

The DBE's Accountability Gap: The Subtle Art of Exclusion in Western Cape School Admissions

EE and EELC Presentation to Parliament's
Portfolio Committee on Education



Who is Equal Education?

Equal Education (EE) is a youth-led, mass democratic movement made up of learners, post-school youth, parents, teachers, and community members. We focus on research, mobilisation, and public action to fight for equality in South African education.

Who is the Equal Education Law Centre (EELC)

The Equal Education Law Centre is a public interest law centre that specialises in education law, community lawyering, and legal advocacy. Working hand-in-hand with Equal Education, the EELC provides crucial legal expertise to support campaigns fighting for fair access to quality education for all South African learners.





Ntsikie Dlulani
Deputy General Secretary



Discriminatory Elements of the Western Cape School Admissions

Background:

- Learner exclusion in the Western Cape disproportionately affects black, poor, working-class learners and those from disadvantaged communities.

Other identifiable areas of exclusion:

- Overaged learners
- Late applicants
- Transfer learners

The duty to redress:

- Freedom of movement
- Freedom of choice
- Residential address requirements as exclusionary grounds



EELC

DBE Accountability: What Has Not Been Done?

1. Section 3(4) of the South African Schools Act – Reporting and Support Duty

- If a provincial MEC cannot place all learners in schools, they must report this to the Minister.
- The Minister has a duty to receive these reports and act. Has the DBE acted on any of the reports on school readiness and learner placement from PEDs

2. Oversubscription is being used as a cover for discrimination

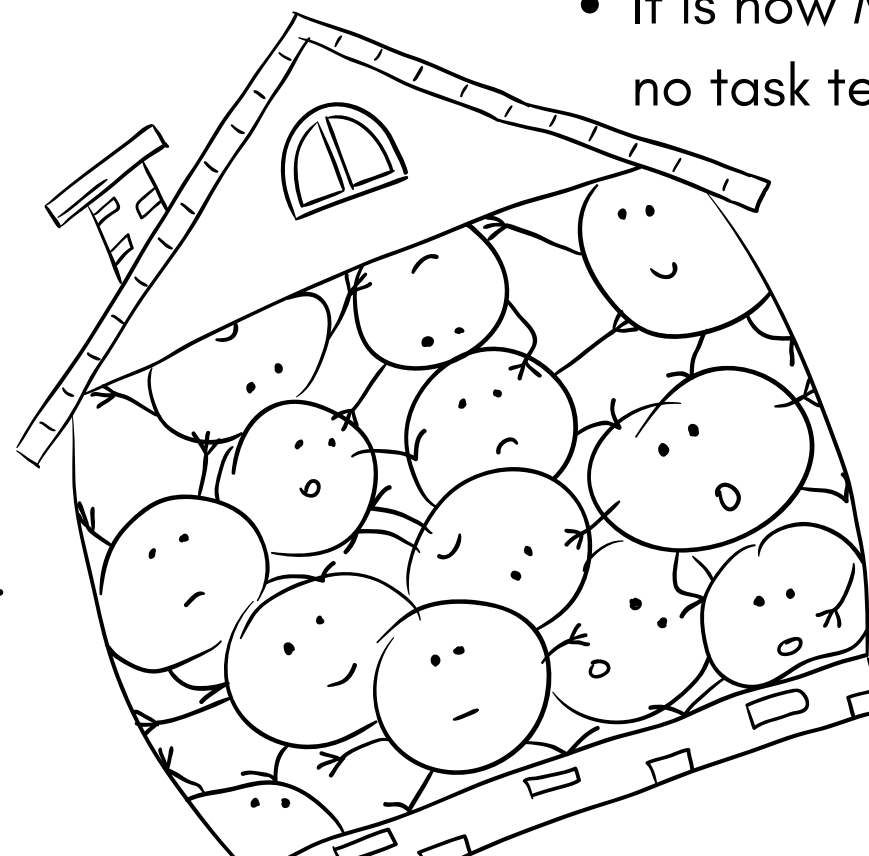
- Well-resourced schools use vague "oversubscription" rules to exclude black and working-class learners.
- There is no clear, national definition of oversubscription.
- Without a definition, schools can hide discrimination behind being oversubscribed, physical addresses and "maintaining quality".

3. Under-resourced schools bear the cost

- Under-resourced schools are pressured to take more learners than they can handle.
- A few extra teachers and temporary classrooms in already pressured schools are not adequate support; they are a bandage on a broken system.

4. Draft policies are stuck

- The 2021 Draft Admissions Policy was seemingly abandoned.
- The draft School Capacity Norms and draft Admissions Regulations were open for public comment until January 2026.
- It is now May 2026 – four months with no release, no update, no task team established.



THANK YOU!