The mobile classrooms are also not thermo regulated. Consequently, they get extremely hot or cold. |
| 12. Mohobotle Primary School | Bojanala Platinum District | 22 February 2022 | There is a classroom shortage at the school. The school does not have a laboratory or library. The school also has broken windows and continues to use plain pit latrines. The toilets are also far from classrooms and smell bad. |

4. INVESTIGATIVE METHODOLOGY

4.1 The Commission investigated the complaints and issues identified during its monitoring activities using various investigative methodologies. These included:

4.1.1 Addressing correspondence to the NW DOE to solicit responses to the complaints and a plan to redress the same. However, the NW DOE did not respond to the Commission's numerous correspondences. The NW DOE only made written submissions in response to the invitation to attend the inquiry, and made oral submissions at the inquiry on 24 March 2022.

4.1.2 Inspections at the schools in respect of which complaints were received. A joint inspection was requested but never materialised as the NW DOE did not avail itself for the inspections.

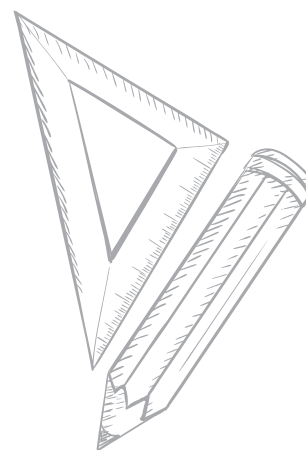
4.1.3 An investigative inquiry held on 2, 3, 4 and 24 March 2022. The inquiry was chaired by Osmond Mngomezulu, the erstwhile Provincial Manager of the NWPO, with Shirley Mlombo, the current Provincial Manager of the NWPO, assisting as a panellist.





5. INQUIRY SUBMISSIONS

- 5.1 The inquiry opened with the opening remarks from the inquiry chairperson, the erstwhile Provincial Manager of the NWPO. In his opening remarks, he explained that the inquiry would be conducted in an inquisitorial manner and provided all the information regarding the mandate of the Commission. He further explained the Commission's powers to request a party to appear before it and provide information in connection with an investigation.⁴ Furthermore, he explained that it is a criminal offence to refuse to cooperate with the Commission in the conduct of an investigation.
- 5.2 The Chairperson's opening remarks were followed by a presentation from Zamathuli Luthuli ("**Luthuli**"), the Senior Legal Officer in the NWPO, in which she outlined the steps taken by the NWPO to investigate the complaints it had relating to poor school infrastructure in the province as set out above.
- 5.3 After that, presentations were done on the state of school infrastructure by the principals of Freedom Park Secondary School, Monato Primary School and Setshwarapelo Primary School. There was also a presentation from the SGB of Promosa Secondary School. The two trade unions, namely SADTU and NAPTOSA, also presented on the impact of poor infrastructure at schools from the educators' point of view, whilst the NASGB presented on the impact of poor infrastructure at schools from the perspective of SGBs. Further submissions were received from Freddy and Fransman, the Second and Fourth Complainants in this matter.
- 5.4 On the side of the Respondents, only the NW DOE and DOL made presentations. The NW DPWR did not appear at the inquiry and failed to make written submissions. On 23 March 2022, NW DPWR's then Administrator, Molate Moremi ("**Moremi**"), telephonically informed Luthuli that:
 - 5.4.1 The NW DPWR does not have a direct mandate to deal with school infrastructure.
 - 5.4.2 The NW DPWR receives instructions and a budget from the NW DOE for the completion of projects. They do not act on their own accord.
 - 5.4.3 The NW DOE is directly responsible for school infrastructure, not the NW DPWR.
 - 5.4.4 He will not be able to attend the inquiry but will make written submissions. No written submissions were made by Moremi, however.
- 5.5 The remaining submissions are, in turn, summarised below.



⁴ Section 15 of the Human Rights Commissions Act 40 of 2013.

Submissions from the SGB of Promosa Secondary



5.6 The SGB submitted that there are various infrastructural challenges at the school which include the following:

- 5.6.1 **Asbestos Buildings:** The school has 18 asbestos classrooms that must be demolished. Although the building containing the 18 asbestos classrooms is cordoned off, learners still enter the structure without permission.
- 5.6.2 **Sanitation:** The school lacks a proper sanitation system. The current system is an old galvanised system. The school does not have enough toilets and the sewerage system in the girls' toilets overflows during breaks.
- 5.6.3 **Overcrowding:** The school requires 10 (ten) mobile classrooms to solve the overcrowding issue. There are supposed to be 40 learners per class, but currently, there are 60 learners per class.
- 5.6.4 **Fencing:** This school's current fence has been vandalised and needs to be removed. The lack of proper fencing risks the safety and security of learners and teachers at the school. On one occasion, a community member entered the school premises intending to attack the principal with a knife. The school employed a contractor to erect a new fence, but this project has not been completed.
- 5.6.5 **Fire Prevention System:** The fire extinguishers at the school were vandalised.



- 5.6.6 Water quality: The water quality at the school is poor. In this regard, the school is experiencing water discolouration due to its old water system.
- 5.6.7 Roof leakages: The school has roof leakages and collapsing ceilings.
- 5.6.8 Library: The school does not have a library.
- 5.6.9 Laboratory: The school does not have a laboratory.
- 5.6.10 Disabled facilities: One percent of the learners enrolled at the school are disabled. The school is not accessible to disabled learners and staff as no rails and ramps are installed.
- 5.6.11 Electricity: Some classrooms do not have electricity due to cable theft. The school's electricity was cut off in 2018 by the JB Marks Municipality. The school had to pay R130 000 (one hundred and thirty thousand rands) for reconnection. The school's electricity supply was cut off again in 2019 and 2020. R166 000 (one hundred and sixty-six thousand rands) was paid for the reconnection of the electricity supply in 2020. In 2022, the school received four (4) statements from the JB Marks Municipality with different account numbers in which it was said that the school owed R4 million for electricity and other municipal services. As a result of the exorbitant electricity bills, the school cannot attend to its basic maintenance needs.
- 5.7 The SGB further submitted that the school only receives approximately R400 000 (four hundred thousand rands) from the NW DOE twice a year for its operational costs and only collects approximately R60 000 (sixty thousand rands) to R70 000 (seventy thousand rands) from its own fundraising activities. Twenty percent of the funds allocated by the NW DOE and 50% of the funds collected from fundraising activities are used to attend to minor infrastructure repairs at the school. The remaining funds are used for other school administrative needs, including servicing historic debt. Therefore, the school does not have sufficient funds to address major infrastructural challenges.
- 5.8 Consequently, the school escalated the infrastructure challenges to NW DOE at various levels. In this regard, numerous letters, memoranda, and WhatsApp messages were sent to the NW DOE requesting assistance in addressing the school's infrastructure challenges. Promises were made to address the infrastructure challenges, but this has not been done. In April 2021, the NW DOE advertised a tender for the demolition of the asbestos buildings at the school, but the buildings had not been demolished at the time of the inquiry.
- 5.9 The infrastructure challenges at the school have adversely impacted teaching and learning, with the school reporting a 45% matric pass rate in 2021, the district's lowest pass rate.



Freedom Park Secondary



5.10 The Principal of Freedom Park made the following submissions, amongst others:

- 5.10.1 The main infrastructure challenge at the school is the cracks in the walls and ceilings of the school building, including the library and laboratory. The roof has even collapsed in some parts of the building. The infrastructure challenges at the school started in 2015. The challenge was reported to the NW DOE in 2015 but was not addressed.
- 5.10.2 The other challenge is the lack of accessibility for persons with disabilities. The Health, Safety and Environment Committee ("**HSE Committee**") conducted an assessment, and there are plans for improvements in this regard.
- 5.10.3 The school uses its Section 21 funds⁵ to undertake minor repairs, such as broken windows. The Section 21 funds and the funds raised from the school's fundraising activities are, however, not enough to address the major infrastructural challenges at the school.

Monato Primary School



5.11 The following submissions were made by the Principal on behalf of the school, amongst others:

- 5.11.1 The school is an 83-year-old farm school that is 18 kilometres outside Rustenburg. The school is on a private farm and accommodates grade R to 7 learners. The school is a quintile 1 school catering to the poorest.

⁵ Section 21 funds are funds allocated to schools that have been given additional functions in terms of section 21 of SASA.



- 5.11.2 The school grew from 409 learners to 540 learners from the surrounding farming communities and informal settlements at the time of the inquiry.
- 5.11.3 The school is growing rapidly, and the four (4) girls' and four (4) boys' toilets are insufficient for its learner population. There is also no demarcation of toilets for lower-grade learners.
- 5.11.4 The school approved the installation of clear view fencing to the value of R997 661.50 (nine hundred and ninety-seven thousand, six hundred and sixty-one rands and fifty cents). However, the fencing was stolen while the project was in progress. A case was opened at the local police, and the matter is under investigation.
- 5.11.5 Learners must be transported from Modderfontein Informal settlement, which is more than 5 kilometres away from the school. There are currently four buses to transport all learners. The learner transport is insufficient for transporting the total number of learners. The result is that parents keep the learners at home to avoid them taking overloaded school buses.
- 5.11.6 In 2021, R95 000 (ninety-five thousand rands) was used for a kitchen construction project. The school also used surplus funds to build a small guardhouse for access control.
- 5.11.7 The school is accessible to persons with disabilities and has ramps installed.
- 5.11.8 The computer centre is currently being used as a sickbay. The computers were all stolen within the first 3 days of installation.
- 5.11.9 The 83-year-old school's buildings need major renovation. The ceilings are collapsing. The roofing is worn out. Painting and window repairs are also needed.
- 5.11.10 The school used 10% of its Section 21 funds to renovate its toilets. The school reported the other infrastructure challenges to the NW DOE. A Director of the NW DOE visited the school a few times after the challenges were reported, but nothing has been done to address the reported challenges.
- 5.11.11 In 2020, the school received approximately R300 000 (three hundred thousand rands) in Section 21 funds, approximately R30 000 (thirty thousand rands) of which was set aside for minor repairs and maintenance. In 2021, the school received approximately R400 000 (four hundred thousand rands) in Section 21 funds. Approximately R40 000 (forty thousand rands) of the allocated funds were set aside for minor repairs and maintenance. Therefore, the school does not have sufficient funds to undertake major infrastructure repairs but does its best with its limited resources.



Setshwarapelo Primary School



5.12 Amongst others, the following submissions were made by the Principal on behalf of the school:

- 5.12.1 Setshwarapelo Primary School is a quintile 3 school in Mokgareng Village, Taung.
- 5.12.2 The school has many infrastructure challenges, which include peeling plaster, dysfunctional toilets, overcrowding, and collapsing walls, roof, and ceilings.
- 5.12.3 As a result of overcrowding, when rotational learning stopped, the school had to use a nearby church to accommodate learners. More mobile classrooms have since been delivered, and they no longer use the church for teaching and learning.
- 5.12.4 The school has 10 mobile classrooms, although one is used as a staff room. In grades 1 to 3, the biggest classroom has 25 learners, whilst from grades 4 to 5, the smallest classroom has 43 learners. The school, therefore, has a shortage of classrooms, notwithstanding the provision of the 10 mobile classrooms. As a result, the school is using 2 classrooms in the old building to accommodate learners.
- 5.12.5 In the past, the school conducted fundraising activities whereby parents would contribute R200 each. With the funds raised, they installed burglar bars and windows in seven classrooms and a palisade fence. There has been no fundraising in the past three years, however.



- 5.12.6 Since 2013, infrastructure challenges at the school have been reported to the NW DOE annually using the annual academic report. The school also completed the infrastructure survey forms. No response has been received from the NW DOE to those reports, nor have the reported challenges been addressed. Following an outcry, the Portfolio Committee on Education visited the school. It is unclear what came out of the engagements of the Portfolio Committee. The Former MEC for the NW DOE, Wendy Matsemela ("Former MEC"), also visited the school and promised to provide the school with new schooling facilities but has not done so.
- 5.12.7 In 2007 the school was renovated, but because of poor workmanship by the contractor, the infrastructure challenges were not resolved.
- 5.12.8 Poor infrastructure at the school has resulted in a drop in enrollment, as many parents consider the school unsafe for their children. Prior to 2019, the school had 411 learners, and by 2022, it had 343 learners.
- 5.12.9 Around June 2020, there was a community protest relating to the poor infrastructure at the school, demanding that the school be closed immediately. Following the District Director's advice, the school moved to Mokgareng High School and remained there until 14 October 2020. They moved back to the school on 15 October 2020, after the NW DOE provided 7 mobile classrooms. The school is, however, still short of classrooms.

National Association of Professional Teachers of South Africa (Naptosa)

5.13 NAPTOSA made the following submission at the inquiry, amongst others:

- 5.13.1 For many years, it has been reporting infrastructure challenges at schools to the NW DOE, in order to put pressure on the NW DOE to ensure that all schools are safe for teaching and learning. The NW DOE, on the other hand, has consistently downplayed infrastructure challenges at schools in the North West, as many schools have continued to perform well academically despite the infrastructure challenges they face. As a result, the budget for infrastructure has been re-directed elsewhere, demonstrating a lack of seriousness in addressing infrastructure challenges at schools in the province.
- 5.13.2 Notwithstanding the sustained academic performance of most schools, poor infrastructure challenges adversely impact both staff and learners, impacting their dignity and morale.
- 5.13.3 Before COVID-19, there was a summit on school safety. At the summit, school fencing was identified as an important element in ensuring safety at schools and recommendations were adopted in this regard. The NW DOE has not complied with the recommendations of that summit, and as a result, schools have continued to experience vandalism.
- 5.13.4 COVID-19 brought infrastructure challenges at schools to the forefront. As a result of these persisting challenges, other schools have not been able to have a full return to schools, following the decision to discontinue rotational learning.
- 5.13.5 The prevalent infrastructural challenges in schools in the North West include the following:

- 5.13.5.1 Burnt libraries and infrastructure that is not repaired;⁶

⁶ An example of this is George Madoda Primary School. The school had 4 classrooms and a library burnt, which have still not been repaired. The school is therefore short of classrooms, LTSM and furniture.

- 5.13.5.2 Water access challenges which compound sanitation challenges as some schools cannot use their water-borne toilets;⁷
 - 5.13.5.3 Continued use of plain pit latrines at some schools;⁸
 - 5.13.5.4 Continued use of buildings with asbestos roofing/structures;
 - 5.13.5.5 Lack of admin blocks for staff;⁹
 - 5.13.5.6 Lack of sporting facilities for extra-mural activities;
 - 5.13.5.7 Inadequate fencing at some schools compounds the challenge of school vandalism;¹⁰
 - 5.13.5.8 Overcrowding in classrooms that are not well-ventilated.¹¹ Discipline is also more difficult to maintain in overcrowded classrooms;
 - 5.13.5.9 Shortage of school furniture;¹²
 - 5.13.5.10 Holes in the floors of some classrooms;¹³
 - 5.13.5.11 Schools that still have asbestos roofing material;¹⁴
 - 5.13.5.12 Lack of electricity in some schools;¹⁵
 - 5.13.5.13 Shortage of schools for disabled learners, particularly schools catering for severely psychologically disabled learners. Even where there are schools, there is a shortage of hostels, resulting in learners having to travel long distances to their nearest school;¹⁶
 - 5.13.5.14 Lack of sanitary bins in female toilets.
- 5.13.6 The above challenges have been compounded by the full return to schools after COVID-19.
- 5.13.7 Although schools are allocated Section 21 Funds, the funds allocated are insufficient for carrying out infrastructure maintenance. They are not even enough to paint an entire school. Therefore, schools can only use those funds for basic maintenance, such as repairing broken windows. Some schools get as little as R15 000 per annum, making it impossible to maintain toilets and ceilings, as the monies received must be used to attend to other financial obligations such as paying municipal accounts.

7 An example of this is Resebone School.

8 Example of schools that still use plain pit latrines include Kalafi Secondary School, Swarisanang Primary School, Mahobotle School, and Makgobola Setsedi School.

9 Examples of schools that do not have staff rooms include Letlape School, Ramaifala School, Mmakuba School, Tladi Stad School and Nyore School. Examples of schools that do not have storerooms include Tladi Stad School and Ramaifala School.

10 Examples of schools that do not have adequate fencing include Thebenare School.

11 Examples of schools that are overcrowded include Ramaifala School, Resebone School, Zacharia Mankgatlang School and Mashilo Matsho School. In Zacharia Mankgatlang School, some learners are forced to learn under a tree.

12 Examples of schools experiencing a shortage of furniture include Boitaopo Secondary School, Iketeletseng Secondary School, Chaena Primary School, Swarisanang School, Tiisetso School, Ramashita School, Thiye School, Mashilo Matsho School, Mahobotle School, Baleseng School, Nchaupe School, Setumo Sephethe Primary School, Ramashita School, Lekgolo School, Resebone School, and Mathibestad School.

13 Examples of schools with holes on the floor include Ramaifala School, Mmakuba School, Tiisetso School, Mahobotle School and Rantebeng School.

14 Examples of schools that still use asbestos roofing material include Swarisanang School and Tiisetso School.

15 Examples of schools that do not have electricity include Ramaifala School.

16 The province has only 4 schools for mild to moderate learning disabilities. There is 1 school in the Bojanala District, 1 school in the Ngaka Modiri Molema District and 2 schools in the Dr Kenneth Kaunda District. On the other hand, the province has 16 schools that cater for severe intellectual disabilities. There are 10 schools in the Bojanala District, 3 schools in the Dr Kenneth Kaunda District and 3 schools in the Dr Ruth Segomotso Mompoti District. Of these 16 schools, only 3 have hostel facilities.



- 5.13.8 Schools forward reports of infrastructure challenges to the NW DOE annually, but nothing is done to address the reported challenges.
- 5.13.9 Schools that report about infrastructure challenges, furniture and classroom shortages suffer direct or indirect intimidation at the hands of the NW DOE.
- 5.13.10 The impact of poor infrastructure at schools includes the following:
- 5.13.10.1 Over-crowding, which makes it difficult for teachers to reach slower learners. This contributes to learner drop-out;
 - 5.13.10.2 Lack of sports grounds, which leads to high levels of boredom amongst learners and could lead them to experiment with drugs;
 - 5.13.10.3 Learner absenteeism as they may opt to stay home than go to a school with broken windows and cracked walls;
 - 5.13.10.4 The lack of sanitary bins in female toilets results in female learners having to keep their used pads in their bags to dispose of at home. This infringes on their right to dignity.
- 5.14 Despite the reported challenges, the NW DOE underspent on its budget in 2018, 2019, 2020, and 2021.
- 5.15 NAPTOSA pleaded with the Commission not to limit the scope of its investigation to the specific schools mentioned in the inquiry but to extend its investigation to other schools.

South African Democratic Teachers Union (SADTU)

5.16 SADTU made the following submissions at the inquiry, amongst others:

- 5.16.1 Other than the seven schools that were the focus of the Commission's investigation, many schools in the North West are experiencing infrastructural challenges. The infrastructural challenges schools are facing range from the continued use of plain pit latrines to furniture shortages, classroom shortages, multi-grade teaching, storm damage to infrastructure, general decay of infrastructure and challenges with scholar transport.
- 5.16.2 The specific schools affected by these challenges include the following:



| Name of the School | District | Infrastructure Challenge |
|--|------------------------------------|--|
| 1. Bafedile Secondary School | Bojanala District | The school is still using plain pit latrines. The school is overcrowded, with two Grade 9 classrooms hosting 140 learners. |
| 2. Moemise Primary School | Bojanala District | The school is still using plain pit latrines. |
| 3. Mogogelo Primary School | Bojanala District | The school is still using plain pit latrines. |
| 4. Mphebatho Primary School | Bojanala District | The school is still using plain pit latrines. |
| 5. Tlhaloganyo Primary School | Bojanala District | The school is still using plain pit latrines. |
| 6. Machakela Mamodibo Secondary School | Bojanala District | The school is still using plain pit latrines. |
| 7. Badumedi Secondary School | Bojanala District | The school is still using plain pit latrines. |
| 8. Zacharia Mankgatlang Secondary School | Bojanala District | The school is still using plain pit latrines. |
| 9. Swarisanang Primary School | Bojanala District | The school is still using plain pit latrines. |
| 10. Hendrik Makapan Secondary School | Bojanala District | The school is still using plain pit latrines. |
| 11. Utsane Secondary School | Bojanala District | The school is still using plain pit latrines. |
| 12. Makekeng Primary School | Bojanala District | The school is still using plain pit latrines. |
| 13. Ithuteng Primary School | Bojanala District | The school is still using plain pit latrines. |
| 14. Tolamo Primary School | Bojanala District | The school is still using plain pit latrines. |
| 15. Molelwane Primary School | Bojanala District | The school is still using plain pit latrines. |
| 16. Madinyane Primary School | Bojanala District | The school is still using plain pit latrines. |
| 17. Letlhabile Middle School | Bojanala District | The school is still using plain pit latrines. |
| 18. Setshwarapelo Primary School | Dr Ruth Segomotsi Mompoti District | The school has dilapidated and unsafe classrooms. |
| 19. Mothibenyane Secondary School | Ngaka Modiri District | The roof of the school was blown off in 2015. There are also water challenges at the school, following the drying of the school's borehole in 2014. |
| 20. Thagamoso Primary School | Dr Ruth Segomotsi Mompoti District | The school has dilapidated and unsafe classrooms. |
| 21. Phaposane Primary School | Dr Ruth Segomotsi Mompoti District | The school has dilapidated and unsafe classrooms. |
| 22. Obang Secondary School | Dr Ruth Segomotsi Mompoti District | The school has dilapidated and unsafe classrooms. |
| 23. Charon Primary School | Dr Ruth Segomotsi Mompoti District | There is overcrowding at the school |
| 24. Ikgomotseng Primary School | Dr Ruth Segomotsi Mompoti District | There is overcrowding at the school. |
| 25. Onalerona Primary School | Dr Ruth Segomotsi Mompoti District | The school has inadequate toilet facilities. |
| 26. Thagamoso Primary School | Dr Ruth Segomotsi Mompoti District | The school has inadequate toilet facilities. |
| 27. Polokoetsile Primary School | Dr Ruth Segomotsi Mompoti District | The school has inadequate toilet facilities. |
| 28. Kgosithebe Combined School | Dr Ruth Segomotsi Mompoti District | The school has inadequate toilet facilities. |



| Name of the School | District | Infrastructure Challenge |
|--|---------------------------------------|--|
| 29. Kokomeng Primary School | Dr Ruth Segomotsi Mompoti District | The school has no NSLP Kitchen. |
| 30. Thusoetsile Primary School | Dr Ruth Segomotsi Mompoti District | The school has no NSLP Kitchen. |
| 31. Sekhing Primary School | Dr Ruth Segomotsi Mompoti District | The school has no NSLP Kitchen. |
| 32. Charles Mamogele Primary School | Bojanala District | The roof of the school was blown off in 2018. Five classrooms were affected by this, and to date, no repairs have been effected. |
| 33. Gaseitsiwe Secondary School | Bojanala District | The school is experiencing shortages of desks and chairs. |
| 34. Matlaisane Secondary School | Bojanala District | Learners are attending classrooms under a shelter as there are insufficient classrooms. |
| 35. Mmamaramo Primary School | Bojanala District | The school is still on rotational classrooms for Grades 4 and 5 due to a shortage of classrooms and furniture. |
| 36. Masamane Primary School | Ngaka Modiri District | The school has a hole in the roof. As a result, no teaching and learning can occur when it rains. |
| 37. Batho Batho Primary School | Ngaka Modiri District | There is overcrowding at the school. |
| 38. Obusitse Secondary School | Ngaka Modiri District | The school is overcrowded. |
| 39. Lichtenburg English Secondary School | Ngaka Modiri District | The school has an issue with a vibrating building, supposedly due to structural problems brought about by poor workmanship. |
| 40. Mosenogi Primary School | Bojanala District | There is a classroom shortage resulting in overcrowding at the school. |
| 41. Mokgosi Primary School | Dr Ruth Segomotsi Mompoti District | There is a classroom shortage resulting in overcrowding at the school. |
| 42. Mathopestad Primary School | Bojanala District | The school has dilapidated buildings. |
| 43. Montsamaisa Primary School | Bojanala District | The school has dilapidated buildings. |
| 44. Mayaeyane Primary School | Ngaka Modiri District | The school still has multi-grade classrooms. |
| 45. Madiba Combined School | Ngaka Modiri District | There is overcrowding at the school. In this regard, there are 120 learners in one grade 8 class. |
| 46. Matloding Primary School | Ngaka Modiri District | The boys' toilet system is dysfunctional. An entire block is not being utilised due to a collapsed ceiling. An educator was harmed when the ceiling collapsed. |
| 47. Magong Primary School | Bojanala District | The roof was blown off. |
| 48. Matlametlo Primary School | Bojanala District | Dilapidated buildings that require revamping |
| 49. Itumeleng Secondary School | Bojanala District | The school has two asbestos classrooms. |
| 50. Tshwara-o-dire Primary School | Bojanala District | Toilets are dilapidated. |
| 51. Batlhalerwa Primary School | Bojanala District | One block of classrooms was built with old red bricks. |
| 52. Inkonjane Primary School | Bojanala District | The school is dilapidated. The whole school needs renovation. |
| 53. Kanana Primary School | Dr Kenneth Kaunda Municipality Orkney | 65 unplaced learners were kept in the school's dining hall |

| Name of the School | District | Infrastructure Challenge |
|---------------------------------|---------------------------------------|--|
| 54. Kanana Secondary School | Dr Kenneth Kaunda Municipality Orkney | Classroom shortages that result in overcrowding. The school has more than 13 grade 9 classrooms. |
| 55. Greyllingsrus-Wolmaransstad | Dr Kenneth Kaunda District | 4 mobile classrooms were delivered in a muddy water-logged area. Classrooms cannot be accessed when it rains. |
| 56. Promosa Secondary School | Dr Kenneth Kaunda District | The school has old, dilapidated asbestos structures which were supposed to be demolished 6 years ago. |
| 57. New Vision Secondary School | Dr Kenneth Kaunda District | Cracked walls. Part of the school was torched. The school is sinking and needs major renovations. The administrator advised that 8 classrooms be vacated when he visited the school. |
| 58. Vaal Reefs Primary School | Dr Kenneth Kaunda District | Part of the school is falling apart due to cracks. The cracks are also opening doors and windows. |
| 59. Pelanomi Farm School | Dr Kenneth Kaunda District | Use of plain pit latrines at the school. The contractor who was to develop a new toilet system left the work half-done. |
| 60. JB Marks School | Dr Kenneth Kaunda District | Dilapidated buildings. Collapsed windows, cracked walls and collapsed roof. |

5.16.3 Infrastructure challenges were one of the reasons the NW DOE was placed under administration. This is because there has been perpetual infrastructure under-delivery, resulting in funds earmarked for infrastructure delivery in the province being diverted to other provinces.

5.16.4 Mobile classrooms were meant to be temporary but have become permanent in most schools. They are also not a cost-effective measure compared to brick-and-mortar structures.

5.16.5 Poor Infrastructure exacerbates learner drop-out rates and low teacher retention. It also infringes on the constitutional rights of learners and teachers. Moreover, it has an adverse impact on the health and safety of learners and teachers.

5.16.6 The above infrastructure challenges have been reported to the NW DOE, but the NW DOE has not provided feedback.

5.16.7 Schools do not have sufficient funds to address the infrastructural challenges that they face. This is compounded by schools only receiving 50% of their Section 21 funds. The explanation given by the NW DOE for this is that the Department is trying to prevent the mismanagement of funds by school governing bodies. To their knowledge, this decision has not been challenged in court.

Fransman's submissions

5.17 Fransman made the following submissions at the inquiry, amongst others:

5.17.1 He confirmed the infrastructure challenges at Promosa as narrated by the SGB of Promosa. Whilst he became aware of these challenges in the political context, he lodged the complaint with the Commission in his capacity as a resident of Promosa.



- 5.17.2 The reported challenges were raised with the MEC in the Provincial Legislature in 2019 and 2021, but no response was received from the MEC.
- 5.17.3 The infrastructure challenges have had an adverse impact on teaching and learning at the schools, as evidenced by the poor matric results.

Macucwa's submissions

5.18 Macucwa made the following submissions at the inquiry, among others:

- 5.18.1 He confirmed the existence of infrastructure challenges at Setlagole Primary and Kgosi-Shope Secondary schools, as narrated by Luthuli in her presentation.
- 5.18.2 The specific challenges include overcrowding, cracked walls, lack of proper sanitation, collapsing roof, and debilitated buildings.
- 5.18.3 He lodged the complaint with the Commission following their numerous failed attempts to obtain assistance from the NW DOE.
- 5.18.4 The conditions at the two schools are so dreadful, severely affecting the rights of learners and staff.

Freddy's submission

5.19 Freddy made the following submissions at the inquiry, amongst others:

- 5.19.1 He first visited Setshwarapelo with the Portfolio Committee on Education in 2019, following the general elections. The visit was undertaken following a report from a researcher from the legislature who advised that a similar visit was conducted by the previous members of the Portfolio Committee and that the Portfolio Committee resolved that a follow-up visit should be undertaken.
- 5.19.2 During the visit, it was found that the issues previously reported had not been addressed and that some of the issues had worsened.
- 5.19.3 A report was issued by the Portfolio Committee with recommendations. Amongst others, it was recommended that an action plan for addressing the identified challenges be provided to the Portfolio Committee within 7 days. The report was presented to the full legislature and debated. Nothing came from that report because of the political system, which allows members of the majority party in the legislature to ignore the recommendations of Portfolio Committees without consequence.
- 5.19.4 The state capture report reflected on the role of Parliament in entrenching state capture and made recommendations on how Parliament can better discharge its role to ensure that state capture is not allowed to continue. He wants similar recommendations to be made in respect of the North West Legislature.
- 5.19.5 The NW DOE has been under section 100(1)(b) administration since 2018. The infrastructure challenges in North West schools were one of the reasons for the intervention by the National

Department of Basic Education ("DBE"). The intervention by DBE has not yielded much fruit, however, as the NW DOE has continued to underspend on its allocated budget, resulting in it forfeiting R200 million of its equitable share in 2019.

National Association of School Governing Bodies (NASGB)

5.20 The NASGB made the following submissions at the inquiry, amongst others:

5.20.1 It concurred with the submissions of other stakeholders that there are many more schools in the province with infrastructure challenges than the 7 schools whose challenges gave rise to the inquiry. In this regard, the NASGB presented a list of 40 schools across the North West with major infrastructure challenges.

5.20.2 These challenges range from dilapidated buildings to water shortages, leaking roofs, shortage of classrooms and even vibrating buildings. The identified schools are namely:

| Name Of School | District | Sub-District | Infrastructure Challenge |
|---|---------------------------|-----------------|--|
| 1. Ipokeng Secondary School | Ngaka Modiri Molema | Mafikeng | Curriculum extension was approved, but the school has not been assisted with infrastructural development. In this regard, mobile classrooms were not provided to cater for the increase in enrolment. |
| 2. Matlaisane High School | Bojanala | Hammaskraal | The school has a shortage of learner furniture. |
| 3. Onkgopotse Tiro Comprehensive School | Ngaka Modiri Molema | Raotshere Miloa | The school requires the renovation of the hostel as it is in bad shape. |
| 4. Letlopi Secondary School | Bojanala | Brits | The school is dilapidated and requires major renovations. |
| 5. Thulwe Primary School | Bojanala | Brits | The school is dilapidated and requires major renovations. |
| 6. Monamaladi Primary School | Ngaka Modiri Molema | Ditsobotla | The school does not have a staff room for teachers. There are also shortages of classrooms and the provisioning of mobile classrooms |
| 7. Manana Primary School | Ngaka Modiri Molema | Ditsobotla | There is a water supply shortage at the school. The ablution block is dysfunctional and needs major repairs or renovation. |
| 8. Motswaiso Primary School | Ngaka Modiri Molema | Ditsobotla | The school has a shortage of classrooms, and mobile classrooms provisioning is a challenge. |
| 9. Thusoetsile Secondary School | Dr Ruth Segomotsi Mompati | Baakgamothibi | The school has been designated for construction since it is dilapidated and requires a new building. An E-TENDER was issued, but work on the building has not started. The initial budget for the new building was R80 000 000, but the budget has since diminished; hence the project was abandoned. |



| Name Of School | District | Sub-District | Infrastructure Challenge |
|--|---------------------------|-----------------|---|
| 10. Totonyane Secondary School | Dr Ruth Segomotsi Mompati | Rivelo | Table B5 was not completed, the project was abandoned, and the contractor appointed has not yet commenced the work. |
| 11. Gaetsho Secondary School | Ngaka Modiri Molema | Ditsobotla | The school is overcrowded and requires additional classrooms or the provision of mobile classrooms. |
| 12. Laba Primary School | Ngaka Modiri Molema | Tswaing | The school has been built, but the second phase has not been completed. |
| 13. New Vision Secondary School | Dr Kenneth Kaunda | Klerksdorp | Cracked walls. Part of the school was torched. The school is sinking and needs major renovations. The administrator advised that 8 classrooms be vacated when he visited the school. |
| 14. Zamukulunga Primary School | Dr Kenneth Kaunda | Kanana | The school is dilapidated and needs a major renovation. |
| 15. Setshwarapelo Primary School | Dr Ruth Segomotsi Mompati | Kagisano Molopo | The school is the worst in the province and needs a major renovation. |
| 16. Thutong Primary School | Ngaka Modiri Molema | Mafikeng | The school needs a major renovation. There is also no NSNP building or administration block. A Grade R centre is also required. Moreover, there is a shortage of 10 toilets. No mobile classrooms have been provided at the school. |
| 17. Diphetogo Secondary School | Bojanala | Madibeng | The school roof flew away and was never restored. One of the school blocks is unused and stands as a white elephant. Only 1 mobile class was delivered, which is insufficient. |
| 18. Fumane Secondary School | Bojanala | Madibeng | The school needs extra classrooms and is overpopulated. |
| 19. Klipgat Secondary School | Bojanala | Madibeng | The school is overcrowded and learners stand on their feet due to a lack of furniture. There is a need for extra classrooms or the provision of mobile classrooms. |
| 20. Molema Memorial Primary School | Ngaka Modiri Molema | Mafikeng | The school needs a major renovation due to its old roofing structure and ceilings. There is also insufficient furniture to cater for the number of learners. There is no library, computer lab, or Grade R facilities. |
| 21. Lichtenburg English Secondary School | Ngaka Modiri Molema | Ditsobotla | The new building is vibrating, and the security company refuses to install security features due to the instability of the building. |

| Name Of School | District | Sub-District | Infrastructure Challenge |
|---|---------------------|--------------|--|
| 22. Sensako Primary School | Ngaka Modiri Molema | Ditsobotla | The school is dilapidated and needs a major renovation, as recommended by the NW DPWR after their assessment. The toilets are insufficient for the number of learners and must be increased. A hall is also required, and extracurricular activities are hampered by a lack of sports grounds as well as space for recreational facilities. The school is hosting another school in the yard, and the space is very limited. |
| 23. Rekgonne Secondary School | Ngaka Modiri Molema | Ditsobotla | As the school is new, only mobile classrooms are used. There was a promise to build a new school in the area which has not materialised. They are hosted in the yard of another school, and the space is very limited. As there is no memorandum of understanding for using the facilities, they are now fighting to use the space for physical education activities. |
| 24. Mothotlung Secondary School | Bojanala | Madibeng | The school structure is collapsing and dilapidated. The school needs a major renovation. |
| 25. Machadam Combined School | Bojanala | Madibeng | The school structure is collapsing and dilapidated. The school needs a major renovation. |
| 26. Lot Mashiane Primary | Bojanala | Madibeng | The school structure is collapsing and dilapidated. The school needs a major renovation. |
| 27. Mogale Technical Secondary School | Bojanala | Madibeng | The school has a leaking roof, 1 workshop for mechanical systems and no workshops for digital systems, electronics, and civil service. There are also insufficient toilets at the school. |
| 28. Malatse Motsepe High School | Bojanala | Madibeng | There are shortages of classrooms and toilets at the school. The school building also needs a major renovation. |
| 29. St Teresa Primary School | Bojanala | Madibeng | The school building is dilapidated. There are also shortages of classrooms and toilets. |
| 30. Michael Modisakeng Secondary School | Bojanala | Madibeng | There is a shortage of classrooms at the school. |
| 31. Eletsa Secondary School | Bojanala | | There is a shortage of classrooms at the school. |
| 32. Botlhabelo High School | Bojanala | Madibeng | There are shortages of classrooms and furniture at the school. |
| 33. Johane Mokolobetsi Secondary School | Bojanala | Madibeng | There is a shortage of classrooms at the school. There is also no library or storage room at the school. The school still uses plain pit latrines. |
| 34. Central Secondary School | Bojanala | Madibeng | There are shortages of classrooms and learner toilets at the school. The school does not have a library or hall. |



| Name Of School | District | Sub-District | Infrastructure Challenge |
|-----------------------------------|----------|--------------|--|
| 35. Ntolo Primary School | Bojanala | Madibeng | There are shortages of classrooms and furniture. The school also does not have an administration block, laboratory, and library. |
| 36. Rekopantswe Secondary School | Bojanala | Madibeng | There are shortages of classrooms, furniture and water. There is also no security posted at the school. |
| 37. Jethro Pelle Secondary School | Bojanala | Madibeng | There are shortages of classrooms and furniture at the school. |
| 38. Mmamogwai Secondary School | Bojanala | Madibeng | There is a shortage of furniture at the school. The school also does not have a security fence and water supply to the ablution block. |
| 39. Tshepagalang Secondary School | Bojanala | Madibeng | There are shortages of classrooms and toilets at the school. The school also does not have a security fence. |
| 40. Micha Kgasi Secondary School | Bojanala | Madibeng | There are shortages of classrooms, furniture and toilets at the school. |

5.20.3 The above infrastructure challenges were reported to the NW DOE, but nothing has been done to address them.

5.20.4 It also concurred that schools do not have sufficient funds to attend to most infrastructure challenges due to receiving only 50% of their Section 21 funds, amongst others. Therefore, schools can only undertake minor maintenance and repairs with their allocated funds. There were no consultations before the decision to pay schools 50% of their Section 21 funds was taken.

Department of Employment and Labour (DOL)

5.21 The DOL made the following submissions at the inquiry, amongst others:

5.21.1 In line with their mandate, the DOL visited 390 schools across the province and found only 71 schools complied with the Occupational Health and Safety Act 85 of 1993 ("**OHS Act**") and its related Regulations. This represents an 18% compliance rate. The non-compliance is yet to be addressed by the NW DOE.

5.21.2 The main areas of non-compliance relate to the following:

- (a) Schools not having a copy of the OHS Act;
- (b) Schools not having first aid boxes;
- (c) Schools failing to ensure that Health and Safety representatives are appointed;
- (d) Schools failing to ensure that baseline risk assessment is conducted at the workplace;
- (e) The poor condition of toilet facilities (toilets); and
- (f) Schools failing to provide toilet paper.

- 5.21.3 In the past, they have had challenges carrying out their work as principals would prevent them from conducting inspections at their schools. No steps were taken against those officials in accordance with the provisions of the OHS Act.
- 5.21.4 However, they noted the schools reported as having poor infrastructure challenges during the inquiry, and the DOL will ensure that inspections are conducted at those schools within two weeks from the date of the inquiry. A report of those inspections will then be provided to the Commission. The DOL will not hesitate to close schools with hazardous materials and structural defects in line with its mandate.
- 5.21.5 Insofar as the management of asbestos structures is concerned, DOL advised that such structures must be properly maintained if not demolished. This can be achieved by painting the structures. Asbestos exposure may lead to asbestosis and lung problems.
- 5.21.6 There is an Amendment Bill currently before parliament for public comment aimed at introducing harsher sanctions for non-compliance with the OHS Act. The DOL hopes that the adoption of the Bill will promote better compliance with the applicable Occupation Health and Safety Laws.

North West Department of Education, NW

- 5.22 As indicated above, the NW DOE made written and oral submissions at the inquiry. As will be apparent in their submissions below, the NW DOE did not address the specific allegations of infrastructure challenges at the various schools across the province. Instead, the NW DOE opted to address the issues raised in broad terms and sought to paint a picture of a department actively addressing infrastructure challenges in the province, albeit at schools other than those mentioned by the complainants in their various submissions.
- 5.23 The NW DOE commenced its oral submissions with an opening statement from the Former MEC. In her opening address:
- 5.23.1 She indicated that education is a social issue of apex priority in the country and the North West Province, and acknowledged that teaching and learning must occur in a dignified environment with adequate infrastructure.
- 5.23.2 She advised that she is aware of infrastructure issues at the schools mentioned during the presentations at the inquiry and has visited some of the schools, including Promosa Secondary School and Setshwarapelo Primary School. During her visit to Promosa Secondary School regarding the asbestos structure, she gave clear instructions to the SGB to demolish the asbestos building/structure. She reminded the SGB that they are a legal entity empowered by the provisions of the South African Schools Act 84 of 1996 ("**SASA**") to attend to the maintenance needs of the school. At Setshwarapelo Primary School, she asked the SGB why they were not dealing with governance issues at the school. She further asked why buildings were not painted because the paint would have prevented the deteriorating infrastructure. The new SGB promised to attend to the painting of buildings. The NW DOE decided to replace the school, and the process to do so has been concluded.
- 5.23.3 Governance is an area of concern in many schools, as some of the infrastructure issues mentioned can be addressed at the local level by the SGBs.



- 5.23.4 Infrastructure issues in the province are further compounded by the influx of learners from Sub-Saharan Africa as they worsen overcrowding at schools.
- 5.23.5 Schools on Table B5 that need urgent attention will be prioritised.
- 5.23.6 The North West province has 1489 schools comprising 1078 primary and 411 secondary schools. Through the Education Infrastructure Grant (“EIG”) grant, the NW DOE intends to renovate and build schools with infrastructure challenges in the province.
- 5.23.7 With regards to plain pit latrines, the President’s office has launched a campaign called Sanitation For All in Education. The North West Province chairs that committee through the HOD’s office. There are no plain pit latrines in North West Schools. Those observed in schools are no longer in use, and the SGBs have been instructed to demolish those plain pit latrines through the EIG grants.
- 5.23.8 Although the provision of mobile classrooms has, for some time, been the preferred means of provisioning additional classrooms on an expedited basis, the Council for Education Ministers recently communicated that brick and mortar should be preferred as opposed to mobile classrooms. This is due to the fact that, while mobile classrooms appear to cost less than brick-and-mortar classrooms, their transportation costs make them more expensive.
- 5.24 The Former MEC’s opening remarks were followed by a brief presentation from the former Head of the Department of Education, Ms Stephinah Semaswe (“**Former HOD**”). In her presentation, she advised as follows:
- 5.24.1 The section 100(1)(b) Acting Administrator of the NW DOE, Mr MC Matthews, could not attend the hearing due to prior engagements.
- 5.24.2 Table B5 is a long-term plan of the NW DOE, and some of the issues raised in the complaints are already part of the projects that the NW DOE is rolling out.
- 5.24.3 The NW DOE’s constitutional core mandate is curriculum delivery; the other support functions are secondary.
- 5.24.4 The infrastructure rollout at schools is done through implementing agents, such as the NW DPWR, Independent Development Trust (“**IDT**”) and Development Bank of South Africa (“**DBSA**”).
- 5.24.5 Some infrastructure challenges arise from acts over which they have no control and competence, such as protests, vandalism and theft. In most cases, the NW DOE resorts to providing mobile classrooms and tents to ensure the continuation of teaching and learning at schools.
- 5.24.6 COVID-19 also had an impact on the NW DOE’s infrastructure backlog.
- 5.24.7 The NW DOE acknowledges non-compliance with the Norms and Standards for Infrastructure published on 29 November 2013 (“**Norms and Standards**”) and policies that regulate the provision of school infrastructure.
- 5.24.8 The NW DOE transfers funds to schools through the “Per Learner Allocation”. The funds transferred to schools are minimal due to the limited funds allocated to the NW DOE as part of its equitable share.

5.24.9 The DBE has revisited its EIG framework. Previously, the ratio was 40:60, meaning that the NW DOE had to use 40% of the funds for maintenance and 60% for building new infrastructure. The new ratio will be 60:40, meaning that the allocation of funds will be vice versa to ensure that the existing schools are maintained.

5.24.10 The municipal water and electricity bills significantly affect the schools, and the NW DOE intervenes through its engagements with municipalities. The NW DOE has gone the extra mile of drilling boreholes in schools, although this is the responsibility of the municipalities.

5.25 The HOD's presentation was followed by a presentation from the Acting Director of Infrastructure within NW DOE, Mr Shela Makwela. In his presentation, he advised that:

5.25.1 From 2016 to 2021, R5.042 billion was allocated from the EIG, which was adjusted to R4.739 billion, R4.607 billion (91%) of which was spent. In the 2018/2019 and 2019/2020 Financial Years, the department's infrastructure budget was reduced from R121 398 million and R225 590 million respectively, due to slow spending. The slow spending resulted from the section 100 administration process, which impeded long-term planning and resulted in several infrastructure related-contracts being terminated, as some of their appointments were deemed irregular.

5.25.2 According to the new EIG guidelines, 60% will be used for maintenance, and 40% will go towards new builds, replacing and upgrading dilapidated schools. Schools are to allocate 10% of their budget for minor maintenance through the SGBs and may request more from the infrastructure budget to address urgent requirements.

5.25.3 The R4.739 billion EIG allocation was earmarked for various infrastructure projects in 2072 schools. These projects included providing water, electricity, sanitation, additional classrooms, specialist rooms, new schools, new hostels, and high-security fence at various schools across the province. However, 2133 schools were attended from 2016 to 2020, resulting in a 102% achievement against the set target. Much of the work was done from 2018/2019 to 2020/2021.

5.25.4 In this regard, in 2018/2019, the NW DOE completed 12 new and replacement schools, whilst 2 and 5 new and replacement schools were completed in 2019/2020 and 2020/2021, respectively. Further, additions were completed at 16, 3 and 1 schools in 2018/2019, 2019/2020 and 2020/2021, respectively.

5.25.5 Furthermore, maintenance work of various scales was completed at 32, 36 and 15 schools in 2018/2019, 2019/2020 and 2020/2021, respectively. Moreover, refurbishment and repairs were undertaken at 9, 22 and 15 schools in 2018/2019, 2019/2020 and 2020/2021, respectively.

5.25.6 In addition to the work done from 2018/2019 to 2020/2021, several infrastructure projects are currently underway at various stages of development. These include projects for the construction and replacement of schools, upgrades and additions to existing schools, refurbishment and rehabilitation of existing schools, maintenance and repairs of existing schools and other non-infrastructure projects done at the District level. R1 242 million has been set aside for the various projects in 2022/2023, while R931 million and R974 million have been budgeted for the infrastructure projects in 2023/2024 and 2024/2025, respectively.

5.25.7 Special programs will also be undertaken in 2023/2024, including projects for condition assessment, fencing, additions, removal of asbestos, maintenance and repairs.



5.25.8 An influx of learners from Sub-Saharan Africa is placing severe pressure on existing infrastructure, as is the ageing and lack of maintenance of infrastructure, and an electronic call logging system to address infrastructure challenges. The NW DOE also needs an additional budget to address infrastructure challenges.

5.26 In response to the Commission's follow-up questions, the NW DOE further advised that:

5.26.1 Although there are infrastructure challenges at schools in the province, teaching and learning is still taking place in schools in the province.

5.26.2 They will need an opportunity to review all the correspondence the Commission previously sent to it concerning infrastructure challenges at schools in the province and revert with reasons on why it did not respond to the Commission's correspondences in a timeous manner.

5.26.3 They had not received any reports of deteriorating asbestos structures in Promosa Primary School, but having now received the reports relating to Promosa Primary School, the issue will be addressed in the next Financial Year.

5.26.4 The NW DOE has identified 108 schools with asbestos structures (either roof or block) in the province and has procured mobile classrooms to replace classrooms with asbestos structures. They are also in the process of appointing consultants to assist with the planning of the asbestos removal project and assessing those structures. The NW DOE plans to demolish all the asbestos structures within 2 years. The process will be undertaken through their Professional Service Provider ("PSP") in the next financial year once the assessments have been done. The NW DOE currently has one PSP. There is a need to appoint more.

5.26.5 The NW DOE has received 644 complaints about inadequate school infrastructure but lacks the budget to address all the reported challenges. They are considering requesting additional funding to address these challenges.

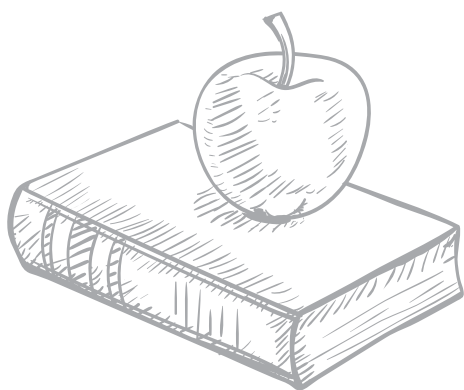
5.26.6 They underscored the need to train SGBs to enable them to discharge their functions more effectively. Such functions include drawing up and managing school budgets.

5.26.7 The NW DOE undertook to revert with further information on the case of Rolosang Special School. Rolosang Special School is a school with severely intellectually disabled learners. This school has 170 learners and only 4 classrooms, resulting in overcrowding. It was alleged during submissions that learners of this school need to take public transport to get to school.

5.26.8 The NW DOE also undertook to revert with all facts regarding the shortage of buses at Monato Primary School. It was alleged during submissions that the school has just 3 buses for its 538 learners.

5.27 The NW DOE could not advise on the number of schools lacking access to water, adequate sanitation, libraries and laboratories. The NW DOE could also not advise on the number of schools still using plain pit latrines.

5.28 Given the volume of the submission, the NW DOE's response relating to the list of the schools where work was reportedly done and is being done is attached to the report as **Annexure A**.



6. FURTHER SUBMISSIONS AND INSPECTIONS CONDUCTED POST THE INQUIRY

Update Report from NW DOE

- 6.1 On 29 November 2022, the Commission received an update report from NW DOE on the status of infrastructure projects in the province.
- 6.2 In the report, the NW DOE advised that in November 2022, it had 39 new school construction projects at the initiation stage, 10 new school construction projects at the concept stage, 10 new school construction projects at the design development stage, 11 new school construction projects at the design documentation stage, 59 new school construction projects at the construction stage, 10 new school construction projects at the handover stage and 9 new school construction projects at the close-out stage. The projected costs of these various projects as of November 2022 were R1 242 112 000.
- 6.3 In addition to the new school construction projects being implemented by the NW DOE, the NW DOE reported 162 other infrastructure projects at different stages of construction being implemented by DBSA and NW DPWR jointly, the NW DPWR and IDT. Whilst the nature of the projects undertaken by the IDT includes projects related to the removal of asbestos in schools, the construction of Grade R classrooms, new school construction projects and school additions, the nature of the projects undertaken by the DBSA and NW DPWR was not disclosed.
- 6.4 Moreover, the NW DOE reported various other maintenance and non-infrastructure reporting projects it is in the process of implementing. These include projects for the procurement of emergency generators, fencing programme, procurement of mobile classrooms, NSNP Kitchen programme, ECD maintenance subsidy, community maintenance programme, maintenance of fences, repair of structural damage, condition assessments, FIPDM system implementation, fair value assessments, resource augmentation and furniture procurement.
- 6.5 No follow-up reports were received from the NW DOE regarding the schools it undertook to provide further information on, namely, Promosa Secondary School, Rorisang Special School, and Monato Primary School.
- 6.6 A copy of the update report is attached to the report as Annexure B.



Media reports

- 5.7 On 18 April 2023, the Commission took notice of a media report about the rebuilding of Kgosi Shope Secondary School, one of the schools severely impacted by infrastructural challenges in the province.¹⁷
- 6.8 The report stated: "According to the provincial Education Spokesperson, Elias Malindi, the project is worth R65 million and is expected to be completed by June 2024."



Follow-up site inspections

- 6.9 In view of the factual dispute relating to the existence of plain pit latrines in schools in the province, the Commission conducted additional site inspections at select schools reported by complainants as having plain pit latrines.
- 6.10 The specific schools visited, and the findings made were the following:

¹⁷ Mosebetsi. (2023). Millions spent to rebuild school in North West. Central SA. Last Accessed on 4 May 2024, from <https://www.ofm.co.za/article/centralsa/324295/millions-spent-to-rebuild-school-in-north-west#:~:text=According%20to%20the%20provincial%20Education,be%20completed%20by%20June%202024.>

| Name of the School | District | Date of visit | Findings |
|------------------------------|----------------------------|---------------|--|
| 1. Madinyane Primary School | Bojanala Platinum District | 26 April 2023 | <p>The school is still using plain pit latrines, as reported by SADTU.</p> <p>The school is in a general state of dilapidation with visible cracks. Some classrooms are no longer in use as they are unsafe. The school building looks like it may collapse at any time.</p> |
| 2. Molelwane Primary School | Bojanala Platinum District | 2 May 2023 | <p>The school has flushing toilets and no longer uses plain pit latrines, contrary to the submission by SADTU. They use a bucket to flush the toilets when there is a water shortage. The toilets are also insufficient for the number of learners, and there is a need for age-appropriate toilets for grade R learners.</p> <p>The school is in a general state of dilapidation with visible cracks, roof leakages, collapsed ceilings, and windows that won't open. There are shortages of classrooms necessitating multi-grade learning at the school. The borehole is also unreliable. Some classrooms are no longer in use as they are unsafe. The school building looks like it may collapse at any time.</p> |
| 3. Letlhabile Middle School | Bojanala Platinum District | 2 May 2023 | <p>The school is still using plain pit latrines, as reported by SADTU. The toilets are also in very poor condition. Male staff do not currently have toilets and share toilets with boy learners.</p> <p>The school is in a general state of dilapidation with visible cracks. Some classrooms are no longer in use as they are unsafe. The school building looks like it may collapse at any time.</p> |
| 4. Tolamo Primary School | Bojanala Platinum District | 2 May 2023 | <p>The school is using flushing toilets, contrary to the submissions received from SADTU.</p> <p>The school is, however, in a general state of dilapidation. The school has leaking roofs and broken windows. The school also has insufficient classrooms, leading to overcrowding in classrooms.</p> |
| 5. Badumedi Secondary School | Bojanala Platinum District | 17 May 2023 | <p>The school is still using plain pit latrines, as submitted by SADTU. Only staff members use flushing toilets.</p> <p>The school is also old and experiencing roof leaks. There is also overcrowding in some classrooms, with the biggest class having 70 learners.</p> |



| Name of the School | District | Date of visit | Findings |
|--|----------------------------|---------------|---|
| 6. Makekeng Primary School | Bojanala Platinum District | 17 May 2023 | <p>The school still uses plain pit latrines, as submitted by SADTU. Only staff members use flushing toilets.</p> <p>The school is also in a general state of dilapidation, with some classrooms having roof leaks, visible cracks and potholes. There are also insufficient classrooms, resulting in overcrowding in some classrooms.</p> |
| 7. Mogogelo Primary School | Bojanala Platinum District | 17 May 2023 | <p>The school is using VIP toilets, contrary to the submissions made by SADTU.</p> <p>The school, however, has cracks in the walls and the roof leaks during the rainy season in some classrooms.</p> |
| 8. Machakela-Mamodibo Secondary School | Bojanala Platinum District | 17 May 2023 | <p>The school is using VIP toilets, contrary to the submissions made by SADTU.</p> <p>The school is, however, in a general state of disrepair. A new school building has been built and is scheduled for occupation in July 2023.</p> |
| 9. Swarisanang Primary School | Bojanala Platinum District | 18 May 2023 | <p>The school is using VIP toilets, contrary to the submissions made by SADTU.</p> <p>The school is, however, old and still has asbestos roofing. There is also overcrowding in some classrooms.</p> |
| 10. Moemise Primary School | Bojanala Platinum District | 18 May 2023 | <p>The school is using flushing toilets, contrary to the submissions made by SADTU. Due to vandalism, though, they use buckets to flush the toilets.</p> <p>The school does not have electricity due to vandalism by the community.</p> |
| 11. Utsane High School | Bojanala Platinum District | 18 May 2023 | <p>The school is using VIP toilets, contrary to the submissions made by SADTU.</p> <p>The school is, however, in a general state of disrepair with leaking roofs, and some classrooms not having ceilings and walls with visible cracks.</p> |
| 12. Hendrik Makapan Secondary School | Bojanala Platinum District | 19 May 2023 | <p>The school is still using plain pit latrines, as per the submissions made by SADTU.</p> <p>The school also has sections that are not fenced off and classrooms that do not have ceilings.</p> |
| 13. Mashilo Matsho Primary School | Bojanala Platinum District | 19 May 2023 | <p>The school is using flushing toilets, contrary to the submissions made by SADTU.</p> <p>The school is, however, in a general state of disrepair, with leaking roofs in some classrooms and visible cracks. The school also does not have sufficient office space.</p> |

| Name of the School | District | Date of visit | Findings |
|---------------------------------|----------------------------|---------------|--|
| 14. Tlhaloganyo Primary School | Bojanala Platinum District | 19 Ma 2023 | The school is using flushing toilets, contrary to the submissions made by SADTU. The school, however, has classrooms with collapsing ceilings and leaking roofs. |
| 15. Matlhaleng Secondary School | Dr Kenneth Kaunda District | 24 May 2023 | The school is using flushing toilets, contrary to the submissions made by SADTU. However, the school is experiencing water access challenges, and the toilets have been vandalised and, therefore, unusable. The toilets are not in good condition. As such, learners who stay close to the school normally go to their homes to use the toilet. Classrooms in the school also do not have electricity, and some classrooms have collapsing ceilings and cracked floors. |

6.11 From the above, it is apparent that although the NW DOE has made significant progress in eradicating plain pit latrines in schools in the North West¹⁸, some schools continue to use plain pit latrines, contrary to the submissions made by the NW DOE during the inquiry that plain pit latrines have been eradicated in all schools in the province. The follow-up monitoring also revealed that infrastructure challenges of various kinds remain rampant in schools in the province, and challenges exist with the flushing toilets installed in some schools due to water access challenges and vandalism.

6.12 Accordingly, although notable progress was observed, much work remains to be done to address the sanitation and infrastructure challenges in schools in the province.

7. LIMITATIONS OF THE SCOPE OF THE INVESTIGATION

7.1 Whilst the initial intent of the inquiry was to investigate the issue of school infrastructure, during the inquiry, complainants raised a range of other issues related to infrastructure challenges which impact learners' rights to education. These issues include scholar transport challenges, challenges of multi-grade learning, shortages of furniture in schools, shortages of schools for persons with disabilities, shortages of sanitary bins for girl-learner toilets, and water access challenges, to name but a few.

7.2 Noting that many of these issues do not directly fall within the original scope of the inquiry and that some of the issues were not interrogated further beyond the complainants' submissions, they will not be canvassed further in this report. However, the Commission reserves its right to investigate the above issues further in a separate investigation.

7.3 Accordingly, this report will be limited to the infrastructure issues addressed in the Norms and Standards.

¹⁸ In this regard, only 5 of the 15 schools visited were found to be still using plain pit latrines.



8. FACTUAL ANALYSIS

- 8.1 As indicated in paragraphs 2 and 3 above, the Commission's probe into the infrastructure challenges at schools in the North West was prompted by complaints of infrastructure challenges at 6 schools in the province, as well as the outcomes of the Commission's monitoring work, which uncovered infrastructure challenges at 12 additional schools.
- 8.2 During the inquiry, the Commission heard submissions of infrastructure challenges at over 100 other schools from NAPTOSA, SADTU and the NASGBs, respectively. The infrastructure challenges raised in the various complaints and submissions included deteriorating buildings; leaking roofs; collapsing roofs and ceilings; cracked walls and floors; broken windows and windows that won't close; the continued use of asbestos structures in schools; shortage of classrooms which lead to overcrowding; lack of appropriate sanitation, including the continued use of plain pit latrines and dysfunctional flushing toilets; lack of electricity; and lack of specialist rooms such as libraries and laboratories.
- 8.3 Other than disputing the continued use of plain pit latrines in schools in the North West, the NW DOE did not dispute the specific allegations of infrastructure challenges at the schools identified by the Commission and the Complainants. In fact, the NW DOE admitted to systemic infrastructure challenges in schools in the province and to receiving reports of infrastructure challenges at over 600 schools in the province. However, the DBE sought to downplay the impact of these challenges on teaching and learning and sought to paint a picture of a department actively addressing these challenges. To this end, the NW DOE over-emphasised the academic performance of the province at grade 12¹⁹ and submitted lengthy lists of schools where it had undertaken various infrastructure projects since 2018 and lengthy lists of schools where it is currently undertaking various infrastructure projects.
- 8.4 Whilst the NW DOE's overall academic performance at grade 12 is to be commended, it does not account for the learners who drop out of school before grade 12, which according to the complainants, poor school infrastructure contributes towards. It also does not account for the below-par academic performance at some schools like Promosa Secondary School, which according to the school's SGB, may be caused by the poor infrastructure challenges at that school.
- 8.5 Moreover, whilst the NW DOE's efforts in addressing some of the reported infrastructure challenges at schools in the province is commendable, it is noteworthy that the past and present efforts made by the NW DOE to address infrastructure challenges at schools in the North West exclude the vast majority of schools reported to be having infrastructure challenges during the inquiry. Only a handful of those schools have been included in current plans²⁰. Even so, the infrastructure work reportedly done or being done at those schools does not relate to the issues mentioned by complainants during the inquiry, meaning that infrastructure challenges in those schools are only partially addressed.²¹ Furthermore, the

19 The NW DOE's matric pass rate for the 2021 academic year was 78.2%, whilst the matric pass rate for the 2022 academic year was 79.8%. See North West Legislature. (2023). North West Legislature congratulates North West Class of 2022. Accessed on 8 June 2023, from <https://www.gov.za/speeches/north-west-legislature-speaker-dantjie-congratulates-north-west-matric-class-%C2%A02022-798-pass#:~:text=The%20Speaker%20of%20the%20North,percent%20from%202021%20school%20year>.

20 These schools include Kanana Primary School, Lichtenburg High School, , Fumane Secondary School, Itumeleng Secondary School, Monamaladi Primary School, Obang High School, Gaseitsiwe Secondary School, Rekgonne Bapo Secondary School, Batlhalerwa Primary School, Kgosi Shope School, Bafedile Middle School, Batho Batho Primary School, Zamakulunga Primary School, Kagisano Primary School, Boitumelo Primary School, Onkgopotse Tiro Comprehensive School, Phaposane Primary School, and Promosa Primary School, Setshwarapelo Primary School.

21 By way of example, the infrastructure challenges raised in respect of Fumane Secondary School related to the insufficiency of classrooms which cause overcrowding. The work done at the school in 2018 does not relate to the stated challenge but related to repairs of storm damage similarly with Itumeleng Secondary School. The stated challenge was the existence of asbestos material in the school's building but the issues attended to by the NW DOE in 2020 related to repairs of storm damage, leaving the asbestos issues unaddressed. This is also

NW DOE did not submit time-bound plans to address the specific infrastructural issues at all the schools mentioned.

- 8.6 Given the above, it appears common cause that there are persisting and systemic infrastructure challenges at the various schools identified by the Commission and the complainants, which have remained unaddressed.
- 8.7 Whilst the DOE has denied the continued use of plain pit latrines in schools in the North West, the Commission's monitoring work revealed that although there has been notable progress in eradicating plain pit latrines in schools in the province, some schools continue to use plain pit latrines. Accordingly, the DOE's continual denial of this fact paints a picture of a department that is out of touch with reality.
- 8.8 Having established the facts in this matter, what now remains to be determined is whether the current state of affairs (insofar as school infrastructure is concerned) violates learners' right to education enshrined in section 29(1)(a) of the Constitution and other related rights. To the extent that it does, the functionary responsible for the violation must be established, given DOE's assertions that its primary responsibility insofar as the provision of education is concerned is curriculum delivery and not the provision of school infrastructure.



the case with Monamaladi Primary School. The project undertaken by the department at that school was to convert the plain pit latrines into flushing toilets, whilst the stated challenges relate to the lack of a staff room and insufficiency of classrooms at the school. It therefore appears that the NW DOE's strategy to addressing infrastructure challenges at schools in the North West has been to spread its resources across as many schools as possible, without comprehensively addressing infrastructure challenges at those schools.



9. LEGAL ANALYSIS

Content of the Right to Education

- 9.1 Section 29(1)(a) of the Constitution states that “[e]veryone has the right to a basic education, including adult basic education.”
- 9.2 Over the years, our courts have had an opportunity to pronounce themselves on the content of the right to basic education.
- 9.3 In ***Madzodzo and others v Minister of Basic Education and Others 2004 (3) SA 441 (ECM)***, the court held that:

“The state’s obligation to provide basic education as guaranteed by the Constitution is not confined to making places available at schools. It necessarily requires the provision of a range of educational resources: - schools, classrooms, teachers, teaching materials and appropriate facilities for learners. It is clear from the evidence presented by the applicants that inadequate resources in the form of insufficient or inappropriate desks and chairs in the classrooms in public schools across the province profoundly undermines the right of access to basic education.”

- 9.4 Also, in ***Equal Education and Another v Minister of Basic Education and Others [2018] 3 All SA 705 (ECB)*** (“***Equal Education 2018 Judgment***”), the court found that the right to basic education goes beyond curriculum delivery and that the provision of appropriate school infrastructure forms an integral component of the right. In that case, as the NW DOE attempted to do in this case, the Minister sought to argue that issues of infrastructure fall outside the scope of the right to basic education. She claimed that the issue was “not about the right to basic education but rather about infrastructure at black schools”²². The court dismissed this argument off-hand, holding that it is indisputable that basic school infrastructure plays a significant role in the delivery of basic education.²³ Notably, the MEC for NW DOE was a respondent in that case and, therefore, bound by that judgment.
- 9.5 In ***Equal Education and Others v Minister of Basic Education and Others (Children’s Institute as amicus curiae) [2020] 4 All SA 102 (GP)***, the Minister of Education and the MECs of Education in the various provinces sought to argue that their constitutional duty to provide education in terms of section 29(1)(a) of the Constitution did not extend to the provision of basic nutrition at schools. Once again, the court dismissed this argument off-hand and confirmed that the National School Nutrition Programme (“***NSCP***”) was an integral component of the right to basic education as evidenced by the department’s policies. The court, therefore, once again recognised that the right to education goes beyond access to academic programmes. As a party to the matter, the MEC for Education in the North West is also bound by this judgment.
- 9.6 Our courts’ interpretation of the content of the right to basic education is consistent with international human rights law, which must be considered when interpreting any right in the Bill of Rights.²⁴

²² See paragraph 47 of the Judgment.

²³ Refer to paragraph 170 of the Judgment.

²⁴ See section 39(1) of the Constitution

- 9.7 In this regard, paragraph 6(a) of the Committee on Economic, Social and Cultural Rights (“CESCR”) General Comment 13 on the right to education stipulates that one of the features of the right to education enshrined in Article 13 of the International Covenant on Economic, Social and Cultural Rights (“ICESCR”) is that it must be “available in sufficient quantity within the jurisdiction of the state party.”²⁵ The CESCR further held that whilst the determination of whether a state party has met its obligations to make education available will depend on several factors, all educational programmes “are likely to require buildings, or other protection from the elements, sanitation facilities for both sexes, safe drinking water,” and so on.²⁶
- 9.8 Moreover, the 4A framework developed by Katarina Tomaševski, the former UN Special Rapporteur on the right to education, provides that for states to fulfil the right to education as guaranteed by international laws, they must ensure that education is available, accessible, acceptable and adaptable.²⁷ The availability of education entails that states provide a government-funded education system; adequate infrastructure; and trained teachers able to provide an education.²⁸ The accessibility of education, on the other hand, entails that the state should ensure that education is not discriminatory; education is made accessible to all by addressing economic and physical barriers; and positive steps are taken to include the most marginalised communities and children.²⁹ The acceptability of education requires that the content of education be non-discriminatory, culturally appropriate, high quality and be provided in a safe school environment.³⁰ Finally, the adaptability of education requires education to be flexible and able to respond to the different needs of children and the changing needs of society.³¹
- 9.9 The Resolution of the African Commission for Human and People’s Rights on the Right to Education³² also recognises the importance of providing an enabling environment for people to be educated and ensuring the safety of schools while providing education.
- 9.10 From the above, it is clear that the right to a basic education extends beyond participation in academic programmes to include the right to other goods and services that are necessary for effective and meaningful participation in academic programmes. This is more so in circumstances where it is now widely recognised that education is not an end in itself but a means of ensuring the full development of human personality and capabilities, as well as preserving human dignity.³³
- 9.11 Given the circumstances, it cannot be denied that infrastructure forms an important component of the right to education. Therefore, a response that states that schools have been performing well academically despite infrastructure challenges fails to appreciate the full content of the right to education.

25 UN Committee on Economic, Social and Cultural Rights (CESCR). (2013). General Comment No. 13: The Right to Education (Art. 13 of the Covenant), 8 December 1999, E/C.12/1999/10. Accessed on 8 June 2023, from <https://www.refworld.org/docid/4538838c22.html> [accessed 8 June 2023].

26 Ibid.

27 Katarina Tomaševski. (2002). Human rights obligations: making education available, accessible, acceptable and adaptable. Accessed on 15 September 2023, from https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Tomasevski_Primer%203.pdf. UN CESCR. (1999). General Comment No. 13. Accessed on 15 September 2023, from <https://www.refworld.org/pdfid/4538838c22.pdf>.

28 SAHRC. (2012). Charter of Children’s Basic Education Rights. Accessed on 15 September 2023, from https://www.sahrc.org.za/home/21/files/SAHRC%20Education%20Rights%20Charter_Part1.pdf.

29 Ibid.

30 Ibid.

31 Ibid.

32 ACHPR. (2016). 346 Resolution on the Right to Education in Africa - ACHPR/Res.346(LVIII)2016. Accessed on 8 June 2023, from <https://achpr.au.int/en/adopted-resolutions/346-resolution-right-education-africa-achprres346lviii2016>.

33 Article 13(1) of the ICSECR.



Bearer of the constitutional duty to provide education

- 9.12 Having determined the content of the right to basic education, we must now determine the functionary responsible for discharging the obligation of providing adequate school infrastructure, which is an extension of the constitutional right to basic education. This enquiry is important given the NW DOE's contention that its primary obligation is curriculum delivery, with other functions being secondary to this core obligation. This argument supposes that someone else should bear the primary responsibility for providing school infrastructure. On the other hand, NW DPWR has denied having any direct mandate to deal with school infrastructure. Rather, the NW DWPR submitted that it only acts on the instructions of the NW DOE insofar as infrastructure projects are concerned and that, at all material times, the DOE remains directly responsible for school infrastructure.
- 9.13 Undeniably, the NW DOE bears the primary mandate of discharging the state's obligation in terms of section 29(1)(a) of the Constitution in the North West. If it is accepted that the provision of adequate school infrastructure is an integral component of the right to basic education in section 29(1)(a) of the Constitution, it must follow that the NW DOE bears the primary responsibility of providing adequate school infrastructure at public schools in the North West. As rightly indicated by the court in the ***Equal Education 2018 Case***, to the extent that the NW DOE's ability to deliver on its mandate depends on cooperation with other state organs, it is incumbent on the NW DOE to coordinate its efforts with those state organs as required by section 41 of the Constitution.³⁴ Therefore, the need for cooperation with other state organs does not absolve the NW DOE of its constitutional responsibilities.
- 9.14 In any event, section 12(1) of SASA makes it abundantly clear that the responsibility of providing public schools lies with the MECs for education in the respective provinces. In turn, the Minister is required in terms of section 5A of SASA to prescribe minimum uniform norms and standards for school infrastructure, which MECs for education in the respective provinces are obliged to ensure compliance with in terms of section 58C(1)(a) of SASA. Given the circumstances, the NW DOE cannot evade responsibility for providing adequate school infrastructure as it sought to do during the inquiry.
- 9.15 Section 21 of SASA does allow the NW DOE to devolve some of its functions to SGBs on application by the SGBs concerned. The functions that the NW DOE can devolve to SGBs include maintaining and improving school property, buildings and grounds. In the North West, this function had been devolved to some SGBs. On this basis, the NW DOE sought to shift the responsibility for addressing some of the school infrastructural challenges to the SGBs of the affected schools.
- 9.16 Whilst section 21 of SASA envisages the devolution of infrastructure maintenance functions to SGBs, section 34 of SASA envisages the funding of public schools from the revenue. It must follow, therefore, that where additional functions have been devolved to SGBs, such devolution of functions should be accompanied by the provision of additional funding necessary to discharge the additional functions. This has not been the case in the North West on the NW DOE's own admission, with budget allocations to SGBs being reduced by 50%. It is beyond the scope of this investigation to determine the legality of this decision. However, it is open to SGBs to challenge this decision should legal grounds to do so exist.
- 9.17 In circumstances of insufficient provisioning of budgets to SGBs, it is not open to the NW DOE to seek to shift the responsibility of infrastructure maintenance to SGBs. In any event, as the primary bearer of this responsibility, the NW DOE remains responsible for infrastructure maintenance at schools. When SGBs

³⁴ See paragraph 181 of the Judgment.

fail to discharge the additional responsibilities given to them, the NW DOE can withdraw those functions in terms of section 22 of SASA.

Norms and Standards for Infrastructure

9.18 The specific obligations of the NW DOE insofar as school infrastructure is concerned are set out in the Norms and Standards. In the **Equality Education 2018 Case**, besides the challenge to regulation 4(5) (a) of the Norms and Standards, other regulations were also successfully challenged, resulting in the court reading into some of the regulations.³⁵

9.19 Accordingly, the Norms and Standards read with the order in the **Equal Education 2018 Case** prescribe the following norms and standards for infrastructure at schools:

9.19.1 All schools and classrooms built substantially from mud as well as those built substantially from materials such as asbestos, metal and wood, must, within 3 years³⁶ from the date of publication of the Norms and Standards, be replaced by structures which accord with the Norms and Standards, the National Building Regulations, SANS 10-400 and OHS Act.³⁷

9.19.2 All schools that do not have access to any form of power supply, water supply, or sanitation must, within 3 years³⁸ from the date of the publication of the Norms and Standards, comply with the norms prescribed in regulations 3(a) and 3(b) of the Norms and Standards.³⁹

9.19.3 Within 7 years⁴⁰ from the publication of the Norms and Standards, departments of education must prioritise the norms relating to the availability of classrooms, electricity, water, sanitation, electronic connectivity and perimeter security.⁴¹

9.19.3.1 Insofar as classroom availability is concerned, the Norms and Standards prescribe the class sizes for Grade R and other grades and prescribe that there should be no more than 30 learners in a Grade R class and no more than 40 learners in all other grades.⁴²

9.19.3.2 Insofar as electricity is concerned, the Norms and Standards prescribe that all schools must have a sufficient power supply to serve their power needs.⁴³

35 The court held that whenever the word “entirely” or “schools built entirely” appears in regulation 4(3)(a) should be struck out and replaced with the words “classrooms built entirely or substantially. In the circumstances, the court held that regulation 4(3)(a) should read that “all schools and classrooms built substantially from mud as well as those built substantially from materials such as asbestos, metal and wood, must within a period of three years from the date of publication of the regulations, be replaced by structures which accord with the regulations, the National Building Regulations, SANS 10-400 and Occupational Health and Safety Act 85 of 1993”.

Regulation 4(3)(b) was read as “requiring that all schools that do not have access to any form of power supply, water supply or sanitation, must within a period of three years from the date of the publication of the Regulations, comply with the norms and standards prescribed in regulations 10, 11 and 12 of the Regulations.”

Regulation 4(2)(b) was read to require “that all current plans in relation to the schools and projects contemplated in paragraph (a) must, as far as reasonably practicable, be implemented in manner that is consistent with the Regulations, and that all future planning and prioritisation in respects of these schools must be consistent with the Regulations.”

36 The 3 years lapsed on 28 November 2016.

37 See Regulation 4(3)(a) read with Regulation 4(1)(b)(i) of the Norms and Standards for Infrastructure.

38 The 3 years lapsed on 28 November 2016.

39 See Regulation 4(3)(b) read with Regulation 4(1)(b)(i) of the Norms and Standards for Infrastructure.

40 The 7 years lapsed on 28 November 2020.

41 See Regulation 4(3)(c) read with Regulation 4(1)(b)(ii) of the Norms and Standards for Infrastructure.

42 See Regulation 9 of the Norms and Standards for Infrastructure.

43 See Regulation 10 of the Norms and Standards for Infrastructure.



9.19.3.3 Insofar as water is concerned, the Norms and Standards prescribe that all schools must have a sufficient water supply available for drinking, personal hygiene and food preparation.⁴⁴

9.19.3.4 Insofar as sanitation is concerned, the Norms and Standards prescribe that all schools must have sufficient sanitation facilities that are easily accessible to all learners and educators, provide privacy and security and promote health and hygiene standards.⁴⁵ Whilst the Norms and Standards leave the choice of sanitation technology to the school, they categorically prohibit plain pit and bucket latrines.⁴⁶ Ventilated Improved Pit toilets (“VIP toilets”) are listed as one option available to schools for sanitation purposes. VIP toilets are variants of the plain pit latrines and contain ventilation pipes which vent odours and act as traps for flies as they escape towards the light.⁴⁷ Whilst VIP toilets may improve ventilation, they cannot prevent a child from falling into them, as is the case with plain pit latrines. The viability of VIP toilets as a form of alternative sanitation at schools was questioned after Lumka Mketwa allegedly fell into a VIP toilet in an Eastern Cape School.⁴⁸ Care is, therefore, required in choosing appropriate sanitation at schools, which must be done with due regard to the available resources, the safety of learners and the need for age-appropriate sanitation.

9.19.3.5 With regards to electronic connectivity, the Norms and Standards prescribe that all schools must have some form of wired or wireless connectivity for purposes of communication, which must be maintained in good working order.⁴⁹

9.19.3.6 With regards to fencing, the Norms and Standards prescribe that all school sites, including recreational facilities, must be fenced off to a minimum height of 1.8 metres.

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9.19.4 Within 10 years⁵¹ from the publication of the Norms and Standards, there must be a focus on the norms relating to libraries and laboratories.⁵² In this regard, the Norms and Standards prescribe that all schools must have a library or a media centre and, at minimum, a suitable library collection.⁵³ The Norms and Standards further prescribe that all schools that offer science subjects must have a laboratory and the necessary apparatus, which must be maintained in good order.⁵⁴

9.19.5 By 2030, all other norms must have been prioritised.⁵⁵ These include the norms relating to universal access⁵⁶ as well as sports and recreational facilities.⁵⁷

44 See Regulation 11 of the Norms and Standards for Infrastructure.

45 See Regulation 12 of the Norms and Standards for Infrastructure.

46 See Regulation 12(4) of the Norms and Standards for Infrastructure.

47 Swiss Federal Institute of Aquatic Science and Technology. (Undated). Compendium of Sanitation Systems and Technologies. 2nd Revised Edition. Last Accessed on 26 May 2023, from <https://sswm.info/factsheet/single-ventilated-improved-pit-%28vip%29>.

48 Matthews. (2018). School sanitation – Returning dignity to South African schools. Last accessed on 27 July 2023, from <https://journals.co.za/doi/pdf/10.10520/EJC-f09bf6165>.

49 See Regulation 16 of the Norms and Standards for Infrastructure.

50 See Regulation 17 of the Norms and Standards for Infrastructure.

51 The 10 years will lapse on 28 November 2023.

52 See Regulation 4(3)(d) read with Regulation 4(1)(b)(iii) of the Norms and Standards for Infrastructure.

53 See Regulation 13 of the Norms and Standards for Infrastructure.

54 See Regulation 14 of the Norms and Standards for Infrastructure.

55 See Regulation 4(1)(b)(iv) of the Norms and Standards for Infrastructure.

56 See Regulation 6 of the Norms and Standards for Infrastructure.

57 See Regulation 15 of the Norms and Standards for Infrastructure.

- 9.20 On its own admission and the submissions from the Complainants, it is apparent that the NW DOE has woefully fallen below the standard required in terms of the Norms and Standards. In this regard, more than 6 years after November 2016, being the date by which they were required to ensure that all schools and classrooms built substantially from asbestos material were replaced with appropriate structures, the North West still had schools and classrooms built substantially from asbestos material, including Swarisanga, Tiisetso, Itumeleng and Promosa schools. This is very concerning given the harm that asbestos can cause learners and staff at these schools if not treated with care, as is reportedly the case at Promosa Secondary School.
- 9.21 Moreover, more than 2 years after November 2020, being the date by which they were required to ensure compliance with the Norms and Standards relating to water, sanitation, electricity, and fencing at schools, the North West still had schools that did not have a sufficient and reliable supply of water and electricity, as well as adequate toilets and parameter fencing. Whilst the NW DOE is correct in stating that municipalities bear the primary responsibility for the provision of water in communities, including schools, in view of its obligation to provide a safe and healthy learning and working environment, it is incumbent on the NW DOE to use all the resources at its disposal (both legal or otherwise) to ensure that municipalities do provide water at schools. Where they fail to do so, the NW DOE is duty-bound to explore alternative means of water supply to ensure a reliable supply of water at its schools.
- 9.22 More than 9 years after the publication of the Norms and Standards, the North West had scores of schools that did not have specialist rooms such as libraries and laboratories. The NW DOE now has until 28 November 2023 to ensure compliance with its obligations in this regard, which appears unlikely, given the scale of the persisting challenges. The need for libraries at schools has become even more critical, given the recent findings that 80% of learners in grade 4 cannot read for meaning in any language.⁵⁸
- 9.23 Whilst the NW DOE has until 2030 to ensure compliance with the norms relating to universal access as well as sports and recreational facilities, it is concerning that there are still some schools that are not accessible to persons with disabilities in the province and that do not have access to recreational facilities given the impact of these deprivations on the right to equality⁵⁹ and the full enjoyment of the right to education. The NW DOE should, therefore, take urgent and progressive steps to ensure that these challenges are addressed well ahead of 2030.
- 9.24 From the above, therefore, it is apparent that the NW DOE is in violation of the right to a basic education.

Root cause analysis

- 9.25 The NW DOE cited, amongst others, the influx of foreign national learners, lack of preventative maintenance and the unavailability of resources as some of the factors that contributed to its failure to meet its constitutional obligations of providing access to education to the learners in the affected schools.

⁵⁸ Metelerkamp (2023). International study shows most Grade 4s in South Africa cannot read for meaning. Retrieved on 8 June 2023, from <https://www.dailymaverick.co.za/article/2023-05-16-international-study-shows-81-of-grade-4s-in-south-africa-cannot-read-for-meaning/>.

⁵⁹ In terms of section 9 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (PEPUDA or the Equality Act, Act No. 4 of 2000), it is a form of unfair discrimination on the ground disability to contravene the code of practice or regulations of the South African Bureau of Standards that govern accessibility. It is also a form of unfair discrimination on the ground of disability to fail to eliminate obstacles that unfairly limit or restrict persons with disabilities from enjoying equal opportunities or failing to take steps to reasonably accommodate the needs of such persons.



- 9.26 In the Commission's view, whilst the influx of foreign national learners can help explain some of the infrastructure challenges noted in some of North West's schools, such as the insufficiency of classrooms which causes overcrowding in classrooms, it cannot explain the challenge of overcrowding in all schools due to the varying settlement patterns of foreign nationals in communities. The influx of foreign nationals also cannot explain why roofs, ceilings and walls have not been repaired in some schools. It further cannot explain why some schools continue to use plain pit latrines and inappropriate building materials, amongst others.
- 9.27 On the other hand, whilst there appears to be a link between lack of maintenance and the dilapidation of infrastructure, such lack of maintenance is of the NW DOE's own doing as it admittedly failed to allocate sufficient resources for the maintenance of school infrastructure. The absence of an effective system for reporting and monitoring infrastructure challenges at schools, as reported by the NW DOE, appears to compound these challenges and impede evidence-based infrastructure planning and budgeting in the North West.
- 9.28 Regarding the insufficiency of funding given to the NW DOE for school infrastructure, the NW DOE conceded to returning millions of rands to the National Treasury for consecutive years after failing to spend its allocated funds. Therefore, the unavailability of resources also does not fully explain its failure to meet its constitutional obligations concerning school infrastructure.
- 9.29 Even if it were, in ***Governing Body of the Juma Musjid Primary School and Others v Essay N.O. and Others 2011 (8) BCLR 761 (CC)***, the court held that, unlike other socio-economic rights, the right to basic education is not subject to internal limitations and, therefore, immediately realisable and not subject to progressive realisation, unless limited in terms of section 36(1) of the Constitution.⁶⁰ Accordingly, the unavailability of resources is not a viable defence to allegations of a violation of the right to basic education.
- 9.30 In the ***Equal Education 2018 Judgment***, the Minister argued that the unavailability of resources was a viable defence against the department's inability to address infrastructure challenges at public schools in the country, as the right to education was limited by regulation 4(5)(a) of the Norms and Standards⁶¹ At the time of the case, regulation 4(5)(a) of the Norms and Standards stated that "[t]he implementation of the norms and standards contained in these regulations is, where applicable, subject to the resources and co-operation of other government agencies and entities responsible for infrastructure in general and the making available of such infrastructure." The court found that regulation 4(5)(a) was inconsistent with the Constitution and SASA, as well as unlawful and invalid. In coming to this finding, the court considered, amongst others, that the regulation rendered it impossible to hold the government to account for not fulfilling its constitutional obligation of ensuring adequate school infrastructure. The court also considered the scale of the infrastructural challenges and their disproportionate impact on the previously disadvantaged. Accordingly, the court found that the limitation to the right to basic education that the regulation sought to impose did not meet the constitutional muster of reasonableness and justifiability in an open and democratic society based on human dignity, equality and freedom.
- 9.31 From the above, therefore, it is apparent that the NW DOE has violated learners' right to a basic education enshrined in section 29(1)(a) of the Constitution by failing to ensure the provision of adequate infrastructure in the affected schools.

⁶⁰ Paragraph 37 of the Judgment.

⁶¹ GNR.920 of 29 November 2013

Other rights implicated by the current state of infrastructure

9.32 The NW DOE's failure to provide adequate infrastructure in the affected schools impacted not only the right to basic education but also impact on other rights, including the right to human dignity⁶², the right not to be treated in an inhumane or degrading way,⁶³ and the right of children to have their best interest prioritised in all matters affecting them.⁶⁴ The right to dignity recognises the intrinsic value of every human being and their right to not be devalued or treated in a degrading manner.⁶⁵ It goes without saying that subjecting children to unsafe and degrading learning conditions violates their right to dignity and fails to prioritise their best interest.

9.33 Not only are the learners' rights impacted by the NW DOE's actions and inactions, but staff working at the affected schools are equally impacted, as evidenced by the complainants' submissions. Staff's rights in terms of the OHS Act are violated whenever they are required to work at schools that are not safe due to collapsing walls and ceilings, lack of adequate parameter fencing and the presence of inadequately contained asbestos, amongst others. Specifically, section 8 (1) of the OHS Act state that "[e]very employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees".

9.34 As indicated in their submissions, the DOL must ensure compliance by the NW DOE with its obligations in terms of the OHS Act. To enable the DOL to discharge its functions, they have immense powers to conduct inspections in all places of employment without notice⁶⁶ and to issue compliance notices in terms of the OHS Act.⁶⁷ On its own admission, the DOL has not always exercised these powers with diligence at schools and has allowed the NW DOE to dictate how and when to exercise these powers and functions. This notwithstanding, at the inquiry, the DOL undertook to conduct inspections at the schools reported to be having serious infrastructure challenges and to report to the Commission on its investigative findings. The DOL failed to live up to this commitment, in complete dereliction of its legislative duties and functions. The resultant effect of this has been the continued violation of school employees' right to a safe and healthy working environment without consequence.



62 Section 10 of the Constitution.

63 Section 12(1)(e) of the Constitution.

64 Section 28(2) of the Constitution.

65 *Qwelane v South African Human Rights Commission and Another* 2021 (6) SA 579 (CC).

66 Section 29 of OHS Act.

67 Section 30 of the OHS Act.



10. FINDINGS

10.1 In view of the above, the Commission makes the following findings:

- 10.1.1 The NW DOE has failed or neglected to ensure the provision of safe and adequate infrastructure in many schools in the province. The inadequacies of school infrastructure in the province include dilapidated classrooms with collapsed ceilings and roofs, leaking roofs, cracked walls and floors; classroom shortages which lead to overcrowding; staffroom shortages; continued use of asbestos structures which are not well maintained in some schools; continued use of plain pit latrines in some schools; lack of adequate parameter fencing in some schools; and water and electricity supply challenges, amongst others.
- 10.1.2 The above failure or neglect amounts to a violation of the right to a basic education enshrined in section 29(1)(a) of the Constitution. Other rights being violated by this failure or neglect are the rights to human dignity; their right to not be treated in an inhumane or degrading way; and the right to have their best interest prioritised in all matters affecting them enshrined in section 10, section 12(1)(e) and section 28(2) of the Constitution, respectively. Additionally, the above failure amounts to a violation of the school staff's right to a safe and healthy working environment in terms of the OHS Act.
- 10.1.3 Whilst the NW DOE has made some progress in addressing infrastructure challenges at schools in the province, much work remains to be done as redress continues to be limited to a few schools and even in those schools, infrastructural challenges continue to be addressed piecemeal and not holistically.
- 10.1.4 The NW DOE's failure to adequately address the prevailing challenges cannot be fully explained by some of the reasons proffered by the NW DOE, such as the lack of resources and the influx of foreign national learners in the province. Lack of preventative maintenance, as well as the absence of an effective system for reporting and monitoring school infrastructure challenges at the school level, however, appear to have played a significant role in the current state of affairs. The absence of an effective system for reporting and monitoring infrastructure challenges at the school level, in turn, impedes evidence-based planning and budgeting on the part of the NW DOE.
- 10.1.5 Funding to SGBs remains inadequate, rendering them incapable of undertaking preventative maintenance and addressing minor infrastructure challenges, which can morph into major challenges if unaddressed. This inadequacy of funding is compounded by the withholding of Section 21 funds due to SGBs by the NW DOE.
- 10.1.6 The DOL has failed to discharge its obligations in terms of the OHS Act by failing or neglecting to undertake the required labour inspections at schools and allowing NW DOE to dictate to them on the discharge of their obligations. Furthermore, the DOL has failed or neglected to hold NW DOE to account for non-compliance with its obligations in terms of the OHS Act and its related regulations.
- 10.1.7 Although the North West has continued to perform well academically despite the prevailing infrastructure challenges in the province, the prevailing challenges have had a demoralising impact on both learners and staff.

11. RECOMMENDATIONS

11.1 In view of the above findings, the Commission makes the following recommendations:

- 11.1.1 Within 90 days of this report, the NW DOE is to report to the Commission on the progress made in the implementation of the Norms and Standards relating to the replacement of buildings and structures built from inappropriate materials, water and sanitation, classroom sizes, electricity supply, electronic connectivity and parameter fencing.
- 11.1.2 Within 90 days of this report, the NW DOE should review its current infrastructure plan and incorporate all the schools specifically mentioned in this report, as well as all other schools known to it to have fallen below the standard required of them in terms of the Norms and Standards. The plan must be time-bound and indicate the measures to be undertaken in each school in the short to long term. In its plan, the NW DOE should also adopt a holistic approach to addressing infrastructure challenges at schools. The NW DOE should thereafter report to the Commission quarterly on the implementation of the revised plan until such time that the reported issues are addressed.
- 11.1.3 As part of the plan referred to in paragraph 11.1.2 above, within 90 days of this report, the NW DOE must submit a time-bound plan for the eradication of the remaining plain pit latrines at schools in the North West, as well as a time-bound plan for the demolition of plain pit latrines at schools where new toilets have been provided in accordance with the provisions contained in the Norms and Standards/
- 11.1.4 Within 90 days of this report, the NW DOE must review its funding framework in respect of SGBs in line with its revised infrastructure budgeting framework, with the view to ensuring that more funds are progressively made available to SGBs to undertake preventative maintenance and address minor maintenance issues before such issues morph into major infrastructure challenges which are more difficult and costly to address. The additional funding should be accompanied by further and additional training for SGBs on their roles and responsibilities as well as the management of their budget.
- 11.1.5 Within 90 days of this report, the NW DOE must report on the progress made in developing an effective system for reporting and monitoring school infrastructure challenges in the North West.
- 11.1.6 Within 90 days of this report, the DOL must submit a time-bound plan or program for the conduct of OHS inspections at schools in the province as well as the enforcement of NW DOE's obligations in terms of the OHS Act and its related regulations. Thereafter, the DOL is to report to the Commission quarterly on the outcomes of its inspections and enforcement measures taken against the NW DOE in terms of the OHS Act.
- 11.1.7 By 31 March 2024, the NW DOE must report to the Commission on the progress made in the implementation of the Norms and Standards pertaining to the provision of libraries and laboratories at schools in the North West. In the report, the NW DOE must indicate the number of schools with laboratories and libraries and the number of schools without. The schools concerned should be listed in each category. To the extent that there are still schools that do not have libraries or laboratories, the NW DOE must submit a time-bound plan for addressing this lack in the affected schools.



11.1.8 By 31 March 2024, the NW DOE must report to the Commission on the progress made in implementing the Norms and Standards pertaining to the accessibility of its school buildings and the provision of sporting facilities. In the report, the NW DOE must indicate the number of schools that still have accessibility challenges and require sporting facilities. To the extent that some schools still have accessibility challenges and require sporting facilities, the NW DOE must submit a time-bound plan for addressing these challenges to ensure full compliance with the Norms and Standards by 31 December 2030.



12. COMMENTS ON THE PROVISIONAL INQUIRY REPORT

12.1 On 29 June 2023, the provisional inquiry report was sent to all the implicated parties for review and comment by 19 July 2023.

12.2 By 19 July 2023, the Commission had only received comments from Freddy, which were submitted on 5 July 2023.


12.3 In his comments, Freddy raised concerns about the lack of timeframes in the recommendations for the NW DOE to address the challenge of plain pit latrines in the North West. He further raised concerns about the absence of a “reprimand” directed to the provincial legislature for its alleged failure to play an effective oversight role over the NW DOE and ensure the enforcement of the resolutions of its oversight committees insofar as school infrastructure challenges are concerned.

12.4 With regards to the lack of timeframes for the NW DOE to address the issue of plain pit latrines in the North West, it must be noted that such timeframes already exist in the Norms and Standards. In this regard, the NW DOE was required to have eradicated plain pit latrines in the North West by the end of November 2020. The NW DOE did not comply with this time frame. Accordingly, it is unclear what the imposition of a new timeframe will contribute to the situation. It will also not be appropriate for the Commission to seek to alter the NW DOE’s obligations in terms of the Norms and Standards. In view thereof, the Commission considers it more appropriate to recommend that the NW DOE submit a time-bound plan to comply with its existing obligations insofar as the eradication of plain pit latrines is concerned.

12.5 With regards to the finding and recommendation being sought in relation to the provincial legislature’s failure to ensure effective oversight over the work of the NW DOE, it must be noted that the legislature was not a party to the inquiry and has not been provided with an opportunity to make any representations to explain its role in this matter. Accordingly, making recommendations in relation to the provincial legislature at this stage of the investigative process would constitute the flouting of the laws of natural justice. Accordingly, the Commission does not consider it appropriate to make the finding and recommendation sought by Freddy.

12.6 For the above reasons, in this report, the Commission confirms the findings and recommendations made in the provisional report, with the addition of the recommendations relating to plain pit latrines and reporting on the general state of compliance with the Norms and Standards.

SIGNED AT Johannesburg ON THE 06 DAY OF December 2023

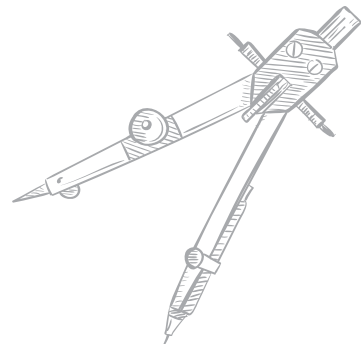


Advocate André Gaum

Commissioner

South African Human Rights Commission

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ANNEXURE A



“Ngwana ke sejo wa tlhakanelwa”



Education

Department of Education
Departement van Onderwys
Lefapha la Thuto

NORTH WEST PROVINCE

ENQUIRY HEARING INTO INADEQUATE INFRASTRUCTURE IN THE NORTH WEST SCHOOLS

DATE: 24 and 25 MARCH 2022



BE SAFE
STAY AT HOME

WASH YOUR
HANDS OFTEN

WEAR A MASK WHEN
GOING OUTSIDE

MAINTAIN SOCIAL
DISTANCING

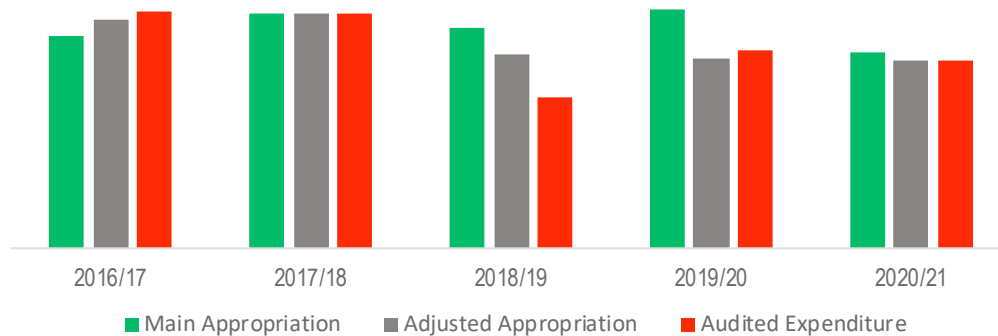


1. HISTORIC EDUCATION INFRASTRUCTURE BUDGET AND EXPENDITURE

Table 1.Audited Historic Performance

| EDUCATION INFRASTRUCTURE BUDGET AND EXPENDITURE HISTORY('000) | | | | | | |
|---|------------|------------|------------|------------|----------|------------|
| Discription | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | TOTAL |
| Main Appropriation | R971 989 | R1 076 331 | R1 004 996 | R1 096 512 | R892 750 | R5 042 578 |
| Adjusted Appropriation | R1 050 007 | R1 076 331 | R883 598 | R870 922 | R858 910 | R4 739 768 |
| Audited Expenditure | R1 084 968 | R1 072 219 | R691 441 | R902 601 | R856 429 | R4 607 658 |
| DELTA | R78 018 | R - | -R121 398 | -R225 590 | -R36 321 | -R305 291 |
| % Expenditure | 112% | 100% | 69% | 82% | 96% | 91% |

Historic Performance (2016/17-2020/21)



BACKGROUND

- I. Total allocation in terms Education Infrastructure Grant since 2016-2020:
 - a. Main Appropriation: R 5,042 billion
 - b. Adjusted Appropriation: R 4,739 billion
 - c. Audited Expenditure: R 4,607 billion
- II. The average % spend expenditure over the four years against main appropriation:
 - a. Percentage Expenditure: 91%
- III. Department infrastructure spending was reduced in 2018/19 and 2019/20 by R 121 398 million and R 225 590 million effectively due challenges related to slow spending.
- IV. The Province had reduction of R 346 988 million in 2 years consecutively.
- V. Nett Average Reduction of R 305 291 million in 5 years.

- *Audit Annual Reports 2016_2021*(www.nwpg.gov.za/education/)
- *Table B5(2016-2021) with lists of Projects*

2. HISTORIC ACHIEVEMENTS FOR THE FOUR YEARS SINCE 2016 TO 2020/21

Table 2. Audited Performance Indicators

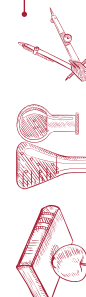
| Output Indicator | Description | Plan 2016 | Act 2016 | Plan 2017 | Act 2017 | Plan 2018 | Act 2018 | Plan 2019 | Act 2019 | Plan 2020 | Act 2020 | Grand/ Plan | Grand/ Act |
|------------------|--|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|
| PPM601 | Number of public ordinary schools provided with water supply | 5 | 8 | 0 | 0 | 0 | 7 | 10 | 33 | 130 | 222 | 145 | 270 |
| PPM602 | Number of public ordinary schools provided with electricity supply | 1 | 0 | 0 | 0 | 0 | 0 | 5 | 11 | 0 | 0 | 6 | 11 |
| PPM603 | Number of public ordinary supplied with sanitation facilities | 11 | 11 | 50 | 14 | 50 | 18 | 152 | 119 | 34 | 58 | 297 | 220 |
| PPM604 | Number of additional classrooms built in, or provided for, existing public ordinary schools.(includes replacement schools) | 150 | 140 | 248 | 105 | 19 | 42 | 139 | 177 | 300 | 307 | 856 | 771 |
| PPM605 | Number of specialist rooms built in public ordinary schools(includes replacement schools) | 86 | 86 | 140 | 93 | 65 | 49 | 33 | 21 | 11 | 7 | 335 | 256 |
| PPM606 | Number of new schools completed and ready for occupation (includes replacement schools) | 7 | 5 | 13 | 3 | 19 | 11 | 7 | 5 | 7 | 4 | 53 | 28 |
| PPM607 | Number of new schools under construction (includes replacement schools) | 13 | 13 | 8 | 8 | 6 | 6 | 3 | 5 | 4 | 3 | 34 | 35 |
| PPM608 | Number of Grade R classrooms built(includes replacement schools) | 14 | 21 | 12 | 5 | 4 | 23 | 9 | 3 | 13 | 9 | 52 | 61 |
| PPM609 | Number of hostels built | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 3 | 2 |
| PPM610 | Number of schools in which scheduled maintenance projects were completed | 70 | 70 | 26 | 32 | 15 | 43 | 15 | 88 | 129 | 172 | 255 | 405 |
| 6.1 | Number of special schools upgraded | 9 | 2 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 11 | 3 |
| 6.2 | Number of existing Public Ordinary Schools converted into full services | 0 | 0 | 11 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 15 | 0 |
| PPM11 | Number of schools provided with High security fence | | | | | | | | | 10 | 71 | 10 | 71 |
| Grand | | 366 | 356 | 510 | 262 | 183 | 199 | 374 | 462 | 639 | 854 | 2072 | 2133 |

■ Budget ■ Actual



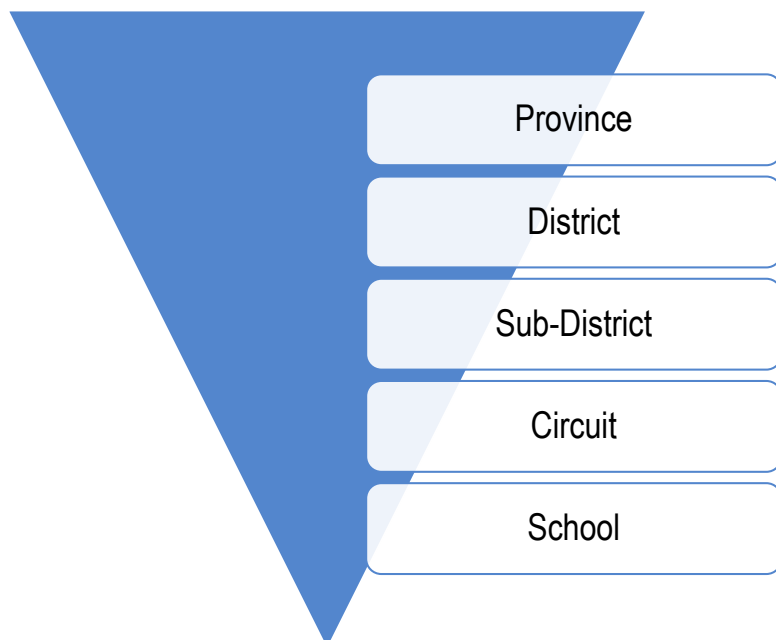
- I. The department Target and Output for last 5 years 2016-2020
 - a. Audited Annual Planned Target: 2072
 - b. Audited Actual Achievements: 2133
 - c. Delta: - 61
- II. The average % target performance over the 5 years against main appropriation
 - a. Percentage Achieved targets: 102%
- III. The plan indicators for output 2019 and 2020 increased due to the fact that funds were rechannelled to maintenance and repairs at district level(COVID 19)
- IV. At year 2017/18 over targeted and not linked to the budget(Observation)

- Audit Annual Reports 2016_2021(www.nwpg.gov.za/education/)
- Table B5(2016-2021) with lists of Projects



3. PROCESS OF COLLATING INPUTS FROM SCHOOLS, CIRCUITS, SUB-DISTRICTS, AND DISTRICTS FOR THE PURPOSE OF PRIORITISING BUDGET AND EXPENDITURE

Diagram 1. Prioritization and Information Process flow, Types of interventions and Allocation of Funds



Types of interventions

- New entails the building of new schools in areas of overcrowding and new need
- Replacement described maintenance that is deferred until a building is in such a state that it is less expensive to replace it, rather than conducting maintenance and repairs on the building – also referred to as deferred maintenance.
- Upgrades and Additions is taking existing schools to the minimum requirements for basic services and improved functionality
- Refurbishment and Rehabilitation – (refurbishment) changing the functionality of a building from current use to a new use or (Rehabilitation) improving the condition of a school to the next level of condition
- Maintenance and Repairs entails keeping a school in the condition that is required be functional

Allocations of funds to

- Provinces are required to spend more than 60% of their infrastructure allocation on maintenance
- Schools are required to spend 10% of their allocation on maintenance and may request more from the infrastructure budget to address urgent requirements
- Introduction of EPWP Presidential Youth Employment through the employment of handyman as janitors at schools to conduct primary maintenance.

4. PRESCRIBED PRIORITISATION MECHANISM FROM GOVERNMENT IMMOVABLE ASSET MANAGEMENT ACT (GIAMA)

Table 3. Government Immovable Assets Management Guidelines

| Performance Standard | Condition Standard | Index |
|---|--|-------|
| Highly sensitive function with critical results (e.g. hospital operating theatre) or high profile public building (e.g. Parliament Building). | Accommodation to be in best possible condition. Only minimal deterioration will be tolerated. | P5 |
| Business operations requiring good public presentation and high quality working environments. | Accommodation to be in good condition operationally and aesthetically, benchmarked against industry standards for that particular class of accommodation | P4 |
| Functionally-focussed accommodation at utility level (e.g. school). | Accommodation to be in reasonable condition, fully meeting operational requirements. | P3 |
| Functions are providing essential Support only, with no critical operational role (e.g. storage) or accommodation has limited life. | Condition needs to meet minimum operational requirements only. | P2 |
| Functions have ceased and accommodation is dormant; pending relinquishment, etc. | Condition can be allowed to Deteriorate or marginally maintained at minimal cost. | P1 |

Allocation of funding and needs addressed

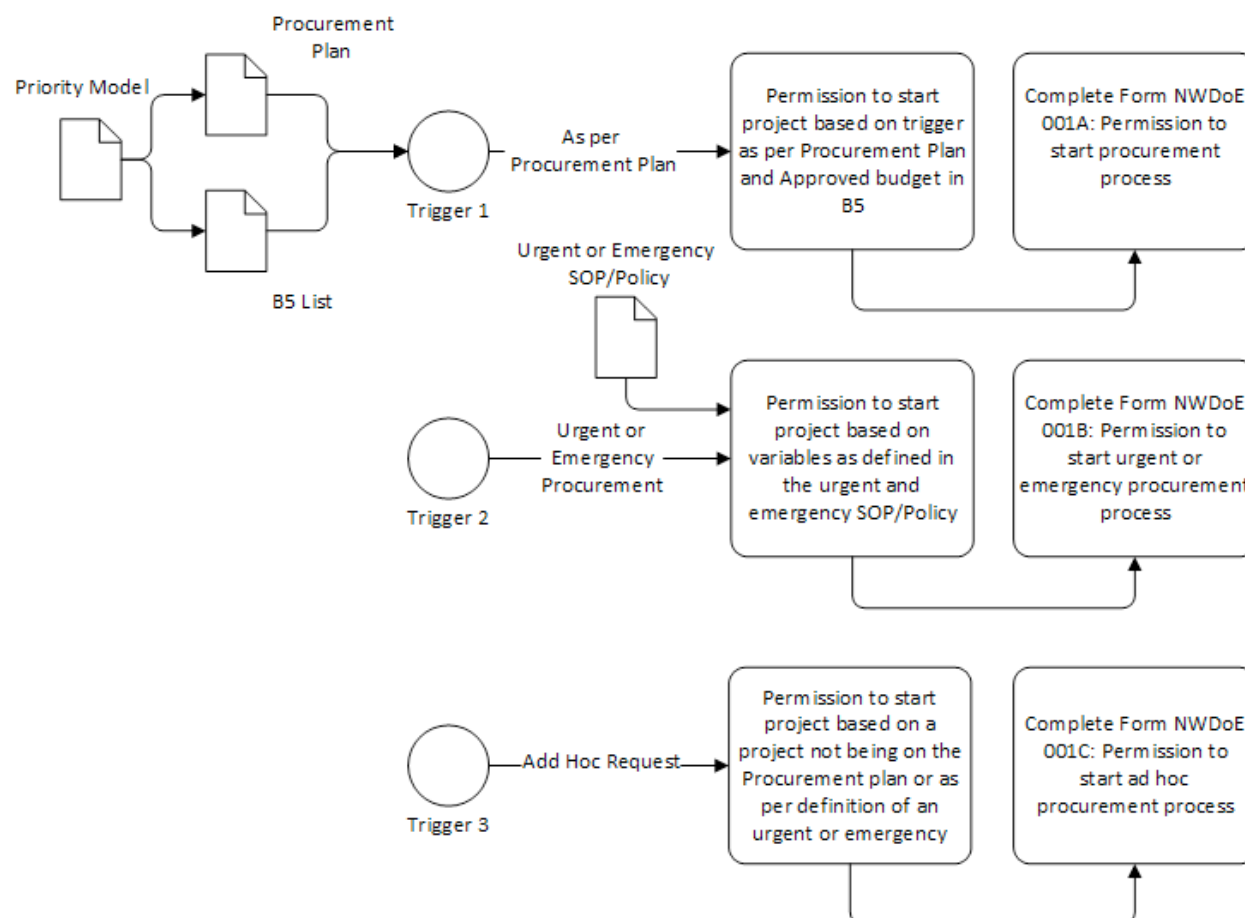
- Rehabilitation
 - Pit Latrines
 - Inadequate Municipal Services (ablutions, water and electricity)
 - Inappropriate Materials
 - Storm damage
- New schools, upgrades and additions
 - Shortage of classrooms
 - Overcrowding
 - Security
 - NSNP Kitchens
- Replacement
 - Unsafe buildings
 - Dilapidated building
 - Suspect structural integrity

- User Assets Management Plan(UAMP)



5. PROCESS OF GETTING PROJECT INTO TABLE B5 (PROJECT TRIGGERS)

Diagram 2. Process flow and Priority Model



The Prioritisation Model is based on the prioritisation mechanisms as per slide 4 above.

The Priority Model defines the:

- Procurement Plan
- B5 List

Items are actioned as permitted:

- Trigger 1: Per Procurement Plan
- Trigger 2: Urgent or Emergency Procurement
- Trigger 3: Ad-Hoc Requests

Schools are required to operate at a prioritisation level of P3 at maximum.

6. STAGES FOR PROJECT DEVELOPMENT ACCORDING TO FRAMEWORK FOR INFRASTRUCTURE PROCUREMENT AND DELIVERY MANAGEMENT

Stage: A collection of periodical and logically related activities in the Project Management Control Stages that culminates in the completion of an end of stage deliverable.

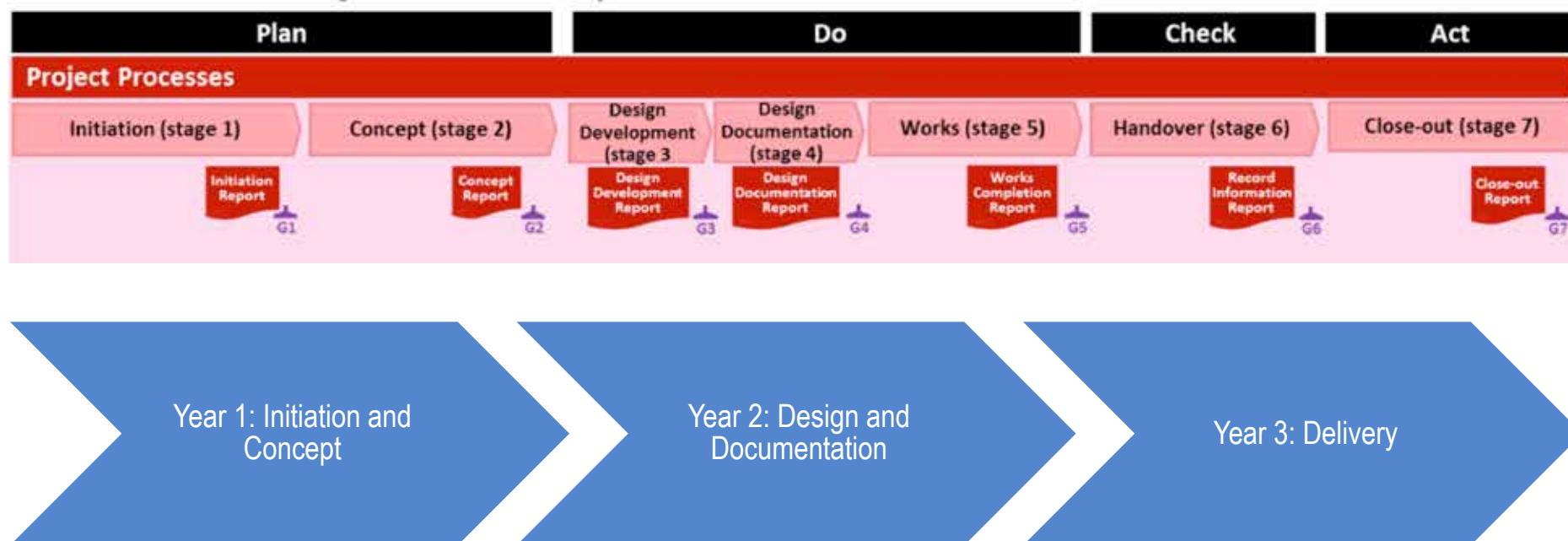


Diagram 3. Project Stage Processes



7. LIST OF COMPLETED NEW OR REPLACEMENT SCHOOLS BY DISTRICT SINCE 2018

Table 4. List of some of New/Replacement of Completed Schools by District 2018/19

| LIST OF NEW/REPLACEMENT IN 2018/19 | | | |
|------------------------------------|----------------------|---------------------------|------------------|
| No. | NAME OF SCHOOL | DISTRICT | NEW /REPLACEMENT |
| 1 | Mokgareng Secondary | Dr Ruth Segomotsi | New |
| 2 | Mosikare Secondary | Ngaka Modiri Molema | New |
| 3 | Kanana PS | Dr Kenneth Kaunda | New |
| 4 | Oukasie PS | Bojanala | New |
| 5 | Gamaloka PS(Mobiles) | Ngaka Modiri Molema | Replacement |
| 6 | Areaganeng PS | Ngaka Modiri Molema | New |
| 7 | Lichtenburg HS | Ngaka Modiri Molema | New |
| 8 | Sedumedi PS | Bojanala | Replacement |
| 9 | Seraleng PS | Bojanala | New |
| 10 | New Paardekraal PS | Bojanala | New |
| 11 | Alabama PS | Dr Kenneth Kaunda | New |
| 12 | Shupu PS | Dr Ruth Segomotsi | Replacement |
| LIST OF NEW/REPLACEMENT IN 2019/20 | | | |
| No. | NAME OF SCHOOL | DISTRICT | NEW/REPLACEMENT |
| 1 | Maiketso PS | Dr Ruth Segomotsi Mompoti | Replacement |
| 2 | Boitekong SS | Bojanala | New |
| LIST OF NEW/REPLACEMENT IN 2020/21 | | | |
| No. | NAME OF SCHOOL | DISTRICT | NEW/REPLACEMENT |
| 1 | Maiketso PS | Dr Ruth Segomotsi Mompoti | Replacement |
| 2 | Boitekong SS | Bojanala | New |
| 3 | Reagile PS | Dr Kenneth Kaunda | Replacement |
| 4 | Phiri SS | Dr Kenneth Kaunda | Replacement |
| 5 | Tlhabologang PS | Ngaka Modiri Molema | New |
| 6 | Marikana SS | Bojanala | New |

Total number of schools completed per district since 2018 : 19

a. New Schools Completed : 13 Schools

- Bojanala Platinum : 6 New Schools
- Ngaka Modiri Molema : 4 New Schools
- Dr Kenneth Kaunda : 2 New Schools
- Dr Ruth Segomotsi Mompoti : 1 New Schools

b. Replacement Schools Completed : 6 Schools

- Bojanala Platinum : 1 Replacement Schools
- Ngaka Modiri Molema : 1 Replacement Schools
- Dr Kenneth Kaunda : 2 Replacement Schools
- Dr Ruth Segomotsi Mompoti : 2 Replacement Schools

- *Completion certificate or Practical completion*

8. LIST OF EXAMPLES OF COMPLETED ADDITIONS SCHOOLS BY DISTRICT SINCE 2018

• Completion certificate or Practical completion

Table 5. List of some of Additions and Upgrades Completed Schools by District 2018/19

| LIST OF COMPLETED ADDITIONS 2018 | | | | | |
|----------------------------------|---------------------|---------------------------|--------------------|--|----------------------------|
| No. | PROJECT NAME | DISTRICT | LOCATION | SCOPE | Number of specialist rooms |
| 1 | Alabama PS 2 | Dr Kenneth Kaunda | Alabama | The design and construction of a new primary school consisting of an admin centre, 32 classrooms, laboratory block, nutrition centre, sports facility and playing fields. Providing a temporary school and removing the existing old asbestos school. | 7 |
| 2 | Setumo SS | Ngaka Modiri Molema | Montshioa | Construction of admin block, 12 seats toilet block, science lab, NSNP Block, renovations and external works | 1 |
| 3 | Shupu PS | Dr Ruth Segomotsi Mompoti | Tlaskeng | Construction of 8 classrooms, 1 Grade R, Science lab, multipurpose classroom, multimedia (lib+comp room), admin block, NSNP block. | 4 |
| 4 | Kanana PS | Dr Kenneth Kaunda | Kanana | 21 classrooms, admin block, 1 library, 1 computer lab, 1 multipurpose room, science lab, NSNP Block, 3 Grade R classrooms, 5 HOD rooms, 1 storage block, ablution facilities, change rooms, external works, electrical installation, security fence | 4 |
| 5 | Mokgareng Secondary | Dr Ruth Segomotsi Mompoti | Greater Taung | The design and construction of a new secondary school consisting of an admin centre, 25 classrooms, laboratory block, nutrition centre, sports facility and playing fields. Demolitions of the existing school. | 6 |
| 6 | Mosikare Secondary | Ngaka Modiri Molema | Mantja | The design and construction of a new secondary school consisting of an admin centre, 25 classrooms, laboratory block, nutrition centre, sports facility and playing fields. Demolitions of the existing school. | 6 |
| 7 | Oukasie PS | Bojanala | Brits | Construction of a newschool with 21 classrooms, admin block, 3 Grade R Classrooms, library, multimedia centre, NSNP Block, computer lab, soccer field, 4 HOD ROOMS, COMBI COURT | 5 |
| 8 | Seraleng PS | Bojanala | Rustenburg | Construction of 21 classrooms, nutrition block, Administration block, 3 grade R classrooms and Ablution block, media centre, science lab, 5 HOD offices, computer room, 2 multipurpose classrooms, tuckshop, hall, change rooms, caretaker house, guard house, sporting facilities, electrical installation, fence, water reticulation and Jojo tanks | 5 |
| 9 | Sedumedi PS | Bojanala | Letlhakeng Village | The design and construction of a new primary school consisting of an admin block, 12 classrooms, 2 Grade R classrooms with a fenced play ground, multimedia centre, science laboratory, multipurpose classroom, NSNP Kitchen and dinning hall, HoD offices with storage areas, counselling centre, and ablution block, sports facility and change rooms (soccer field, 2 practice cricket pitches, 2 combi courts), parking bays, assembly area, bulk water storage tank, water sewer and irrigation network, storm water channels and grey water treatment plant. | 3 |



9. LIST OF EXAMPLES COMPLETED ADDITIONS SCHOOLS BY DISTRICT SINCE 2018

• Completion certificate or Practical completion

Table 6. List of some of Additions and Upgrades Completed Schools by District 2018/19

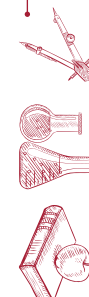
| LIST OF COMPLETED ADDITIONS AND UPGRADE 2018 | | | | | |
|--|--------------------|---------------------------|--------------------|--|----------------------------|
| No. | PROJECT NAME | DISTRICT | LOCATION | SCOPE | Number of specialist rooms |
| 10 | Areaganeng PS | Ngaka Modiri Molema | Signal Hill | Construction of 24 classrooms, nutrition room , Administration block, grade R classrooms and Ablution block | 3 |
| 11 | Lichtenburg HS | Ngaka Modiri Molema | Lichtenburg | The design and construction of a new secondary school consisting of an admin block, 20 classrooms, computer and library block, science laboratory and ablution block, multipurpose hall, sports facility and change rooms, 89 parking bays, drop-off zone, assembly area, water and sewer reticulation including storm water channels. Providing sport facility to the primary school. | 4 |
| 12 | Reuben Monareng PS | Bojanala | Tlhabane | Construction of Admin block, NSNP, 6 Classrooms, general repairs and renovations . | 6 |
| 13 | Vuka Farm School | Bojanala | Witkrans Farm | Construction of 5 Classrooms, Ablution block, Grade R, renovations and external works . | 5 |
| 14 | Shupu PS | Dr Ruth Segomotsi Mompoti | Tlaskgameng | 8 classrooms | 8 |
| 15 | Kanana PS | Dr Kenneth Kaunda | Kanana | 21 classrooms | 21 |
| 16 | Sedumedi PS | Bojanala | Letlhakeng Village | 21 classrooms | 21 |
| 17 | Mosikare SS | Ngaka Modiri Molema | Mant'sa | 25 classrooms | 25 |
| 18 | Mokgareng SS | Dr Ruth Segomotsi Mompoti | Taung | 25 classrooms | 25 |
| 19 | Alabama PS | Dr Kenneth Kaunda | Alabama | 21 classrooms | 21 |
| 20 | Gamaloka PS | Ngaka Modiri Molema | Gamaloka | 14 classrooms (Mobiles) | 14 |

10. LIST OF EXAMPLES OF COMPLETED ADDITIONS SCHOOLS BY DISTRICT SINCE 2018

- *Completion certificate or Practical completion*

Table 7. List of some of Additions and Upgrade Completed Schools by District 2020/21

| LIST OF COMPLETED ADDITIONS AND UPGRADE 2020 | | | | |
|--|----------------------------|---------------------------|-------------------|----------------------------|
| No. | PROJECT NAME | DISTRICT | SCOPE | Number of specialist rooms |
| 1 | Kgabalatsane Primary | Bojanala | Specialised rooms | 4 |
| 2 | Tsoseletso Primary | Dr Ruth Segomotsi Mompati | Specialised rooms | 1 |
| 3 | Phiri SS | Dr Kenneth Kaunda | Specialised rooms | 3 |
| 4 | Temporary Classrooms | All Districts | Mobile Classrooms | 300 |
| LIST OF COMPLETED ADDITIONS AND UPGRADE 2021 | | | | |
| 1 | Bosugakhobo Primary School | Ngaka Modiri Molema | Specialised rooms | 2 |
| 2 | Temporary Classrooms | All Districts | Mobile Classrooms | 159 |



11. LIST OF EXAMPLES COMPLETED MAINTENANCE SCHOOLS BY DISTRICT SINCE 2018

Table 8. List of some of Maintenance Completed Schools by District 2020/18-19

| LIST OF COMPLETED MAINTENANCE PROJECTS :2018 | | | | |
|--|-----------------|---------------------------|------------------|--|
| NO | PROJECT NAME | DISTRICT | LOCATION | SCOPE |
| 1 | Tshenolo PS | Dr Ruth Segomotsi Mompoti | Bloemhof | Maintenance of toilets and electricity |
| 2 | Phogole PS | Dr Kenneth Kaunda | Makwassie Hills | Maintenance of storm damaged roof |
| 3 | Zamakulunga PS | Dr Kenneth Kaunda | Jouberton | Maintenance of sanitation block |
| 4 | MoedwilCS | Bojanala | Moedwil | Repairs of damaged wooden floors |
| 5 | Molapisi PS | Ngaka Modiri Molema | Botshabelo | Maintenance of toilets |
| 6 | Tlhomeso PS | Ngaka Modiri Molema | Zeerust | Repairs and renovations |
| 7 | R B Dithupe PS | Ngaka Modiri Molema | Lerato | Repairs and maintenance of toilets |
| 8 | Matshepe PS | Ngaka Modiri Molema | Mahikeng | Repairs of collapsed septic tank |
| 9 | Bodiri PS | Ngaka Modiri Molema | Montshioa | Installation of submersible pump |
| 10 | Danville HS | Ngaka Modiri Molema | Danville | Maintenance of toilets |
| 11 | Mmokeng SS | Dr Kenneth Kaunda | Dikebu | Maintenance of storm damaged roof |
| 12 | Kleinfontein CS | Bojanala | Brits | Restoration and maintenance of blownoff roof |
| 13 | Moreri SS | Dr Ruth Segomotsi Mompoti | Tseoge | Repairs and renovations |
| 14 | Tswaraganang PS | Dr Ruth Segomotsi Mompoti | Morokweng | Repairs and renovations |
| 15 | Fumane SS | Bojanala | Ga -Rankuwa | Repairs of storm damaged school |
| 16 | Mankgetleng SS | Bojanala | Radium | Repairs of storm damaged school |
| 17 | Phakela Cs | Dr Kenneth Kaunda | Hartebeesfontein | Repairs and renovations |

| LIST OF COMPLETED MAINTENANCE PROJECTS :2019 | | | |
|--|-----------------------------|---------------------------|---|
| NO | PROJECT NAME | DISTRICT | LOCATION |
| 1 | Boineelo PS | Dr Kenneth Kaunda | Maintenance of classrooms |
| 2 | Borakanelo SS | Dr Kenneth Kaunda | maintenance of dysfunctional toilets |
| 3 | Mathhare Mokautu SS | Bojanala | Repairs of stormdamaged roof |
| 4 | Ba Ga Maidi PS | Dr Ruth Segomotsi Mompoti | Maintenance of toilets |
| 5 | Motshegoa SS | Bojanala | Drilling and equipping of a borehole and maintenance of toilets |
| 6 | Marubising SS | Dr Ruth Segomotsi Mompoti | Maintenance of ablution block |
| 7 | Ipeleng PS | Ngaka Modiri Molema | Maintenance of toilets |
| 8 | Goodwill PS | Ngaka Modiri Molema | Maintenance and repairs of 9 mobile classrooms |
| 9 | Ipeleng PS | Ngaka Modiri Molema | Maintenance of toilets |
| 10 | Pelonngwe PS | Dr Ruth Segomotsi Mompoti | Maintenance of roof |
| 11 | Bathaping HS | Dr Ruth Segomotsi Mompoti | Maintenance of toilets |
| 12 | Seoleseng SS | Dr Ruth Segomotsi Mompoti | Maintenance of existing toilets, additional toilets and temporary NSNP room |
| 13 | Banabotthe PS | Dr Ruth Segomotsi Mompoti | Roof maintenance |
| 14 | Reemekathata PS | Dr Ruth Segomotsi Mompoti | Roof maintenance |
| 15 | Schweizer Reneke Hoer Skool | Dr Ruth Segomotsi Mompoti | Painting and installation of electricity |
| 16 | Seichokelo PS | Dr Ruth Segomotsi Mompoti | Roof maintenance |

12. LIST OF EXAMPLE COMPLETED MAINTENANCE SCHOOLS BY DISTRICT SINCE 2018

Table 8. List of some of Maintenance Completed Schools by District 2020/19-20

| LIST OF COMPLETED MAINTENANCE PROJECTS :2020 | | | |
|--|--------------------------|---------------------------|---|
| NO | PROJECT NAME | DISTRICT | SCOPE |
| 1 | Bore SS | Dr Ruth Segomotsi Mompoti | Maintenance of ablutions |
| 2 | Boskuil CS | Dr Kenneth Kaunda | Erection of drainage and sewerage |
| 3 | Bray IS | Dr Ruth Segomotsi Mompoti | Maintenance and repairs of toilets and blockage |
| 4 | Dan Tloome Primary | Dr Kenneth Kaunda | Minor maintenance to dysfunctional toilets |
| 5 | F M Ramaboea Tech School | Ngaka Modiri Molema | Maintenance of toilets |
| 6 | Gatelapele SS | Dr Kenneth Kaunda | Minor repairs to existing toilets |
| 7 | Gobopamang PS | Dr Ruth Segomotsi Mompoti | Maintenance of walkway and painting |
| 8 | Gontse Monnapula PS | Ngaka Modiri Molema | Repairs and maintenance of toilets |
| 9 | Hakbokslaagte PS | Ngaka Modiri Molema | Conversion of pit toilets |
| 10 | Itekeng PS | Ngaka Modiri Molema | Repairs and maintenance of toilets |
| 11 | Itumeleng SS | Bojanala | Repairs of storm damaged schools |
| 12 | Jerry Mahura SS | Dr Ruth Segomotsi Mompoti | Supply and installation of ceiling |
| 13 | Keikanamang PS | Dr Ruth Segomotsi Mompoti | Conversion of toilets and maintenance of borehole |
| 14 | Kopanelo SS | Ngaka Modiri Molema | Repair and renovate both blocks of the existing water borne ablution facilities (Boys, girls, paraplegic and staff toilets) including plumbing works. Attend to all the defects noticed on the sewer reticulation works. Construct new septic tank in accordance with the engineer's details. Check the condition of all the existing boreholes and repair/service where applicable in accordance with the engineer's instructions. |

| LIST OF COMPLETED MAINTENANCE PROJECTS :2019 | | | |
|--|----------------------------|---------------------------|--|
| NO | PROJECT NAME | DISTRICT | SCOPE |
| 15 | Lomanyaneng PS | Ngaka Modiri Molema | Maintenance of toilets |
| 16 | Louisdal Primary | Ngaka Modiri Molema | Maintenance and repairs of toilets |
| 17 | Mailakgang PS | Ngaka Modiri Molema | Conversion of pit toilets |
| 18 | Masedi Primary | Dr Kenneth Kaunda | Maintenance and repairs of dysfunctional toilets |
| 19 | Mmasutlhe Primary School | Ngaka Modiri Molema | Minor Maintenance FY20/21 (Conversion of pit toilets to Waterborne) |
| 20 | Monamaladi Primary | Ngaka Modiri Molema | Conversion of pit toilets to flushing toilets |
| 21 | Nhole PS | Dr Ruth Segomotsi Mompoti | Maintenance of ablutions and drilling of borehole |
| 22 | Nthebe PS | Dr Kenneth Kaunda | Drilling of borehole and conversion of toilets |
| 23 | Ontlametse Phalatse PS | Bojanala | Construction of septic tank and maintenance of dysfunctional toilets |
| 24 | Phathanyane PS | Dr Ruth Segomotsi Mompoti | Maintenance of borehole |
| 25 | Phetogo PS | Ngaka Modiri Molema | Repairs and maintenance of toilets |
| 26 | Ramaine A Phethu Secondary | Ngaka Modiri Molema | Installation of submersible pipe |
| 27 | Ramosadi PS | Ngaka Modiri Molema | Repairs and maintenance of toilets |
| 28 | Realeboga PS | Ngaka Modiri Molema | Repairs and maintenance of toilets |
| 29 | Realeboga PS | Ngaka Modiri Molema | Repairs and maintenance of toilets |
| 30 | Setumo Sephete PS | Bojanala | Repairs of toilets |
| 31 | Setumo Sephete PS | Bojanala | Construction of covered walkways/paving and toilet repairs |
| 32 | Shudintle IS | Ngaka Modiri Molema | Conversion and maintenance of Pit toilets to flush toilets |
| 33 | Thibogang PS | Dr Kenneth Kaunda | Minor maintenance to classrooms and toilets |
| 34 | Thuto Metsi PS | Ngaka Modiri Molema | Maintenance of toilets |
| 35 | Tlhaole Secondary School | Dr Kenneth Kaunda | Plumbing and drainage |
| 36 | Tlokwe SS | Dr Kenneth Kaunda | Plumbing and drainage |
| 37 | Tshupane Primary | Ngaka Modiri Molema | Electrical repairs |
| 38 | Yusuf Dadoo Primary | Ngaka Modiri Molema | Maintenance of toilets |



13. LIST OF EXAMPLES OF COMPLETED MAINTENANCE SCHOOLS BY DISTRICT SINCE 2018

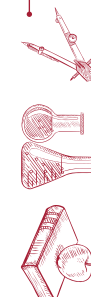
Table 9. List of some of Maintenance Completed Schools by District 2020/21

| LIST OF COMPLETED MAINTENANCE PROJECTS :2021 | | | |
|--|------------------------------|---------------------------|---|
| NO | PROJECT NAME | DISTRICT | SCOPE |
| 1 | Are Itshokeng Primary School | Dr Kenneth Kaunda | Minor repairs and renovations |
| 2 | Keipatile Secondary | Dr Ruth Segomotsi Mompoti | Conversion of pit toilets to flushing toilets |
| 3 | Lethasedi Combined | Bojanala | Maintenance work |
| 4 | Majeng Secondary | Dr Ruth Segomotsi Mompoti | Blownoff |
| 5 | Platvlei Primary | Ngaka Modiri Molema | Conversion of VIP toilets to Flushing toilets |
| 6 | Sefutswelo Secondary | Bojanala | Repair of Dysfunctional Toilets |
| 7 | Seichokelo Primary | Dr Ruth Segomotsi Mompoti | Maintenance of water channels, mobile and painting |
| 8 | Sinai Farm School | Dr Ruth Segomotsi Mompoti | Conversion of pi toilets to flushing toilets |
| 9 | Thelesho Primary | Ngaka Modiri Molema | Conversion of VIP toilets to water borne |
| 10 | Tirelong Secondary | Bojanala | Repairs of damaged toilets |
| 11 | Berts Bricks Primary | Dr Kenneth Kaunda | Maintenance work of plumbing and drainage |
| 12 | Tiragalo Secondary | Dr Kenneth Kaunda | Minor repairs to existing dysfunctional toilets |
| 13 | Boitirelo Primary | Dr Kenneth Kaunda | Maintenance work of roof and toilets |
| 14 | Maheelo Primary | Dr Kenneth Kaunda | Maintenance work of borehole and erection of precast concrete toilets |
| 15 | Mokolokotoane Primary | Dr Kenneth Kaunda | Maintenance of dysfunctional toilets |

14. LIST OF EXAMPLES OF COMPLETED REFURB AND REPAIRS SCHOOLS BY DISTRICT SINCE 2018

Table 10. List of some of Refurbishments and Repairs Completed Schools by District 2020/18

| LIST OF COMPLETED REFURB AND REPAIRS PROJECTS :2018 | | | |
|---|-----------------|---------------------------|--|
| NO | PROJECT NAME | DISTRICT | SCOPE |
| 1 | Tlhomeso PS | Ngaka Modiri Molema | Repairs and renovations |
| 2 | Moreri SS | Dr Ruth Segomotsi Mompoti | Repairs and renovations |
| 3 | Tswaraganang PS | Dr Ruth Segomotsi Mompoti | Repairs and renovations |
| 4 | Phakela Cs | Dr Kenneth Kaunda | Repairs and renovations |
| LIST OF COMPLETED REFURB AND REPAIRS PROJECTS :2019 | | | |
| NO | PROJECT NAME | DISTRICT | SCOPE |
| 1 | Mokutong PS | Ngaka Modiri Molema | Repairs and renovations at Mokutong |
| 2 | Thuto Boswa SS | Dr Kenneth Kaunda | Repairs and renovationsof storm damaged roof |
| 3 | Zeerust HS | Ngaka Modiri Molema | Renovations and repairs |
| 4 | Obang HS | Bojanala | Renovations to toilets |
| 5 | GobopamangPS | Dr Ruth Segomotsi Mompoti | Renovations of roof |



15. LIST OF EXAMPLES OF COMPLETED REFURB AND REPAIRS SCHOOLS BY DISTRICT SINCE 2018

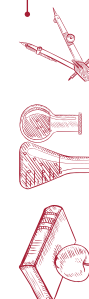
Table 11. List of some of Refurbishments and Repairs Completed Schools by District 2020/21

| LIST OF COMPLETED REFURB AND REPAIRS PROJECTS :2020 | | | |
|---|-------------------------------|---------------------------|---|
| NO | PROJECT NAME | DISTRICT | SCOPE |
| 1 | Baisitse PS | Dr Ruth Segomotsi Mompoti | Minor renovations of school structure and maintenance of ablutions |
| 2 | Basupi PS | Dr Kenneth Kaunda | Major repairs and renovations |
| 3 | Bathaping SS | Dr Ruth Segomotsi Mompoti | Repairs and renovations |
| 4 | Botshelo PS | Dr Ruth Segomotsi Mompoti | Additions and renovations |
| 5 | Dan Tloome Primary | Dr Kenneth Kaunda | Minor repairs and renovations |
| 6 | Gaseitsiwe Secondary | Bojanala | Refurbishment and demolishing of old structure at Gaseitsiwe Sec |
| 7 | Kedimetse P/S | Dr Kenneth Kaunda | Renovation of existing block, drilling a new borehole with pump, the erection of a 6m high stand for (1) 21kl galvanised steel water tank and the connection to new municipal sewerage. |
| 8 | Lorato Primary | Bojanala | Minor Renovations |
| 9 | Masedi Primary | Dr Kenneth Kaunda | Minor renovations to buildings |
| 10 | Modisakoma IS | Dr Ruth Segomotsi Mompoti | Minor Renovation & Repairs - RP(maintenance of ablutions) |
| 11 | Molehabangwe MS | Dr Ruth Segomotsi Mompoti | Repairs and renovations |
| 12 | Motshegoa High school | Bojanala | Renovations Construction of Covered Walkways and Demolition of Pit Toiles |
| 13 | Nanogang PS | Dr Kenneth Kaunda | Repairs and renovations to buildings |
| 14 | Nyakale PS | Bojanala | Refurbishment of toilets at Nyakale PS |
| 15 | Ramabesa PS | Ngaka Modiri Molema | Repairs and renovations |
| 16 | Roshunville PS | Dr Ruth Segomotsi Mompoti | Renovations |
| 17 | Sebetwane S | Dr Ruth Segomotsi Mompoti | Minor renovations of school buildings and maintenance of ablutions |
| 18 | Sekate Boijane SS | Dr Ruth Segomotsi Mompoti | Minor repairs and renovations |
| 19 | St Michael Primary | Bojanala | Minor Renovations dysfunctional toilets |
| 20 | Treasure Trove Primary School | Ngaka Modiri Molema | Renovations of Roof |
| 21 | Tshipomangwegape P.S | Bojanala | Minor Renovations and Paving |
| 22 | Tswelopele HS | Ngaka Modiri Molema | Repairs and renovations |

15. LIST OF EXAMPLES OF COMPLETED REFURB AND REPAIRS SCHOOLS BY DISTRICT SINCE 2018

Table 12. List of some of Refurbishments and Repairs Completed Schools by District 2021

| LIST OF COMPLETED REFURB AND REPAIRS: 2021 | | | |
|--|--------------------------------|---------------------------|---|
| NO | PROJECT NAME | DISTRICT | SCOPE |
| 1 | Are Itshokeng Primary School | Dr Kenneth Kaunda | Minor repairs and renovations |
| 2 | Atamela Primary School | Dr Kenneth Kaunda | Electricity and minor repairs and renovations |
| 3 | Boitirelo Primary School | Dr Kenneth Kaunda | Electricity and minor repairs and renovations of classrooms |
| 4 | Cocekani Technical School | Dr Kenneth Kaunda | Electricity and minor repairs and renovations |
| 5 | Die Wilge High School | Dr Kenneth Kaunda | Electricity and minor repairs and renovations |
| 6 | Ditaelong Primary School | Dr Kenneth Kaunda | Electricity and minor repairs and renovations |
| 7 | Edisang PS | Dr Kenneth Kaunda | Renovation of existing block, drilling a new borehole with pump, the erection of a 6m high stand for (1) 21kl galvanised steel water tank and the connection to new municipal sewerage. |
| 8 | Keolebogile Primary | Ngaka Modiri Molema | Repairs and renovations of 3 block of classrooms |
| 9 | Keotshepile Primary School | Dr Kenneth Kaunda | Electricity and minor repairs and renovations |
| 10 | Khayaletu Primary | Dr Kenneth Kaunda | Renovation of existing block, drilling a new borehole with pump, the erection of a 6m high stand for (1) 21kl galvanised steel water tank and the connection to new municipal sewerage. |
| 11 | Majeng Secondary | Dr Ruth Segomotsi Mompati | Blownoff |
| 12 | Mokolokotoane Primary School | Dr Kenneth Kaunda | Electricity and minor repairs and renovations |
| 13 | Sefutswelo Secondary | Bojanala | Repair of Dysfunctional Toilets |
| 14 | Trottsville Primary School | Dr Kenneth Kaunda | Electricity and minor repairs and renovations |
| 15 | Tshedimosetso Secondary School | Dr Kenneth Kaunda | Electricity and minor repairs and renovations |



16. CURRENT YEAR AND NEXT FINANCIAL YEAR NATURE OF INVESTMENT

Table 13. Nature of Investments

| Infrastructure Class | Sum of 2022/23 | Sum of 2023/24 | Sum of 2024/25 |
|-------------------------------------|------------------|----------------|----------------|
| 1. New and Replacement | 637 986 | 755 640 | 785 866 |
| 2. Upgrades and additions | 360 834 | 99 000 | 108 800 |
| 3. Refurbishment and rehabilitation | 90 000 | - | - |
| 4. Maintenance and repairs | 51 388 | 61 563 | 64 033 |
| 9. Non infrastructure | 102 409 | 15 000 | 15 600 |
| Grand Total | 1 242 617 | 931 203 | 974 299 |

17. CURRENT YEAR AND NEXT FINANCIAL YEAR PROJECT PER STAGE AND NATURE OF INVESTMENT: NEW BUILD/REPLACEMENTS

- The budget for 2023/24 is R 1 242 million.
- 18 projects identified at initiation stage and 3 of the PSP's already appointed and allocated budget for 2021/22-23 with anticipation that construction will start in 2023 on Goodwill and Tlalefang Primary
- 15 Projects at conceptual stage, all allocated budget for planning and implementation budget which will commence in 2022/23

Table B5(2022/23) and stage report

Table 14. Nature of Investments(New/Replacement) Initiation stage

| 21-22/23 NEW & REPLACEMENT SCHOOLS: INITIATION STAGE R '000 | | | | |
|---|---------------------------------|--------------------|----------------------------------|---------------|
| No. | Project name | Implementing Agent | Adjusted Appropriation 2021/2023 | 2022/23 |
| 1 | Blydeville Primary | DoE | - | - |
| 2 | Borolelo Secondary | DoE | - | - |
| 3 | Central Primary | DoE | - | - |
| 4 | De Kroon Primary | DoE | - | - |
| 5 | Delareyville Primary | DoE | - | - |
| 6 | Delareyville Secondary | DoE | - | - |
| 7 | Ennis Thabong Primary | DoE | - | - |
| 8 | Hartbeespoort English Primary | DoE | - | - |
| 9 | Hartbeespoort English Secondary | DoE | - | - |
| 10 | Micha View | DoE | - | - |
| 11 | Goodwil Primary | DPW | 2 189 | 14 000 |
| 12 | Kgabalatsane Secondary | DPW | - | 2 000 |
| 13 | Kgalatlowe Secondary | DoE | - | - |
| 14 | Mothelesi Secondary | DoE | - | - |
| 15 | Rekgonne Bapo Secondary | DoE | - | 3 000 |
| 16 | Temoso Special | DoE | - | - |
| 17 | Thabo Mpempe Primary School | DoE | - | 3 000 |
| 18 | Tlalefang Primary | DoE | 8 000 | 8 000 |
| | Grand Total | | 10 189 | 30 000 |

18. CURRENT YEAR AND NEXT FINANCIAL YEAR PROJECT PER STAGE AND NATURE OF INVESTMENT: NEW BUILD/REPLACEMENTS

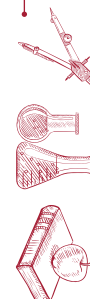
- 15 Projects identified at initiation stage, projects have been budgeted and projected for implementation for 2022/23
- 16 Projects at planning stage under design development and documentation, ready for implementation

Table 14. Nature of Investments (New/Replacement) Concept Stage

| 21-22/23 NEW & REPLACEMENT SCHOOLS: CONCEPT STAGE R '000 | | | | |
|--|---------------------------|--------------------|----------------------------------|----------------|
| No. | Project name | Implementing Agent | Adjusted Appropriation 2021/2023 | 2022/23 |
| 1 | Boikhutsong Primary | DoE | 10 000 | 14 400 |
| 2 | Bathalerwa Primary | DBSA | 17 250 | 16 000 |
| 3 | Bloemhof Primary | DoE | 2 000 | 14 400 |
| 4 | Gaotime Secondary | DoE | 2 000 | 14 400 |
| 5 | Mogawane Moshoele Primary | DoE | 2 000 | 14 400 |
| 6 | Morokweng Primary | DoE | 2 000 | 14 400 |
| 7 | Opang Diatla Primary | DoE | 2 000 | 14 400 |
| 8 | Phakisan Primary | DoE | 10 000 | 20 000 |
| 9 | Retshegeditse Primary | DoE | 2 000 | 14 400 |
| 10 | Rysmierbult Mega Farm | DoE | 10 000 | 20 000 |
| 11 | Signal Hill Primary | DoE | 2 000 | 14 400 |
| 12 | Stinkhoutboom Primary | DPW | 10 000 | 14 400 |
| 13 | Suping Primary | DoE | 2 000 | 14 400 |
| 14 | Tlhakajeng Primary | DoE | 2 000 | 14 400 |
| 15 | Vaaloewer Combined | DoE | 2 000 | 14 400 |
| | Grand Total | | 77 250 | 228 800 |

Table 15. Nature of Investments (New/Replacement) Design, development and Documentation Stage

| 2021/22-23 NEW/REPLACEMENT SCHOOLS DESIGN DEVELOPMENT AND DOCUMENTATION R '000 | | | | |
|--|---------------------------------|--------------------|----------------|----------------|
| No. | Project name | Implementing Agent | MTEF 2021/22 | 2022/23 |
| 1 | Koster Secondary (Mphe-Bana) | DBSA | 17 250 | 20 000 |
| 2 | Schweizer Reneke Primary | DoE | 15 000 | 4 000 |
| 3 | Chaneng Primary | DBSA | 17 250 | 16 000 |
| 4 | Coligny Special | DPW | 17 250 | 14 000 |
| 5 | Dirang Ka Natla Primary | DPW | 17 250 | 14 000 |
| 6 | Kagiso Barolong High | DPW | 17 250 | 14 000 |
| 7 | Kgetleng Primary | DPWR/DBSA | 17 250 | 16 000 |
| 8 | Kgosi Shope Get Band | DBSA | 17 250 | 20 000 |
| 9 | Lykso Intermediate (Phase 4) | DoE | 5 000 | - |
| 10 | Moedwil Secondary | DoE | 60 000 | 44 000 |
| 11 | Mokala Primary | DBSA | 17 250 | 20 000 |
| 12 | Monchusi Secondary School | DPW | 17 250 | 13 160 |
| 13 | Ramadingoana Primary (Gamaloka) | DBSA | 17 250 | 20 000 |
| 14 | Rekgonne Bapo Special | DPWR/DBSA | 30 000 | 20 000 |
| 15 | Relebogile Primary | DBSA | 17 250 | 20 000 |
| 16 | Tlakgameng Primary | DPWR/DBSA | 17 250 | 20 000 |
| | Grand Total | | 317 000 | 275 160 |



19. CURRENT YEAR NEXT FINANCIAL YEAR PROJECT PER STAGE AND NATURE OF INVESTMENT: NEW BUILD/REPLACEMENTS

Table 15. Nature of Investments (New/Replacement) Works Stage

| 2021/22-23 NEW/REPLACEMENT SCHOOLS: WORKS R '000 | | | | |
|--|---------------------------|--------------------|----------------------------------|---------|
| No. | Project name | Implementing Agent | Adjusted Appropriation 2021-2022 | 2022/23 |
| 1 | Huhudi Ext 25 Primary | DoE | 25 000 | 17 919 |
| 2 | Mamodibo High | DBSA | 17 250 | 20 000 |
| 3 | Monnaamere Primary | DPWR/DBSA | 17 250 | 20 000 |
| 4 | Thulare High | DoE | 30 000 | 15 200 |
| 5 | Tigane Secondary | DPW | 17 250 | 8 906 |
| 6 | Tlokwe Secondary | DBSA | 17 250 | 20 000 |
| 7 | Tlotlang -Thuto Secondary | DPW | 10 000 | - |
| 8 | Trotsville Primary | DoE | 7 000 | 1 600 |
| Grand Total | | | 141 000 | 103 625 |

Table 16. Nature of Investments (New/Replacement) Close Stage

| 2021/22-23 NEW/REPLACEMENT SCHOOLS: CLOSURE R '000 | | | | |
|--|-----------------------|--------------------|---------------------|---------|
| No. | Project name | Implementing Agent | Sum of MTEF 2021/22 | 2022/23 |
| 1 | Kanana PS | DPW | 800 | - |
| 2 | Koster Primary | DoE | 2 130 | - |
| 3 | MM Sebitloane Special | DPW | 3 000 | - |
| 4 | Shupu Primary | DoE | 2 224 | - |
| Grand Total | | | 8 154 | - |

- 8 School Projects are under construction (Multi year)
- 4 School project at close out stage and already occupied by learners
- 19 School at handover stage and occupied

Table 16. Nature of Investments (New/Replacement) Hand Over Stage

| 2021/22-23 NEW/REPLACEMENT SCHOOLS: HANDOVER R '000 | | | | |
|---|-------------------------------|--------------------|----------------------------------|---------|
| No. | Project name | Implementing Agent | Adjusted Appropriation 2021-2022 | 2022/23 |
| 1 | Paardekraal Primary | DoE | 895 | - |
| 2 | Areaganeng Primary | IDT | 5 498 | - |
| 3 | Boitekong Secondary | DoE | 295 | - |
| 4 | Kgabalatsane Primary | DPW | 2 000 | - |
| 5 | Lichtenburg English Secondary | DPW | 1 088 | - |
| 6 | Lykso Intermediate (Phase 2) | DoE | 25 000 | - |
| 7 | Lykso Intermediate (Phase 3) | DoE | 938 | - |
| 8 | Maiketso Primary | DoE | 4 587 | - |
| 9 | Marikana Secondary | DPW | 932 | - |
| 10 | Moshawana Primary | IDT | 248 | - |
| 11 | Noto High | DoE | 1 000 | - |
| 12 | Oukasie Primary | DoE | 3 500 | - |
| 13 | Phire Secondary | DPW | 1 500 | - |
| 14 | Ramokonyane Middle | DoE | 2 004 | - |
| 15 | Reagile Primary School | DoE | 1 000 | - |
| 16 | Sedumedi Primary | DPW | 5 993 | - |
| 17 | Seraleng Primary | DoE | 500 | - |
| 18 | Tlhabologang Primary | IDT | 2 000 | - |
| 19 | Tsoseletso Intermediate | IDT | 1 500 | - |
| Grand Total | | | 60 478 | - |

• Table B5(2022/23)

20. CURRENT YEAR AND NEXT FINANCIAL YEAR PROJECT PER STAGE AND NATURE OF INVESTMENT: ADDITIONS AND UPGRADES

Table 17. Nature of Investments (Addition/Upgrades) Concept Stage

| 2021/22-23 ADDITIONS AND UPGRADES SCHOOLS: CONCEPTUAL STAGE R '000 | | | | |
|--|------------------------------|--------------------|----------------------------------|---------------|
| No. | Project name | Implementing Agent | Adjusted Appropriation 2021-2022 | 2022/23 |
| 1 | Additions to Special Schools | DoE | 10 000 | - |
| 2 | Aqisanang Primary | DPWR/DBSA | - | 2 800 |
| 3 | General Hendrik Schoeman | IDT | 425 | - |
| 4 | Hartsvrivers Primary | DoE | - | - |
| 5 | Kgololosego Intermediate | DPWR/DBSA | 3 500 | - |
| 6 | Khulusa Primary | DPWR/DBSA | 3 500 | - |
| 7 | Makgobi Primary | IDT | 3 000 | - |
| 8 | Modisakoma Primary | IDT | 1 099 | - |
| 9 | Ntlatse Combined | DPWR/DBSA | 3 780 | - |
| 10 | Ontlametse Phalatse Primary | DoE | 10 000 | 9 600 |
| 11 | Pule Intermediate | DPWR/DBSA | 3 150 | - |
| 12 | Sentlha Primary | DoE | - | - |
| 13 | Suping Primary | IDT | 259 | - |
| 14 | Swartruggens Combined | IDT | 409 | - |
| 15 | Thea Morafe Primary | DPW | 3 500 | - |
| 16 | Thuso-Thebe High | DPWR/DBSA | 3 126 | - |
| 17 | Tiang Intermediate | DoE | 10 000 | 12 000 |
| | Grand Total | | 55 748 | 24 400 |

- 17 School Projects at conceptual phase and 3 already budget for 2022//23
- 34 School project at initiation stage

• Table B5(2022/23)

Table 17. Nature of Investments (Addition/Upgrades) Initiation Stage

| 2021/22-23 ADDITIONS AND UPGRADES SCHOOLS: INITIATION STAGE R '000 | | | | |
|--|----------------------------|--------------------|----------------------------------|---------------|
| No. | Project name | Implementing Agent | Adjusted Appropriation 2021-2022 | 2022/23 |
| 1 | Additions programme | DoE | - | 32 034 |
| 2 | Bafedile Middle school | DoE | - | - |
| 3 | Banabakae Primary | DoE | - | - |
| 4 | Bogatsu Primary | DoE | - | - |
| 5 | Boitemogelo Primary | DoE | - | - |
| 6 | Bokamoso Intermediate | DoE | - | - |
| 7 | Bonwagogo Primary | DoE | - | - |
| 8 | Boons Secondary | DoE | - | - |
| 9 | Central Secondary | DoE | - | - |
| 10 | GA Israel Primary | DoE | - | - |
| 11 | LB Damons Combined | DoE | - | - |
| 12 | Ikalafeng Special | DoE | - | 2 400 |
| 13 | Kalkbank Primary | DoE | - | - |
| 14 | Keagile Intermediate | DoE | - | - |
| 15 | Kgolaganyo Intermediate | DoE | - | - |
| 16 | Leballeng Primary | DoE | - | - |
| 17 | Lephatsimile High | DoE | - | - |
| 18 | Lethabong Primary | DoE | - | - |
| 19 | Makoshong Primary | DoE | - | - |
| 20 | Malefo High | DoE | - | - |
| 21 | Maruatona Dikobe Secondary | DoE | - | - |
| 22 | Mathateng Primary | DoE | - | - |
| 23 | Motshoki Mofenyi Primary | DoE | - | - |
| 24 | Mojagedi Secondary | DoE | - | - |
| 25 | Morogong Primary | DoE | - | - |
| 26 | Mothibinyane Secondary | DoE | - | - |
| 27 | Nkagisang Combined | DoE | - | - |
| 28 | Ntlatse Combined | DoE | - | - |
| 29 | Ramotse Primary | DoE | - | - |
| 30 | Thagamoso Primary | DPW | 3 156 | - |
| 31 | Tiisetso Primary | DoE | - | - |
| 32 | Treasure Trove Primary | DoE | 4 000 | 8 000 |
| 33 | Tswaidi Secondary | DoE | - | - |
| 34 | Uitschot Intermediate | DoE | - | - |
| | Grand Total | | 7 156 | 42 434 |



21. CURRENT YEAR NEXT FINANCIAL YEAR YEAR PROJECT PER STAGE AND NATURE OF INVESTMENT: ADDITIONS AND UPGRADES

Table 17. Nature of Investments(Addition/Upgrades)Documentation Stage

| 2021/22-23 ADDITIONS AND UPGRADES SCHOOLS: DOCUMENTATION STAGE R '000 | | | | |
|---|----------------------|--------------------|----------------------------------|---------------|
| No. | Project name | Implementing Agent | Adjusted Appropriation 2021-2022 | 2022/23 |
| 1 | Bakolobeng Secondary | DPW | 4 840 | - |
| 2 | Die Hoërskool Wagpos | DoE | 35 000 | 20 000 |
| 3 | Nchelang Primary | DPW | 2 000 | - |
| 4 | Sedibathuto Primary | DPW | 3 000 | - |
| 5 | Thebeyame Primary | DPW | 3 000 | - |
| Grand Total | | | 47 840 | 20 000 |

- 5 School Projects at the design documentation stage and ready for implementation
- 29 Projects: design development with projections to implement 7 in 2022/23 and remaining projects in the future

• Table B5(2022/23)

Table 18. Nature of Investments(Addition/Upgrades)Design Development Stage

| 2021/22-23 ADDITIONS AND UPGRADES SCHOOLS: DESIGN DEVELOPMENT R '000 | | | | |
|--|-------------------------|--------------------|----------------------------------|---------------|
| No. | Project name | Implementing Agent | Adjusted Appropriation 2021-2022 | 2022/23 |
| 1 | Aqisanang Primary | DPW | 3 000 | - |
| 2 | Atlarelang Primary | DPW | 3 000 | - |
| 3 | Batho Batho Primary | IDT | 2 000 | - |
| 4 | C. N Lekalake Middle | IDT | 2 000 | 12 000 |
| 5 | D. P. Kgotleng Primary | DBSA | 11 100 | 14 400 |
| 6 | Dimapo Primary | DPW | | - |
| 7 | Gaseitsiwe High | DBSA | 7 400 | 9 600 |
| 8 | Gontsemonnapula Primary | IDT | 1 000 | - |
| 9 | Ikaneng High | IDT | | 800 |
| 10 | Kloof View Primary | DPW | 3 000 | - |
| 11 | Kosea Moeka Primary | DBSA | 11 100 | 14 400 |
| 12 | Laerskool Burgersdorp | DPW | 3 000 | - |
| 13 | Laerskool Elandskraal | DPW | 3 000 | - |
| 14 | Mailakgang Primary | DPW | 3 000 | - |
| 15 | Manamolela Primary | DPW | | - |
| 16 | Modimokwane Primary | DPW | | - |
| 17 | Mogoditshane Primary | DPW | 2 000 | - |
| 18 | Moletsoane Primary | DPW | 2 000 | - |
| 19 | Mokalake Primary | DPW | 3 000 | - |
| 20 | Molelwane Primary | DPW | 3 000 | - |
| 21 | Moremogolo Primary | DPW | 3 000 | - |
| 22 | Motlhabe Primary | DPW | 3 000 | - |
| 23 | Motshabaesi Inter | DPW | 2 000 | - |
| 24 | Nthebe Primary | DPW | 3 000 | - |
| 25 | Potchefstroom Primary | DPW | 3 000 | - |
| 26 | Samuel Phiri Primary | DPW | 1 000 | 7 200 |
| 27 | Sediko Primary | DBSA | 10 000 | 13 600 |
| 28 | Thelesho Primary | DPW | 3 000 | - |
| 29 | Zamukulunga Primary | DPW | 3 000 | - |
| Grand Total | | | 93 600 | 72 000 |

22. CURRENT YEAR AND NEXT FINANCIAL YEAR YEAR PROJECT PER STAGE AND NATURE OF INVESTMENT: ADDITIONS AND UPGRADES

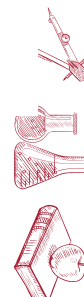
Table 19. Nature of Investments (Addition/Upgrades) Handover Stage

| 2021/22-23 ADDITIONS AND UPGRADES SCHOOLS: HANDOVER R '000 | | | |
|--|---------------------------|--------------------|----------------------------------|
| No. | Project name | Implementing Agent | Adjusted Appropriation 2021-2022 |
| 1 | Attareleng Primary | DPW | 300 |
| 2 | Banabotho Primary | DPW | 300 |
| 3 | Bokamoso Intermediate | DPW | 300 |
| 4 | Chaena Primary | DPW | 300 |
| 5 | Ennis Thabong Primary | DPW | 300 |
| 6 | Kagisano Primary | DPW | 300 |
| 7 | Khubamelo Primary | DPW | 300 |
| 8 | Letlape Secondary | DPW | 300 |
| 9 | Lobatla Primary | DPW | 300 |
| 10 | Mogawane Moshoele Primary | DPW | 300 |
| 11 | Molebatsi Secondary | DPW | 300 |
| 12 | Mosita Primary | DPW | 300 |
| 13 | Ngobi Primary | DPW | 300 |
| 14 | Nthapeleng Primary | DPW | 300 |
| 15 | Obang Secondary | DPW | 300 |
| 16 | Padi Intermediate | DPW | 300 |
| 18 | ST Theresa High | DPW | 300 |
| 19 | Tsholofelo Primary | DPW | 300 |
| Grand Total | | | 5 400 |

- 19 School Projects at handover stage, schools occupied by beneficiaries
- 35 School Projects under various stages of construction
 - *Table B5(2022/23)*

Table 20. Nature of Investments (Addition/Upgrades) Works Stage

| 2021/22-23 ADDITIONS AND UPGRADES SCHOOLS: WORKS R '000 | | | | |
|---|--------------------------------|--------------------|----------------------------------|----------------|
| No. | Project name | Implementing Agent | Adjusted Appropriation 2021-2022 | 2022/23 |
| 1 | Boitumelo Primary | DPW | 300 | - |
| 2 | Bosugakobo Primary | IDT | 1 082 | - |
| 3 | Botshelo Primary | DPW | 2 157 | - |
| 4 | DBSA Additional Funds | DBSA | | - |
| 5 | Diatleng Intermediate | DPW | 300 | - |
| 6 | Edisang Primary | DPW | 300 | - |
| 7 | Emergency generators programme | DoE | | - |
| 8 | Fencing programme | DoE | 30 000 | 130 000 |
| 9 | Full Service Programme | DoE | | 8 000 |
| 10 | Gaurd house programme | DoE | 5 000 | - |
| 11 | Grade R Programme | DoE | | 20 000 |
| 12 | Herman Thebe Secondary | DoE | 5 000 | - |
| 13 | Ikageleng High | DPW | 500 | - |
| 14 | Kedimetse Primary | DPW | 300 | - |
| 15 | Khayalethu Primary | DPW | 300 | - |
| 16 | Kopanelo Secondary | DPW | 300 | - |
| 17 | Kutwanong School For The Deaf | DoE | | - |
| 18 | Loselong Primary | DPW | 300 | - |
| 19 | Loula Fourie Primary | DPW | 300 | - |
| 20 | Mamoratwa Combined | DPW | 300 | - |
| 21 | Manogelo Primary | DPW | 300 | - |
| 22 | Mobile classrooms | DoE | 30 000 | 12 000 |
| 23 | Mobile kitchens | DoE | 5 000 | - |
| 24 | Mokgola Primary | DPW | 300 | - |
| 25 | NSNP Kitchen Programme | DoE | | 32 000 |
| 26 | Onkgopotse Tiro Comprehensive | DoE | 2 900 | - |
| 27 | Pelononi Primary | DPW | 300 | - |
| 28 | Reabona Secondary | DPW | 300 | - |
| 29 | Regorogile Combine | DPW | 300 | - |
| 30 | Retlakgona Primary | IDT | 2 000 | - |
| 31 | Sakalengwe Secondary | DPW | 300 | - |
| 32 | Sanitation programme | DoE | 25 000 | - |
| 33 | Sesamotho Primary | DPW | 300 | - |
| 34 | Water programme | DoE | 15 000 | - |
| 35 | Zooihuis Primary | IDT | 4 000 | - |
| Grand Total | | | 132 439 | 202 000 |



23. CURRENT YEAR NEXT FINANCIAL YEAR PROJECT PER STAGE AND NATURE OF INVESTMENT: ADDITIONS AND UPGRADES

Table 21. Nature of Investments (Addition/Upgrades) Closeout Stage

| 2021/22-23 ADDITIONS AND UPGRADES SCHOOLS: CLOSE OUT R '000 | | | | |
|---|--------------------------|--------------------|----------------------------------|----------------|
| No. | Project name | Implementing Agent | Adjusted Appropriation 2021-2022 | Sum of 2022/23 |
| 1 | General Hendrik Schoeman | IDT | 425 | - |
| 2 | Makgobi Primary | IDT | 3 000 | - |
| 3 | Modisakoma Primary | IDT | 1 099 | - |
| 4 | Suping Primary | IDT | 259 | - |
| 5 | Swartruggens Combined | IDT | 409 | - |
| SUB-TOTAL | | | 5 192 | - |

- 5 School Projects at close out stage, schools occupied by beneficiaries

24. CURRENT YEAR NEXT FINANCIAL YEAR PROJECT PER STAGE AND NATURE OF INVESTMENT: REFURBISHMENT AND REHABILITATION

Total of 22 schools undergoing refurbishment and Rehabilitation

- 12 schools under initiation stage
- 2 Schools at design development
- 1 school under design documentation (ready for implementation)
- 3 Schools at various construction stages
- 4 in hand over stage
- *Table B5(2022/23)*

Table 22. Nature of Investments (Refurbishment and Rehabilitation) Closeout Stage

| 2021/22-23 REFURBISHMENT AND REHABILITATION OF SCHOOLS: ALL STAGES R '000 | | | | |
|---|-------------------------------------|--------------------|----------------------------------|---------------|
| No. | Project name | Implementing Agent | Adjusted Appropriation 2021-2022 | 2022/23 |
| 1 | Furniture for Mobile Classrooms | DoE | | - |
| 2 | Goakganya Primary | DBSA | 10 000 | 14 400 |
| 3 | Keagile Intermediate | DoE | - | - |
| 4 | Klerksdorp Hoër Tegniese | IDT | - | 4 000 |
| 5 | Klerksdorp Secondary | DoE | - | - |
| 6 | Maokaneng Primary | DoE | - | - |
| 7 | Ngaka Modiri Molema District Office | DoE | - | - |
| 8 | Nietverdiend Combined | DoE | 2 000 | 7 200 |
| 9 | Othale Primary | DPW | 4 874 | - |
| 10 | Phakedi Primary | DoE | - | - |
| 11 | Phaposane Primary | DoE | - | - |
| 12 | President Mangope Technical | IDT | 356 | - |
| 13 | Promosa Primary | DoE | - | - |
| 14 | Pudulogo Primary | DoE | - | - |
| 15 | Ramosadi Primary | DoE | - | - |
| 16 | Reabona Secondary | DoE | - | - |
| 17 | Replacement of asbestos roofs | DoE | | 50 000 |
| 18 | Selang - Thuto Public Primary | DoE | - | - |
| 19 | Senkgwe Learning Site | DoE | - | - |
| 20 | Setshwarapelo Primary | DoE | - | - |
| 21 | Storm damaged schools | DoE | 15 000 | - |
| 22 | Tshedimoso Primary | DBSA | 10 000 | 14 400 |
| Grand Total | | | 42 230 | 90 000 |

25. LIST OF SCHOOLS IN TABLE B5 FOR IN 2021/22/23(SUMMARY OF ALL STAGES OF REFURBISHMENT AND REHABILITATION) • *Table B5(2022/23)*

Table 23.Nature of Investments(Minor Projects, Minor Repairs and Minor Maintenance)

| 2021/22-23 MINOR PROJECTS ,MINOR REPAIRS AND MAINTENANCE R '000 | | | |
|---|----------------------------|--------------------|---------------|
| No. | Project name | Implementing Agent | 2022/23 |
| 1 | Bojanala | DoE | 8 000 |
| 2 | Corporate | DoE | 16 000 |
| 3 | Dr. Kenneth Kaunda | DoE | 8 000 |
| 4 | Dr. Ruth Segomotsi Mompati | DoE | 8 000 |
| 5 | ECD Maintenance Subsidy | DoE | 3 388 |
| 6 | Ngaka Modiri Molema | DoE | 8 000 |
| | Grand Total | | 51 388 |

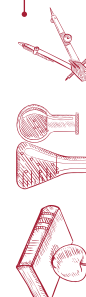
SPECIAL PROJECT

- Elimination of Inappropriate structures(Asbestos)
- Condition assessment
- Additions(Classrooms and NSNP Kitchens)
- Security Fencing
- Storm Damages

26. LIST OF SCHOOLS IN TABLE B5 FOR IN 2021/22/23(SPECIAL PROGRAMMES)

Table 24.Nature of Investments(Special Programs)

| 2023/24 SPECIAL PROGRAMMES | | | |
|----------------------------|-----------------------|--------------------|----------------|
| No. | | Implementing Agent | 2022/23 |
| 1 | Condition Assessment | DoE | 38 205 |
| 2 | Fencing | DBSA | 130 000 |
| 3 | Additions | DoE | 32 034 |
| 4 | Asbestos | DoE | 30 000 |
| 5 | Mobiles Classrooms | DoE | - |
| 6 | Maintenance & Repairs | DoE | 51 388 |
| 7 | | DoE | |
| | GRAND TOTAL | | 281 627 |



27. Challenges: Influx of learners from Sub-Saharan Africa from Schools and Enrolment Master List

Table 25. Statistics on influx of learners from Sub-Saharan Africa

| UNDOCUMENTED LEARNERS | | | | |
|-----------------------|---------------|--------------|---------------|---------------|
| DISTRICT | ASYLUM SEEKER | IMMIGRANT | SA CITIZEN | TOTAL |
| BOJANALA | 1 882 | 6 740 | 14 858 | 23 480 |
| INDEPENDENT | 157 | 736 | 871 | 1 764 |
| PUBLIC | 1 725 | 6 004 | 13 987 | 21 716 |
| DR KENNETH KAUNDA | 127 | 970 | 7 690 | 8 787 |
| INDEPENDENT | 18 | 278 | 363 | 659 |
| PUBLIC | 109 | 692 | 7 327 | 8 128 |
| DR RUTH S MOMPATI | 67 | 229 | 2 121 | 2 417 |
| INDEPENDENT | 1 | 15 | 16 | 32 |
| PUBLIC | 66 | 214 | 2 105 | 2 385 |
| NGAKA MODIRI MOLEMA | 218 | 1 054 | 7 538 | 8 810 |
| INDEPENDENT | 22 | 360 | 171 | 553 |
| PUBLIC | 196 | 694 | 7 367 | 8 257 |
| Grand Total | 2 294 | 8 993 | 32 207 | 43 494 |

The influx of learners from Sub-Saharan Africa places already limited infrastructure under severe pressure resulting in:

- Overcrowding
- Shortage of classrooms
- Rapid deterioration of facilities

28. CHALLENGES EXPERIENCED WITH ELIMINATION OF ASBESTOS ROOFING AND ACTION PLANS

Challenges

- In 2012 the National Department of Education has under the Accelerated School Infrastructure Delivery Initiative (ASIDI) removed and replaced the only 2 inappropriate structures (Motaung Primary School and Toevlug Primary School) (e.g. mud schools or schools constructed from other inappropriate materials).
- The Department has also removed asbestos from some of the schools not covered under ASIDI, as it was only partial removal.
- The department is planning to investigate schools that have recently reported asbestos, however it is not certain yet whether it is asbestos, as asbestos has been discontinued in 1983 and was replaced by an inert fibre cement compound. Three of these schools are currently under contract for renovation.

Actions

- 108 schools were identified that may still have asbestos in it
- Condition assessments will be conducted to determine whether these schools have asbestos and not just cement board as part of the construction
- R 30 million have been budgeted for the removal of asbestos in the 2022/23 financial year with the aim to eliminate all remaining asbestos by the end of 2022/23
- A list of contractors that are qualified to remove asbestos has been compiled



Other Challenges: Needs larger than Budget

29. Key factors contributing to failure to renovate schools with debilitated buildings

- The department used the word dilapidated to refer to building which is defined as (of a building or object) in a state of disrepair or ruin because of age or neglect.
- These buildings are prioritised to by means of asset management plans within the framework of the budget available to the department. The department has a building programme (referred to as the B5 summary attached in Annexure 2)
- The department has replaced 19 in the past 4 years and are currently replacing another 31 schools. The reasons for not renovating all schools in a poor state of repair is budget limitation and availability of technical and supply chain management staff in the department

30. The number and nature of complaints received by the Department in respect of inadequate infrastructure in schools, and the process flow of the Department in addressing these complaints

- Most of the complaints originate at a school's level and are communicated to the sub-district. The subdistrict assesses the complaint and submit the complaint and their assessment to the district. The district will assess whether they can address this as regular repairs and maintenance and will do so if within the repairs and maintenance framework. Any complaints that they cannot address will be send to the provincial head office infrastructure unit, which will either handle it as an emergency or prioritise it in terms of the asset management plan and B5.
- Any complaints originating at another place will be treated in the same way.
- The Department does not have an electronic call logging system but are planning investigating systems to address.

| Needs and complaints received current budget | Not addressed in |
|--|------------------|
| Blown off roofs, sanitation | 1 |
| Borehole | 30 |
| Conversion of hostels into offices | 1 |
| Conversion of toilets | 7 |
| Demolitions | 70 |
| Dual building for both schools | 1 |
| Electricity | 4 |
| Extensions/Addition | 11 |
| Fencing | 109 |
| Grade R | 10 |
| Hostels | 5 |
| Maintenance | 52 |
| Maintenance and repairs | 38 |
| New | 23 |
| NSNP Kitchen | 76 |
| Overcrowded | 2 |
| Overcrowding Area | 1 |
| Renovations | 110 |
| Renovations and fencing | 2 |
| Repairs and renovation | 8 |
| Replacement | 9 |
| Replacement | 1 |
| Replacment | 1 |
| Sanitation | 61 |
| Water | 7 |
| Grand Total | 644 |

31. Whether the Department has received any complaints in the past five years relating to incidents of injury and/or death of learners or schools staff members caused by poor infrastructure, including but not limited to, collapsed roof, unsafe latrines, etc. (Please provide number of complaints and the details as to how those complaints were handled and the outcomes)

- The department has not received any complaints of this nature in the past 5 years.
- The department has no knowledge of incidents caused by infrastructure, however one learner has been hit by a tree branch during a storm at Batho Batho Primary School.
- This is not considered an infrastructure issue.

32. What steps can be taken to address the safety and security concerns on an urgent interim basis and in the long-term? Which actors are best placed to take these steps?

- SAPS safety officers visit each school on a quarterly basis and inspect the school for safety. They follow the reporting structure as described in slide 29 above.
- The Department has provided schools with safety policies and each school had to compile their own based on the examples provided by the Department.
- The Department has a dedicated safety unit responsible for safety in schools.
- Each school governing body has safety and infrastructure committees that address the safety issues at a school in terms of safety and security and is considered the best actors to manage this.
- The department also has an ongoing dedicated programme for erection of security fences and guard houses (See attached summary of B5 in Annexure 2).



33. The role of the Department, if any, in the implementation of laws, regulations and policies which regulate safety and security in schools with inadequate infrastructure?

- According to the South African Schools Act (Act nr 84 of 96) (SASA) all schools required should have a school safety policy and safety committee to ensure the safety of all learners and educators at schools.
- The Department monitors and ensures the implementation of these policies as mandated by the SASA.
- The unit responsible for implementation and monitoring is Institutional Governance Support Service (IGSS).

34. Whether the Department has regular engagements with the Department of Labour to address safety at schools in line with the Occupational Health and Safety Act 85 of 1993. If so, please provide details.

- From an infrastructure perspective, the department engage with Department of Labour when a new project is launched on site to ensure that the contractor meets the Safety, Health and Environmental requirements as stipulated by the department of labour. Reports to this extent is included in Annexure 3 as an example.
- Department of Labour often visited schools and compiled reports of health and safety issues and submitted these reports for attention to the Department. It has however been a while since the department has received any reports from the Department of Labour.

35. Personnel Challenge

- The province faces major challenges to attract professionals to the province and employ them for extended periods of time in key positions.
- Due to personnel shortages in Infrastructure and Supply Chain Management the Department is reliant on implementing agents which often fails the Department

ANNEXURE B

STATUS REPORT – INFRASTRUCTURE NW SCHOOLS

November 2022



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Overview of project allocations as per B5: Summary

| B5 : Revised adjustment: November 2022 | | |
|--|----------------|-----------|
| FIDPM stage | No of projects | R 000' |
| Initiation | 39 | 57,300 |
| Concept design | 10 | 11,505 |
| Design development | 10 | 59,604 |
| Design Documentation | 11 | 59,512 |
| Works | 59 | 1,027,932 |
| Handover | 10 | 19,130 |
| Close out | 9 | 7,130 |
| | 148 | 1,242,113 |



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Expenditure movement: 21 November

| | ECD Maintenance R'000 | Education Infrastructure Grant (EIG) R' 000 |
|----------------------------------|--------------------------|--|
| Approved Allocation | 3 388 | 1 236 625 |
| Actual Expenditure 18 Nov | - | 630 476 |
| Actual Exp 21 Nov | | 644 659 |
| Invoices at hand 21 Nov | | 61 583 |
| % Expenditure end August 2022 | 0,0% | 17,7% |
| % Expenditure end September 2022 | 0,0% | 29,4% |
| % Expenditure end October 2022 | | 49% |
| % Expenditure to date | | 52% |
| Balance as at 21-Nov-22 | 3 388 | 591,949 |



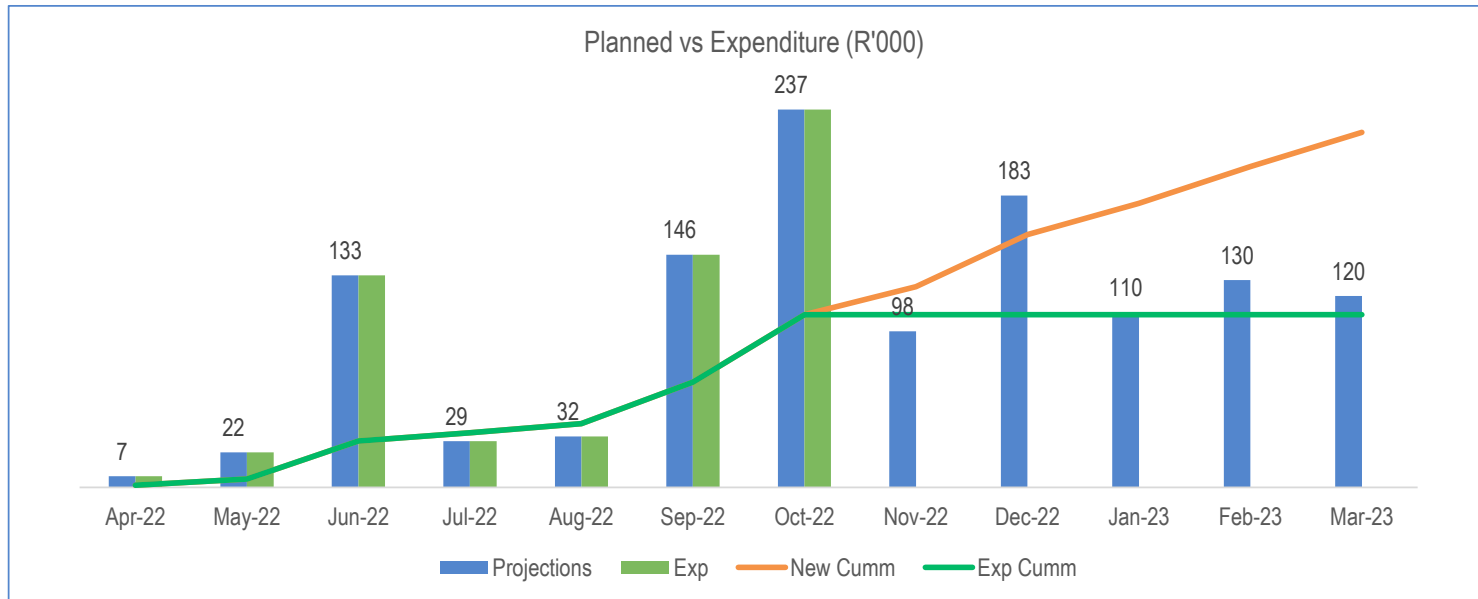
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Expenditure path with projections: Road map to improved expenditure



Expenditure as of 31 Oct R R387 million(31%)

Expenditure R607 million (49%) end Oct

Exp R630 million on 14 Nov

Exp 21 Nov R 644,6m (52%)

Projection for third quarter(R281 million):R 50 million on Condition assessment, Tranche to DBSA(R153 million), R75 million on classrooms additions, R96million for completion of storm damages

Third Quarter in percentage of 72%

Projection to the end of the year: R1.242million

Additional programs such as repairs of dilapidated buildings have been initiated to mitigate underspending

Monitor payment in department weekly by SG

Implement Programme management activities for asbestos and dilapidated buildings (IDT)

Accelerated appointments DBSA -5 projects

DoE appointment of schools under evaluation

DoE District maintenance – appointment of R97m worth of projects end Nov

DoE District maintenance R 56m ongoing in works

Projects at Planning Reporting: DoE

| No. | Project name | Project Status | 2022/23 Adjusted Budget | Expenditure to Date |
|-----|--|----------------|-------------------------|---------------------|
| 1 | 0. DOE New Infrastructure Planning | 1. Initiation | 10 750 | |
| 2 | Gaotime Secondary | 1. Initiation | - | |
| 3 | Mothelesi Secondary | 1. Initiation | - | |
| 4 | Boikhutsong Primary | 1. Initiation | - | |
| 5 | Ennis Thabong Primary | 1. Initiation | - | |
| 6 | Phakisang Primary | 1. Initiation | - | |
| 7 | Retshegeditse Primary | 1. Initiation | - | |
| 8 | Thabo Mpempe Primary School | 1. Initiation | - | |
| 9 | Thulare Hostels | 1. Initiation | - | |
| 10 | Dinokana / Autism School | 1. Initiation | 1 000 | |
| 11 | Tswelelopele | 1. Initiation | - | |
| 12 | Shaleng Primary School | 1. Initiation | - | |
| 13 | 0. DOE Upgrades and Additions Planning | 1. Initiation | 2 500 | |
| 14 | Micha View | 1. Initiation | - | |
| 15 | Agisanang Primary | 1. Initiation | 250 | |
| 16 | I.B Damons Combined | 1. Initiation | - | |
| 17 | Ikalafeng Special | 1. Initiation | - | |
| 18 | Ontlametse Phalatse Primary | 1. Initiation | - | |
| 19 | Tiang (Primary) | 1. Initiation | - | |
| 20 | Treasure Trove Primary | 1. Initiation | - | |
| 21 | Kutlwanong School For The Deaf | 1. Initiation | - | |
| 22 | Bethel Primary | 1. Initiation | - | |
| 23 | Mahube Primary | 1. Initiation | - | |

| No. | Project name | Project Status | 2022/23 Adjusted Budget | Expenditure to Date |
|-----|---|-----------------------|-------------------------|---------------------|
| 24 | Thalefang Primary | 1. Initiation | - | |
| 25 | Temoso Special | 1. Initiation | - | |
| 26 | Magong Primary | 1. Initiation | - | |
| 27 | Apastlagole | 1. Initiation | 4 000 | |
| 28 | Boitsanape SS Hostel to Office Conversion | 1. Initiation | 1 000 | |
| 29 | Thulwe Primary School | 1. Initiation | - | |
| 30 | Mothusi Marumoloa Secondary School | 1. Initiation | 2 300 | |
| 31 | Kgalatlowe Secondary | 1. Initiation | - | |
| 32 | Suping Primary | 1. Initiation | - | |
| 33 | Signal Hill Primary | 1. Initiation | - | |
| 34 | Tlalefang Primary (Gamaloka) | 1. Initiation | - | |
| 35 | Tlhakajeng Primary | 1. Initiation | - | |
| 36 | Mogawane Moshoele Primary | 2. Concept | - | |
| 37 | Opang Diatla Primary | 2. Concept | - | |
| 38 | Rysmierbult Mega Farm | 2. Concept | 2 000 | 429 |
| 39 | Rekgonne Secondary | 2. Concept | - | |
| 40 | Morokweng Primary | 2. Concept | - | |
| 41 | Moedwil Hostels | 3. Design Development | 4 000 | 406 |
| 42 | Setshwarapelo Primary | 3. Design Development | 5 000 | |



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Capital Projects Reporting: DoE as Implementing Agent Agent(IA)

| No. | Project name | Project Status | 2022/23 Adjusted Budget | Expenditure to Date |
|-----|-------------------------------|----------------|----------------------------|------------------------|
| 1 | Majeng SS | 5. Works | 1 500 | |
| 2 | Gabobidiwe SS | 5. Works | 1 500 | |
| 3 | Huhudi Ext 25 Primary | 5. Works | 17 919 | 15 840 |
| 4 | Thulare High | 5. Works | 15 200 | 14 805 |
| 5 | Lykso Intermediate (Phase 2) | 6. Handover | 600 | |
| 6 | Noto High | 6. Handover | 8 000 | 6 800 |
| 7 | Onkgopotse Tiro Comprehensive | At Tender | 2 000 | |
| 8 | Moedwil Secondary | At Tender | 600 | |
| 9 | Schweizer Reneke Primary | At Tender | 500 | |
| 10 | Nietverdiend Combined | At Tender | 10 000 | 3 283 |
| 11 | Trotsville Primary | At Tender | - | |



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Maintenance and Non- Infrastructure Reporting: DoE as IA

| No. | Project name (Maintenance) | Project Status | 2022/23 Adjusted Budget (R'000) | Expenditure to Date (R'000) |
|-----|---------------------------------|-------------------------|---------------------------------|-----------------------------|
| 1 | Emergency generators programme | 5. Works | 1 400 | - |
| 2 | Fencing programme | 5. Works | 34 000 | 9 900 |
| 3 | Mobile classrooms | 5. Works | 74 000 | 7 500 |
| 4 | NSNP Kitchen Programme | 5. Works | 12 500 | 8 500 |
| 5 | Corporate | 5. Works | 28 123 | 9 396 |
| 6 | ECD Maintenance Subsidy | 5. Works | 3 388 | - |
| 7 | Community Maintenance Programme | 5. Works | 28 000 | - |
| 8 | Maintenance of Fences | 4. Design Documentation | 35 000 | - |
| 9 | Repair of Structural Damage | 4. Design Documentation | 38 750 | - |

| No | Project name (Non Infrastructure) | Project Status | 2022/23 Adjusted Budget (R'000) | Expenditure to Date (R'000) |
|----|---|-------------------------|---------------------------------|-----------------------------|
| 1 | Condition Assessment | 5. Works | 53 000 | 15 000 |
| 2 | FIPDM System Implementation | 4. Design Documentation | 7 500 | - |
| 3 | Fair Value Assessment | 5. Works | 11 500 | 11 500 |
| 4 | Resource Augmentation | 5. Works | 88 000 | 54 400 |
| 5 | Furniture for Mobile Classrooms | 5. Works | 13 000 | - |
| 6 | Bojanala Platinum District Furniture | 5. Works | 4 000 | - |
| 7 | Dr. Kenneth Kaunda District Furniture | 5. Works | 4 000 | - |
| 8 | Dr. Ruth Segomotsi Mompoti District Furniture | 5. Works | 4 000 | - |
| 9 | Ngaka Modiri Molema District Furniture | 5. Works | 4 000 | - |



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DBSA as Implementing Agent(IA) Projects

Progress Summary

| Item No. | Progress Status | No. of Projects per IA | | Previous Progress (14-11-2022) | Current Progress (21-11-2022) | Planned Progress (28-11-2022) |
|----------|----------------------|------------------------|-----------|-----------------------------------|----------------------------------|----------------------------------|
| | | DBSA | DBSA/DPWR | | | |
| 1 | Concept Design | 0 | 1 | 1 | 1 | 1 |
| 2 | Design Development | 2 | 0 | 2 | 2 | 2 |
| 3 | Approved for advert | 0 | 0 | 0 | 0 | 0 |
| 4 | Advertised | 0 | 2 | 2 | 2 | 2 |
| 5 | Tender Evaluation | 3 | 0 | 3 | 3 | 1 |
| 6 | Contractor appointed | 5 | 0 | 5 | 2 | 4 |
| 7 | Construction | 3 | 6 | 9 | 12 | 12 |
| | Total | 13 | 9 | 22 | 22 | 22 |



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DBSA Projects(IA)

Progress Summary

| Tranche Transfers 2022/23 | | | | | | |
|-------------------------------|----------------------------------|--|---|--|--|------------------------------------|
| Item No. | Implementing Agent | Allocated Budget (2022/23) | Total Expenditure 2022/23 (14-11-2022) | Total Expenditure 2022/23 (21-11-2022) | Total Planned Expenditure 2022/23 (28-11-2022) | Invoices At Hand (Tranche Amounts) |
| 1 | DBSA | 381,817,000.00 | 356,050,223.03 | 356,050,223.03 | 0.00 | 0.00 |
| | | | | 93% | | |
| Actual Expenditure on Tranche | | | | | | |
| Balance from Previous Years | Total Tranche Transfer (2022/23) | Previous Actual Expenditure (14-11-2022) | Current Actual Expenditure (21-11-2022) | Planned Expenditure (28-11-2022) | Balance of Tranche | |
| 29,330.47 | | | | | | |
| - | 356,050,223.03 | 188,091,856.98 | 188,091,856.98 | - | 167,987,696.52 | |



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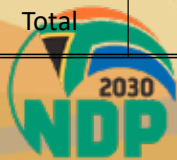
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DPWR & IDT Projects Progress as IAs: Summary

| Item No. | Progress Status | No. of Projects | | | | | Total No. of Projects (31-10-2022) | Total No. of Projects (21-11-2022) | Total No. of Projects (28-11-2022) |
|----------|---------------------|-----------------|----------|---------|-------------------|--------------|---------------------------------------|---------------------------------------|---------------------------------------|
| | | DPWR | IDT | | | | | | |
| | | | Asbestos | Grade R | Addition Projects | New Projects | | | |
| | | | | | | | | | |
| 1 | Concept Design | 0 | 15 | 40 | 24 | 8 | 87 | 87 | 87 |
| 2 | Design Development | 2 | 0 | 0 | 0 | 0 | 2 | 2 | 2 |
| 3 | Approved for advert | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4 | Advertised | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 5 | Tender Evaluation | 14 | 0 | 0 | 0 | 0 | 14 | 14 | 14 |
| 6 | Construction | 16 | 0 | 0 | 0 | 0 | 16 | 16 | 16 |
| 7 | Handover | 21 | 0 | 0 | 0 | 0 | 21 | 21 | 21 |
| | Total | 53 | 15 | 40 | 24 | 8 | 140 | 140 | 140 |

| Item No. | Implementing Agent | Allocated Budget (2022/23) | Total Expenditure 2022/23 (31-10-2022) | Total Expenditure 2022/23 (14-11-2022) | Total Expenditure 2022/23 (21-11-2022) | Invoices At Hand |
|----------|--------------------|----------------------------|---|---|---|------------------|
| 1 | DPWR | R 91 062 000.00 | R 24 788 896.37 | R 27 540 739.85 | R 29 167 319.06 | R 1 983 822.66 |
| 2 | IDT | R 81 824 000.00 | R 75 255 953.14 | R 75 255 953.14 | | |
| Total | | R 172 886 000.00 | R 100 044 849.51 | R 100 044 849.51 | R 29 167 319.06 | R 1 983 822.66 |



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