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**SUBMISSION TO THE DEPARTMENT OF BASIC EDUCATION ON THE
DRAFT REGULATIONS ON MANAGEMENT OF LEARNER PREGNANCY IN SCHOOL, 2026**

SUBMITTED BY
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1. Background

Equal Education (“**EE**”) is a youth-led democratic movement of learners, post-school youths, parents, teachers, and community members. We have over 5000 members, organised in schools across Gauteng, the Western Cape, Eastern Cape, KwaZulu-Natal and Limpopo. EE advocates for quality and equality in the South African education system and promotes and protects learner rights. Our programmes include a focus on school safety and better school environments. In 2013, EE was an *amicus curiae* in the Constitutional Court matters between *Head of Department, Department of Education Free State Province v Welkom High School and Another; Head of Department, Department of Education Free State Province v Harmony High School and Another*. Accordingly, we have been engaged in the protection and promotion of the rights of learners, including pregnant learners, by advocating for policies that ensure their access to education and support services during and after pregnancy.

Central to our contribution to the Basic Education Law Amendment Act Regulation on Management of Learner Pregnancy in Schools (“**Regulations**”) is our commitment to advocating for learner safety and better school environments for all learners. We have published reports focused on school safety over the years. In 2016, we undertook a [social audit report](#) on safety and sanitation in the Western Cape schools, while in 2023, we published [iSafety Ngoku](#), a report focused on the state of learner safety in the Western Cape.

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Both these reports focused on the physical safety of learners. However, the 2023 report started to flag psychosocial support as an integral tool to address school violence, highlighting its role in improving learners' mental health and creating a safer school environment. As such, part of our current key focus on school safety is on the provisioning of adequate psychosocial support. Learner pregnancies continue to be an inevitable feature of the South African educational system. Accordingly, it is important for all education stakeholders, and importantly, the Department of Basic Education (“**DBE**”) to develop mechanisms to address learner pregnancies. Our approach in contributing to this window of calls for comments centres the continued access to basic education during pregnancy and direct psychosocial support interventions for learners.

2. Overview

Over the years, the regulation of learner pregnancies has been founded on policy directives in accordance with the Policy on Prevention and Management of Learner Pregnancy (“**Learner Pregnancy Policy**”). This has led to numerous inconsistencies in application, placing learners at risk of exclusion and vulnerability. These inconsistencies have resulted in varying interpretations and implementations across different schools, further exacerbating the challenges faced by pregnant learners. The Learner Pregnancy Policy has no binding status. Therefore, it is not

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legally enforceable. Accordingly, we commend the DBE’s effort to establish a legally binding framework for the protection of learners. The introduction of the Regulations is an important step by the Minister of Basic Education towards tangible legal binding grounds on learner pregnancies. At their core, the Regulations are intended to protect the constitutional right to basic education by ensuring that pregnancy does not impede a learner’s continued education. We particularly welcome the principles set out in the current draft, which aim to uphold the constitutional rights of learners. Furthermore, we note the Regulations prohibit any form of discrimination against pregnant learners. Schools are explicitly prohibited from suspending, expelling, or otherwise punishing learners based on pregnancy. This is a long-awaited relief, aligning with the Learner Pregnancy Policy. This represents a significant departure from the informal or inconsistent practices that previously excluded pregnant learners from school environments.

Another important feature that we endorse in the draft Regulations is the strong emphasis on the provision of learner support. Schools are required to facilitate access to healthcare services, including antenatal and postnatal care, as well as **psychosocial support**. Furthermore, the Regulations encourage coordination with other government departments, particularly the Department of Health (“**DoH**”) and Department of Social Development (“**DSD**”), to ensure a holistic support system for learner support. While we welcome this inclusion, we are cautiously optimistic when it comes to the implementation of support mechanisms for learners. We call on the DBE and DoH to prioritise the application of the Integrated School Health Policy which is aimed at delivering health services for learners.

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A notable provision in the draft regulations is the introduction of **mandatory reporting requirements**. In cases where a learner under the age of 16 is pregnant, schools are obliged to report the matter to the DSD and the South African Police Service. This reflects a child protection perspective, acknowledging that such pregnancies may involve statutory offences and require intervention beyond the school. In addition to these core elements, the regulations outline administrative responsibilities for schools, including procedures related to disclosure and record-keeping.

Overall, the draft regulations signal a progressive policy direction that balances the protection of learners' rights with the need for accountability and child safeguarding. The draft Regulations prioritise inclusion, structured support, and interdepartmental collaboration. We welcome the approach adopted by the DBE in the development of these regulations. In turn, we address some of our key submissions as follows;

- 2.1. Submission methodology;
- 2.2. Child rights centred approach in dealing with learner pregnancies;
- 2.3. Direct provisioning of adequate psychosocial support for pregnant learners;
- 2.4. Multi-Department approach;
- 2.5. Learner dropout;
- 2.6. Encouraging schools to develop learner pregnancy policies;
- 2.7. Clause by clause comments

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3. Submission methodology

This submission has been made in consultation with equalisers (learner members from Equal Education). As part of our work on school safety and psychosocial support, we have established a task team made up of learners, representing learners across the movement working on priorities of learner support services. This call for comments has been an opportune time to include it as part of our working plans along with task team members. Comments were solicited from the task team members along with leadership committee members, who are elected representatives of learners in the movement. Therefore, the views expressed in this document align with the experiences reported by our equalisers. Learner participation in matters that affect them is important in shaping solutions that would work for learners. Submissions from the equalisers are included across this document. Furthermore, included in this document are annexures marked **Annexure EE01 - EE04**, which are appended at the end of this document, reflecting some of the direct written submissions and reflections from the equalisers.

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4. **Child rights centred approach in dealing with learner pregnancies**

It is encouraging that the framing of the Regulations is learner-rights-centred. Some of the rights relevant to these Regulations include, the right to privacy, reproductive health, human dignity, basic education and the best interest of children. Learners are independent rights holders with equal dignity and respect afforded to them. While we laud the rights-centred approach adopted by the Regulations, it is important that this finds expression in practice. We are calling on the DBE to encourage schools to support learners while upholding their rights. The Care and Support for Teaching and Learning (CSTL) is a key framework that should be read together with these Regulations. Schools exist as a space of safety and care for learners. Accordingly, teachers must hold the principles of care and support. Furthermore, schools are places of human development. Consequently, pregnancy is part of human development. Therefore, schools must promote respect for learners' reproductive health care rights, and learners must be supported and protected within the school environment to ensure they can make informed decisions about their reproductive health and access necessary resources without fear of stigmatisation. More importantly, schools must foster a non-discriminatory environment and encourage learner retention by implementing policies that actively support diversity and inclusion, ensuring that all learners feel valued and safe in schools.

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5. Direct provisioning of adequate psychosocial support for pregnant learners

Firstly, psychosocial support is placed as an auxiliary requirement for learner support. This approach has long shaped the framing of education support services within education laws. In practice, this approach leads to a lack of priority for psychosocial support delivery and thereby jeopardises learners' rights to education. The drafting of these Regulations presents an opportunity to clearly set out psychosocial support for learners as a right for learners and not merely as an auxiliary tool of support. The right to psychosocial support for learners is founded on legislation and policy documents developed by the DBE and DoH, among other departments. Policies set out the goals and principles of government departments, while legislation is made up of rules and subordinate laws (regulations) that must be followed. Policies are discretionary state documents that may be legally binding on the government. Therefore, legislative commitments serve as binding instruments that government departments must adhere to, rather than mere promises to provide psychosocial support services. If this is clearly established in these Regulations, all schools will be required by law, binding, to provide psychosocial support.

Sections 12(1)(c), 28, and 29(1)(a) of the Constitution establish a *prima facie* basis for the right to psychosocial support provisioning for learners. The realisation of this right is further expounded in the Schools Act, Health Act and Children's Act. The elasticity of the right to basic education is permissive for the inclusion of psychosocial support as part of the basket of basic education provisioning. The state's legislative commitment to psychosocial support

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provisioning is further supported by many DBE policies and guidelines which give content and clarity on psychosocial support delivery, particularly in addressing issues such as learner pregnancies and their associated challenges. Accordingly, learner pregnancies require strong provisioning of psychosocial support.

6. Multi-Department approach

We note that a significant part of the Regulations extends other functions to the DoH and DSD. We hope that the drafting phases of these Regulations have been in consultation with the respective departments to understand their responsibilities towards learner pregnancies. Furthermore, all the relevant departments are guided by the principles set out in terms of section 41 of the Constitution for co-operative government and intergovernmental relations. Lack of coordination and collaboration in carrying out these collaborative functions may lead to a lack of service delivery as provided in these Regulations. While these Regulations are published in terms of empowering provisions to the Minister of Basic Education, we are hoping that this exercise of function is done along with the respective departments.

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7. Learner dropout

Learner pregnancies are frequently cited as the leading reason for teenage girls (aged 15–19) leaving school, with research indicating that only about one-third of teenage mothers return to education.¹ Learner pregnancy is both the cause and consequence of learner dropout. Although the purpose of these Regulations is to address some of these challenges, it is crucial that they are implemented with intent, and supported by empirical evidence. To resolve the systemic issue of learner dropout due to pregnancies, it will require more than a straightforward introduction of the Regulations. We therefore suggest that the DBE commission a study to investigate the impact of pregnancies on learner dropout. This would assist in the discovery of the underlying causes and comprehension of this persistent issue.

8. Encouraging schools to develop learner pregnancy policies

The DBE, along with all provincial education departments, must develop a circular to schools informing about the Regulations and must encourage School Governing Bodies (“SGBs”) to develop a learner pregnancy policy along

¹ Stoner M, Rucinski KB, Edwards JK, Selin A, Hughes JP, Wang J, Agyei Y, Gomez O, (2020) “*The Relationship Between School Dropout and Pregnancy Among Adolescent Girls and Young Women in South Africa: A HPTN 068 Analysis*” Available at: <https://doi.org/10.1177/1090198119831755>. Accessed 22 April 2026.

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with existing education laws. The introduction of National Regulations may present some form of relief across schools in South Africa. However, school-based systems and policies may provide direct and immediate relief for the affected learners, such as offering support services and resources to help them continue their education during and after pregnancy. Accordingly, SGBs must adopt their own policies regarding learner pregnancy. This approach is a longstanding practice across schools. In a similar case, *Head of Department, Department of Education Free State Province v Welkom High School and Another; Head of Department, Department of Education Free State Province v Harmony High School and Another*, learner pregnancy was in question. This was an example of SGBs establishing their own learner pregnancy policies, but they must be in line with the Constitution and other education laws.

9. Clause by clause comments

Regulations on management of learner pregnancy in schools (“the Regulations”)	Equal Education’s comments
<p>Definition section</p> <p>“Learner” means a pregnant learner or a learner returning to school after childbirth.</p>	<p>This definition is welcomed. However, we suggest an expanded meaning to include learners who may have been involved in causing the pregnancy to ensure protection of their right to basic education. On 26 December 2025, the</p>

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	<p>Department of Women, Youth, and Persons with Disabilities stated that the outcomes of learner pregnancies affect not only the girl learners but also young boys, families, and communities. In certain instances, boy learners may face pressure to leave school and pursue employment for financial support towards the child. To prevent learners from dropping out and to provide necessary support, especially psychosocial support, it is important to include learners who may have been involved in causing a pregnancy in the definition so they can receive support. In this case being the boy learner.</p> <p>Suggested definition:</p> <p>“Learner” means a pregnant learner or a learner returning to school after childbirth, <u>or a learner who may have impregnated another learner.</u></p>
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<p>“Individual support plan” means an individual support plan contemplated in regulation 8(11).</p>	<p>The definition presents a non-definition cycle and does not explain what an individual support plan is, how it must look, or what it includes. In terms of the current definition, to understand the meaning of an individual support plan, one must refer to regulation 11(8). However, regulation 8(11) does not define an individual support plan, instead, it refers to regulation 8(2)(d), which also fails to provide a definition for an individual support plan. The lack of a clearly defined individual support plan may present inconsistencies in terms of application and use of individual support plans as a tool to support learners, potentially leading to varied interpretations of the support services required for learners. An individual support plan is an instrumental</p>
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	<p>document for the management of learner pregnancies. It is a primary document used as a reference for the delivery of support services, including psychosocial support for learners. Accordingly, clarity for its meaning remains critical. Furthermore, nowhere in the document is the scope of an individual support plan provided. It is unclear what must be included.</p> <p>Recommended definition</p> <p>Individual support plan” means an individual support plan <u>as provided in terms of the Policy on Screening, Identification, Assessment and Support.</u></p> <p>The definition of an individual support plan in terms of the SIAS policy would offer clarity and precision. However, these Regulations also present an opportunity to provide guidance on what should be included in an individual</p>
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<p>“Non-educator member” means a person employed at a school to perform support services that are not provided by an educator.</p>	<p>support plan for a pregnant learner or a learner who caused a pregnancy. As such, we suggest an insertion of “<u>individual support plan</u>” under the “General procedure for management of learner pregnancy” section. This insertion must include a non-exhaustive list of what should be included in an individual support plan through the lens of learner pregnancy. Lastly, the individual support plan, as provided in terms of SIAS, must be annexed as a form as part of these regulations. The individual support plan form can be accessed here, page 69 of the SIAS policy.</p> <p>Recommended definition</p> <p>“Non-educator member” means a person employed at a school to perform support services that are not provided by an educator, <u>this may include, but not limited to, an</u></p>
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	<p><u>agent of the Department of Social Development, Department of Health or non-governmental organisation assigned to provide learner support services.</u></p> <p>Our suggested definition is taking into account that learner support services, especially for pregnancy-learner support, may not always be coming from non-teacher staff or from the district-based support team but can also be from the DSD, DoH or NGO in terms of the Integrated School Health Policy. Accordingly, it is important that these regulations include provisions for such officials to ensure accountability and support.</p>
<p>Objectives</p>	<p>We welcome and support the framing of the objectives set out by Regulations. Importantly, we acknowledge the right to education centred approach, promoting access to education even during pregnancy.</p>

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<p>District based-support teams and School-based Support teams</p> <p>A district-based support team must -</p> <p>(b) Capacitate a school-based support team through training on these regulations.</p>	<p>Our recommendation</p> <p>Learner pregnancy and management of learner support services are often centralised to SBTs who are senior management team and teacher representatives. The centralisation of management of learner pregnancies to the SBSTs may present a few challenges. Firstly, in our report, it was revealed that some schools do not have existing SBST structures. Secondly, even in some cases where there are existing SBSTs, they frequently experience a lack of capacity and excessive workloads, which severely limits their ability to function effectively, particularly in under-resourced schools.² Alternatively, we recommend that provincial heads of department communicate the importance of establishing SBSTs in all schools. After ensuring that there are existing structures of SBSTs,</p>
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² Moyo D, & Hove N, (2025), “School-based support teams’ views about their roles in supporting learners experiencing barriers to learning in mainstream classrooms” South African Journal of Childhood Education, available at: <https://sajce.co.za/index.php/sajce/article/view/1676/3624>. Accessed on 22 April 2026.

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<p>(2) Reasonable accommodation of the learner contemplated in subregulation (1) may include</p>	<p>adequate training must be provided by the DBST on learner pregnancies as provided in terms of regulation 4(1)(b). However, such training must not only be limited to the SBST s but also extended to class teachers. Outside of the SBSTs, class teachers have direct and daily interaction with learners affected by pregnancies. Accordingly, direct capacity and support must equally prioritise class teachers as the first school responders to learner pregnancies.</p> <p>Our recommendation</p> <p>(2) Reasonable accommodation of the learner contemplated in subregulation (1) may include</p>
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<p>(a) Modification or adjustments to furniture, facilities and equipment required to be used by the learner, and</p> <p>(b) Support services that will enable to safety and comfortably continue with her education in school.</p> <p>Regulation 5(2)(b) - review of the individual support plan.</p>	<p>(c) Modification or adjustments to furniture, facilities and equipment required to be used by the learner, and</p> <p>(d) Any other support services that will enable to safety and comfortably continue with her education in school.</p> <p>We also recommend the amendment of regulation 5(2)(b), read with 8(2)(d), that the individual support plan must be developed by a class teacher, along with a member of SBST, and be reviewed by the school principal.</p>
<p>Obligations of principal and General procedure for management of learner pregnancy</p>	<p>The current draft Regulation sets out clear and important obligations on the school principal. For a meaningful translation of these provisions, each provincial education department must be responsible to deliver adequate</p>

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<p>Regulation 8(2) - The school principal must-</p> <ul style="list-style-type: none"> (a) refer all pregnant learners to the Department of Social Development or to a social worker from a child service organisation for further assessment; (b) refer the learner to a clinic or health facility for Antenatal Care; (c) the social worker or the Department of Social Development must submit a 	<p>training and support for school principals. We welcome the obligations set out for school principals, but these must be accompanied by support and training.</p> <p>Coming to some of the details of the principal obligation. Although we do not take issue entirely with regulation 8, it is unclear how the school principal must exercise the obligations set out under regulation 8(2). The procedure set out in terms of regulation 8(2) clearly establishes the school principal interventions to support learners. However, the process is set out with no regard to the existing practices and processes on learner pregnancies when engaging with the DoH and DSD. For example,</p>
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<p>report to the principal advising on the assessment; and</p> <p>(d) through the school-based support team, develop an individual support plan, contemplated in subregulation (11), for the learner.</p>	<p>ordinarily pregnant learners would be sent or voluntarily attend health facilities outside of school instruction or support. Should a school principal refer a learner to the clinic if they have already done so in their own capacity? How does this school principal referral look? Is it merely advising a learner to attend a clinic or health facility with the hope that the learner agrees to the school principal's "advice"? Are the school interventions in parallel with the learner's individual pregnancy assessment they undergo outside of school? Where do these processes meet? The process as set out by the regulation 8(2) imagines pregnancy as a school occurrence; thus, it suggests direct and immediate interventions coming from the school. Regulation 8(2) does not harmonise the school-based interventions and individual pregnancy interventions undertaken ordinarily outside of the school's prerogative. We invite the drafters to be alive to these inconsistencies when drafting the final Regulations.</p>
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<p>Reporting mechanisms and identity a father as provided in terms of regulation 8(5) - (10)</p>	<p>The reporting mechanisms provided in this current draft align with the Children’s Act and Criminal Law (Sexual Offences and Related Matter) Amendment Act, among other pieces of legislation. Accordingly, we welcome and support regulations 8(5) - (11).</p>
<p>Management of learner pregnancies during assessment and examinations - Management of learner pregnancy during extended absence</p>	<p>We welcome and support interventions provided in terms of regulations 9(1) - (11). We are pleased with the learner-centred approach that is aimed at ensuring that there is no interruption, discrimination or exclusion as a result of pregnancy.</p>
	<p>Recommendation for a new insertion</p> <p>The draft Regulations have taken a good shape, covering different grounds for learner pregnancies at school. However, these regulations do not cover the role of parents</p>

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as a key stakeholder in the management of learner pregnancies. It is evident that management of learner pregnancies requires many different players. Accordingly, we suggest an inclusion of “role of parents, guardians and/or caregivers in management of learner pregnancies”. This insertion should aim to establish a relationship between the school and parents for managing learner pregnancies. Furthermore, it should also unlock parent support programmes to support learners. Such support can be unlocked from the DBE, DSD, DoH, and may include resources for educational workshops, counselling services, and assistance for affected learners and their families.

Teenage Pregnancy

Home

Child (red figure): "Mama I am pregnant"

Mother (orange figure): "morning size come in and refer to US clinic"

Deputy office

Deputy Principal

Child (red figure): "Akwagwara may nilegwara na Deputy"

Mother (orange figure): "Eweyiwaki amatawara woom ikhulwara"

Class Room

Child (red figure): "Mama Inewadi zakho uphu"

Deputy (blue figure)

R11

Home

Mother (orange figure): "Hha-lllo... kanlam nwanor let's go back to your school system na pinere"

Child (red figure): "Mama we have a problem naigwara na kwara"

Principal office

Principal (green figure): "Worede torae araged na mwa nilegwara roje"

Mother (orange figure): "Principal ndine sikwara amatawara ugo-ihuwe Ewekwa na deleya kwara"

Principal

Principal's office

Principal (green figure): "Tsoyiso asinwaleye Soyona umatawara ndice uyo-ihuwe na deleya kwara"

Deputy Principal (blue figure): "Ekiyemisa kamulu Principal Mkwara kwara ngari before I decide na Sanying"

Principal's office

hi my leader this is ayanda estrand and this is my comment
kwi homework yethu , i actually took the time to research about the Regulations for learner pregnancy at schools and i found that learner's are actually allowed to continue schooling ngoku bamithiyo and i fully support that because everyone has the right to basic education afterall . in our last meeting amaqabane where against pregnant learners being at school their reason being mood swings and that pregnant learners would not be able to engage (a comrade made an example esithi rotation would be straneous on a pregnant learner) but in all that i never for one heard someone speak from the pregnant learner's specpertive . so here i am giving insight on a pregnant learner's experience at school there's a lot of stigma around teenage pregnancy more especially when you're still schooling , thus leading to pregnant learners that are still at school being victims of bullying because now ndiyahletywa eskolweni ndingulowo uphaphayo



uleqe izinto ezikude and no one actually cares about how i feel infact their main goal is to make uncomfortable so much that i end up dropping out of school . ngapha we have ootitshala assume that i won't cope with my academics ngoba kaloku ndingulowo (most of the time it's not even like that) and the mood swings amaqabe mentioned azivele zithi gqi of course i'm bound to have mood swings because that's the only weapon i have against the bullying i'm now facing at school .

16:49



so i think it would be wise if awareness would be raised against this topic in order to educate both learners and teachers on how to co-exist with pregnant learners at schools .

16:59



ANNEXURE 03

Regulations on learner pregnancy

- Pregnant learners should not be expelled or chased away from school because they have a right to basic education, if they are expelled that would be a violation of their rights.
- Pregnant learners should be treated equally with other learners because in schools there is a tendency of not treating them equally with other learners.
- Once pregnant took maternity leave, teachers should take responsibilities of giving them what has been done in class and explain to them clearly so they can understand.
- Learners must be allowed to return to school after pregnancy.
- They should be allowed to skip school days for clinic check-ups and appointments.
- The learner should be provided with emotional and psycho-social support.
- Schools should create a safe ~~and~~ environment for pregnant learners.

ANNEXURE 04

The regulations should address the learner drop outs that happen after falling pregnant, ways to mitigate that. Include ways to ensure that the learners transition back smoothly to school after giving birth. Also ways that will make sure that heavy pregnant learners that cannot attend school get the same quality of education and resources as other learners without them feeling isolated.

18:29