

JOINT SUBMISSION ON DIVISION OF REVENUE AMENDMENT BILL 2024/25



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INTRODUCTION

OUR SUBMISSION SEEKS TO HIGHLIGHT THE SOCIAL IMPACT OF THE STATE BUDGET, PRIMARILY FOCUSING ON THE EDUCATION AND EARLY CHILDHOOD DEVELOPMENT (ECD) SECTOR.

WHO IS EQUAL EDUCATION

Equal Education (EE) is a youth-led mass democratic movement of learners, post-school youth, parents, teachers and community members who use mobilisation and public action, supported by careful research, to empower young activists and ensure equality in South African education. Our campaigns are informed by the experiences of EE members across five provinces and by policy analysis.

WHO IS EQUAL EDUCATION LAW CENTRE

The Equal Education Law Centre (EELC) is a public interest law centre specialising in education law - specifically community lawyering, movement lawyering and legal research and advocacy. EELC works closely with EE in pursuit of their mutual goals of an equal education system and quality education for all.



A LETTER FROM EE LEARNER MEMBERS (EQUALISERS) IN LIMPOPO



Dear Mr President, Minister of Education, and Limpopo MEC of Education,

As we approach the hour of the inauguration of new government, we Equalisers (Equal Education learner members) from Ga-Mashashane in Limpopo want to reflect on the current unacceptable state of our schools and to repeat the calls we have made to government to make sure that we have safe, encouraging and accessible school environments. Because we are under the age of 18, we could not contribute to democracy by registering our views on the ballot. We have therefore chosen to speak about our struggles to holistically access our right to education in schools that have broken and unsafe infrastructure, unreliable water, unsafe school environments, textbook and reading book shortages and overcrowded classrooms.

WATER & SANITATION

The Limpopo province has some of the worst examples of inequality and a broken education system. The infrastructure backlogs in the more rural parts of the province are vast. The Minimum Uniform Norms and Standards for Public School and the Komape court case – where Equal Education (EE) was a friend of the court – made the Limpopo Department of Education (LDoE) remove plain pit toilets and supply rainwater harvesting tanks or boreholes to many of our schools.

But we are still very concerned that some of our younger siblings in schools like Mashashane Primary are still using dangerous plain pit toilets. We are also worried about the new infrastructure in our schools, new toilets are breaking because they are not being maintained. Our toilets and water facilities are being vandalised because our schools do not have enough security and fencing. More and more, we are seeing water only available on some days and not on others, which makes it difficult to manage hygiene and to concentrate on hot days. It also badly affects our school feeding schemes because without clean water we cannot get a nutritious meal. We demand that you please fulfil all the past promises to remove plain pit toilets in all our schools and make sure that the new water and sanitation facilities that we are given are good quality, well maintained and protected from things like vandalism.

INFRASTRUCTURE

The roofs in many of our classrooms leak when it rains. This disrupts teaching and learning, especially during the rainy season, and damages school furniture that is already not enough. The leaking roofs sometimes result in classes being suspended. Our schools also do not have stocked science laboratories, computer centres or libraries. Even though having a good understanding and excelling in subjects like Natural Science, Technology, Chemistry and Languages is dependent on these facilities. One of the best methods to learn and to develop critical thinking skills is by doing things practically, we are not given the opportunity to do so as a result of not having these facilities or having rooms that are named libraries or labs but that do not have books or equipment.

OVERCROWDING & TEACHER SHORTAGES

Our schools are getting more and more learners because of schools closing or merging and more learners moving to Ga-Mashashane. Some of our classes have up to 70 learners. We know that the school infrastructure law says that the maximum teacher-to-learner ratio should be one teacher for 40 learners. As the number of learners in our schools grows, we realise that we do not have enough teachers, tables and chairs, toilets and classrooms to keep an encouraging learning environment.



Between the years 2012 and 2021, there has been a 4% increase in learner enrolment at public schools in Limpopo, while the number of teachers decreased by 2%. On 30 March 2023, Limpopo's previous MEC for education said in her budget speech "the department is continuing to fill the vacancies at Operational, Middle, and Senior Management levels". Meanwhile, schools such as Mmatshipi Senior Secondary in Ga-Mashashane have subjects that do not have teachers allocated to them which forces some of us to choose subject streams that we are not passionate about. This sometimes results in poor performance or in worse cases failing and repeating a grade. This limits our educational opportunities and does not allow us to have the right to choose. We are black learners who live in a rural part of South Africa, we are constantly reminded that we do not have the right to choose or have access to a proper school environment, we cannot accept this from the incoming government of our country and our province. We demand that it ensures that we have enough qualified teachers for different subject streams who can teach us in our home languages, classrooms, classroom furniture and toilets that can accommodate the growing number of learners and qualified teachers to provide quality education to learners.

SCHOOL SAFETY

A number of us are scared to go to school because we are experiencing more cases of learners bringing weapons like knives to school, leading to fights in school and between different schools. There are particular groups of learners in our schools that are responsible for this and our teachers are tasked with putting themselves in danger to stop these fights and violent incidents. It is especially difficult for them as we do not have enough teachers and the ones that we do have are not well trained or do not have the capacity to adequately deal with these incidents. Many of our fellow learners are targeted by these groups, are afraid to come to school and are frequently absent. We also do not have sporting facilities and even when there is a sports ground, we do not even have a single ball to play the sports with. We believe that playing team sports might help our fellow learners to avoid fights and be protected from this form of peer pressure.

We demand that our schools are provided with enough sports facilities and equipment; that you support our schools in forming functional safety committees with well-trained teachers; assist our schools in creating school-based support teams that include teachers who are trained to provide initial psychosocial support, and can help facilitate access to professional psychosocial support services for the learners that are causing these violent incidents and for the members of the school community that are affected by it; and improve the knowledge and internal capacity of schools on national and provincial school safety interventions such as the National School Safety Framework (NSSF).

TEXTBOOK CRISIS

In a country like ours where many learners are unable to read and write, it is very concerning to see there is a textbook crisis that makes this problem worse. We are still forced to share textbooks in secondary schools in Ga-Mashashane such as Botsikana, Mmatshipi, and Seipone because there is a shortage of up-to-date textbooks delivered to the school.

The textbook issue has been going on in the province since 2012. How can our government expect this country to get more learners reading if it is failing to ensure that each learner has the most basic learning material, a textbook? If the LDoE can provide adequate reading and study material in schools there can be an improvement in learning outcomes in the province. We demand that you take into consideration the growing number of learners in the province every year and deliver enough textbooks to our schools.

There is a tendency from the department to not prioritise fixing the school environments of learners in the rural parts of the country. Over the years, we have marched, picketed, shared our demands on social media, and written postcards about the state of our schools, particularly the state of water and sanitation in Limpopo schools. We have also heard many promises being told about our schools being provided with relief. On 10 May, Equalisers from the Western Cape took to the streets to speak about most of the demands that we are writing to you about today, the previous government has still not responded to these demands. On 25 May, we joined other Equalisers across the five provinces that EE organises in to go through political party manifestos and look at some of the promises that had been made about basic education. Some of our demands were mentioned in some manifestos but we know that many times what is promised is not what is actually done.

We, Equalisers from Ga-Mashashane in Limpopo are therefore repeating the call for this new government to be honest, accountable and transparent in meeting our demands. We ask that you, the new government, will at least prioritise the needs of learners from the rural parts of this country, listen to us as we are at the forefront of experiencing these challenges and respond by acting not by talking.





PARLIAMENT'S DUTY TO AMEND OR REVISE THE BUDGET

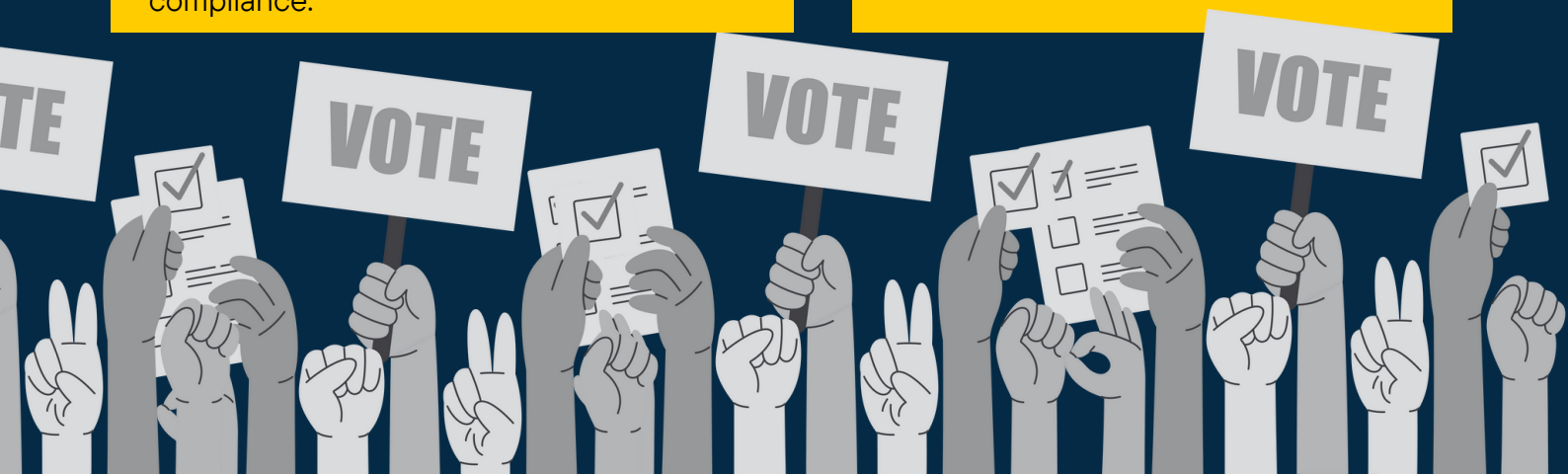
The power to determine public spending rests fundamentally with Parliament, not Treasury - a power that now demands urgent exercise. For the first time since 1994, no party commands a simple majority, reflecting the public's mandate for enhanced oversight.

Parliament's oversight role extends beyond routine scrutiny - it must prevent what amounts to an unlawful deprivation of constitutional rights. To approve this budget in its present form would endorse a framework that fails basic constitutional compliance.



WAY FORWARD?

Parliament must exercise its democratic power to amend this budget, ensuring alignment with constitutional obligations and preventing what could be construed as a dereliction of duty by public officials.



EARLY LEARNING **UNFUNDED** MANDATES



A dangerous misalignment exists between South Africa's fiscal policy and its education commitments. While Parliament passes laws expanding education rights – like mandatory Grade R – Treasury pursues aggressive budget cuts.

This creates an untenable situation where legal obligations remain unfunded and unimplemented, effectively allowing Treasury to override Parliament's legislative authority through fiscal policy.

COMPULSORY GRADE R

The BELA Act makes Grade R compulsory, requiring R5.26 billion for educator costs and R12 billion for infrastructure. Yet Treasury's Medium Term Budget Policy Statement makes no provision for this expansion. The Education Infrastructure Grant - meant to help fund this - will actually decrease by R813 million in real terms. Similarly, the Equitable Share, which provides for the bulk of education funding, shows no growth in real terms over the MTEF, despite a projected 10% growth in the learner population by 2030 – a projection that does not even account for increased enrolments because of compulsory Grade R.

FUNDING REQUIRED PROJECTED IN BELA MEMORANDUM

Infrastructure



R5.26B

Educators & Equalisation of Services

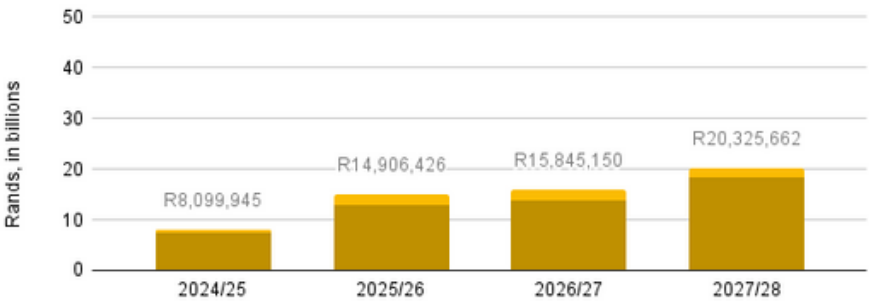


R12B

BUDGETARY PRESSURES FACING EDUCATION DEPARTMENTS

Budget shortfalls estimated by Provincial Education Departments to accommodate Grade

EC PPN - Grade R BELA



Source: DBE Presentation to NCOP, 15 October 2024

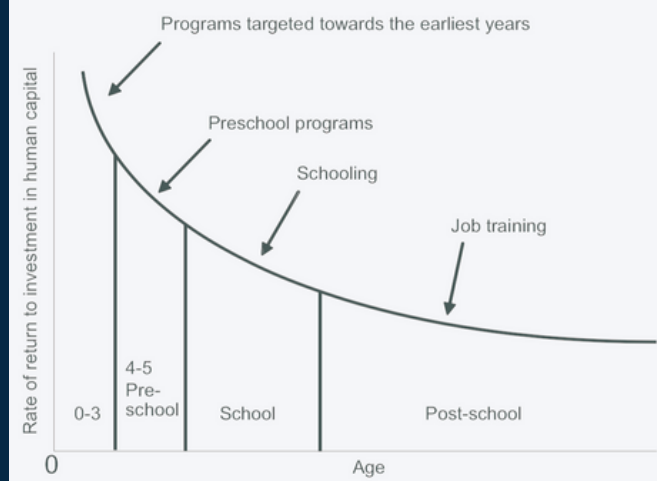
THE PRACTICAL EFFECT WOULD BE TO FORCE CHILDREN OUT OF FUNCTIONING COMMUNITY-BASED GRADE R PROGRAMS AND INTO AN ALREADY OVERBURDENED PUBLIC SCHOOL SYSTEM. PARENTS MAY FACE POTENTIAL CRIMINAL PENALTIES IF THEY FAIL TO COMPLY, EVEN THOUGH THE STATE HAS NOT CREATED THE NECESSARY CAPACITY TO ACCOMMODATE THESE LEARNERS.



EARLY CHILDHOOD DEVELOPMENT

ECD - A MISSED INVESTMENT

Quality early learning yields a 13% return on investment and is crucial for reducing inequality. Yet current ECD funding amounts to only R3.8 billion (0.2% of government spending), while households bear R14 billion in fees. The ECD subsidy remains frozen at R17 per child per day since 2019, losing 25% of its value to inflation. While the MTBPS provides a R352 million increase to the ECD conditional grant for 2025/26, this falls far short of the R1.2 billion needed just to restore the subsidy's 2019 purchasing power. At current investment rates, Ilifa Labatnwana projects that universal access to ECD won't be achieved even by 2050 - 20 years behind government targets.



RETURNS ON INVESTMENT

Good return	5 - 7%
Strong return	10+%
ECD return	13%

THE RIGHT TO ECD

Early childhood development is protected through multiple constitutional rights - including education, equality, dignity, and children's rights. International law, particularly the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, explicitly recognizes children's right to comprehensive development - from physical and mental to emotional and cultural growth. These international obligations must inform how we interpret children's constitutional rights. South Africa has affirmed this through the National Integrated ECD Policy and the 2022 function shift of ECD to Basic Education. The Western Cape High Court has recognized early learning as part of the constitutional right to education, suggesting that where parents cannot afford ECD fees, the state has a direct obligation to ensure access.

GENDER RESPONSIVE BUDGETING

The present funding model reveals a significant gender blindspot, which this year's MTBPS once again failed to address. The sector employs 250,000 women, with 90% earning below minimum wage. These women not only provide crucial early learning services but enable other women's economic participation through childcare. The chronic underfunding of ECD represents a missed opportunity to advance both gender equality and early learning outcomes.



SYSTEMATIC INEQUITIES IN EDUCATION FUNDING

PROVINCIAL EQUITABLE SHARE FORMULA

The Education Component of the PES formula relies on learner population estimates without weighting for poverty levels, rural factors, and other resource backlogs.

The PES also does not account for different resource costs between provinces. Skills, infrastructure, and economic scarcities drive up the costs of service delivery in rural provinces especially.

This results in poorer provinces experiencing worse learning environments.

It is particularly evident in the wage bill. Richer provinces can dedicate a smaller share of their budget to staff, while keeping learner-educator ratios below the national average. Poorer provinces cannot afford to lose more teachers, but have little money left to spend elsewhere.

Limpopo

51%

PES funds to Education:

Western Cape

44%

86%

Wages % PES revenue

81%

32.6

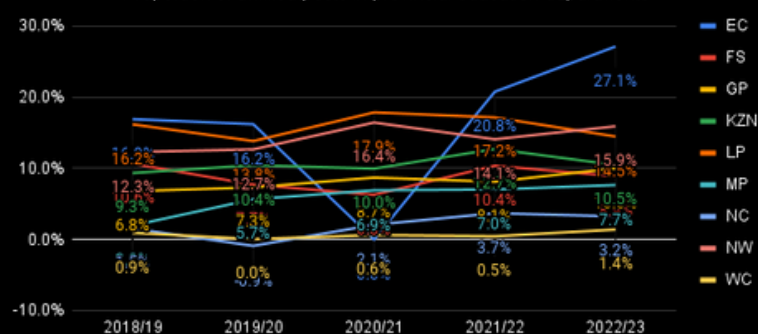
LE Ratio in public schools*

28.8

*includes SGB-funded posts

VACANCY RATE

Proportion of unfilled posts in provincial education departments



Source: Provincial Education Department Annual Reports, 2019-2023

POST-PROVISIONING NORMS

The current post-provisioning system actively channels greater resources toward already privileged schools. A maximum of 5% of posts are reserved for redress purposes.

WESTERN CAPE WAGE SPEND PER HIGH-SCHOOL LEARNER

Quintile 1 to 3

R15,762

Quintile 4 and 5 (no-fee)

R16,074

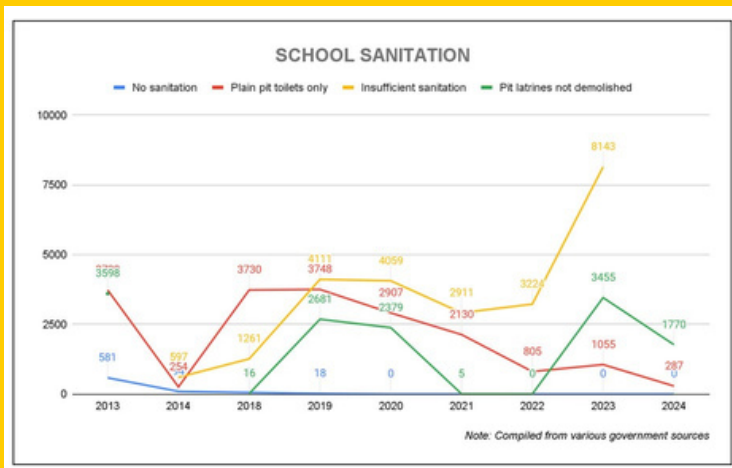
Fee schools

R17,081*

*excludes SGB-funded posts

WATER & SANITATION

Clean water and proper sanitation in schools are not luxuries – they are essential for learning, health, and basic dignity. While progress has been made in reducing pit latrines, the government has repeatedly missed deadlines for their complete eradication. More concerning is that the number of schools reporting inadequate sanitation is increasing dramatically. Even when new facilities are installed, they often break down due to poor maintenance or lack of sustainable water supplies.



DEPARTMENT OF BASIC EDUCATION 2023 INFRASTRUCTURE REPORT TO INTEREST BODIES AND UNIONS

CRITICAL WATER & SANITATION BACKLOGS

Schools that need more toilets



13 655

Additional toilets needed



143 355

Schools without sustainable water



6 319

Schools in need of water storage



16 927

COST ESTIMATES

Schools without sustainable water



R10B

Schools without toilets



R235M

Sanitation upgrades



R18B

Water supply upgrades



R6.7B

COST ESTIMATES
R35B
EXCLUDING
MAINTENANCE

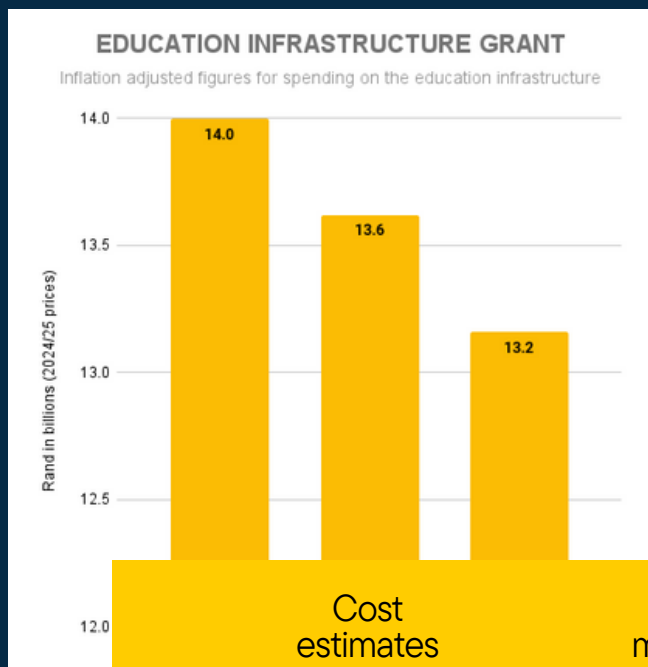
In a context of severe water and sanitation backlogs, where conditions are deteriorating, it is important to clarify Treasury's decision to merge the School Infrastructure Backlogs Grant and the Education Infrastructure Grant.

It is even more important to question whether the level of funding allocated to school infrastructure is sufficient to safeguard critical rights to dignity, safety, and basic education. We contend it does not.



SCHOOL INFRASTRUCTURE

Present spending levels are too low to allow schools to meet the Minimum Uniform Norms and Standards for Public School Infrastructure in the foreseeable future. Because these spending levels do not allow schools to meet maintenance requirements, there will be a significant degree of wastage. This will drive up costs in the future.



Despite extensive infrastructure backlogs and Parliament's directives, the Bill continues to cut real spending allocations to the Education Infrastructure Grant (EIG).

Provinces are thus unable to complete ongoing projects or begin new ones, impeding legal prescripts for safe, functional learning environments for all.

The announcement to end the Community Library Services conditional grant will further jeopardise learners' access to libraries as mandated by the Minimum Uniform Norms and Standards for Public School Infrastructure.

Cost estimates

R129B

excl. maintenance

Reactive maintenance

R98B

for 7 years

Consolidated spending

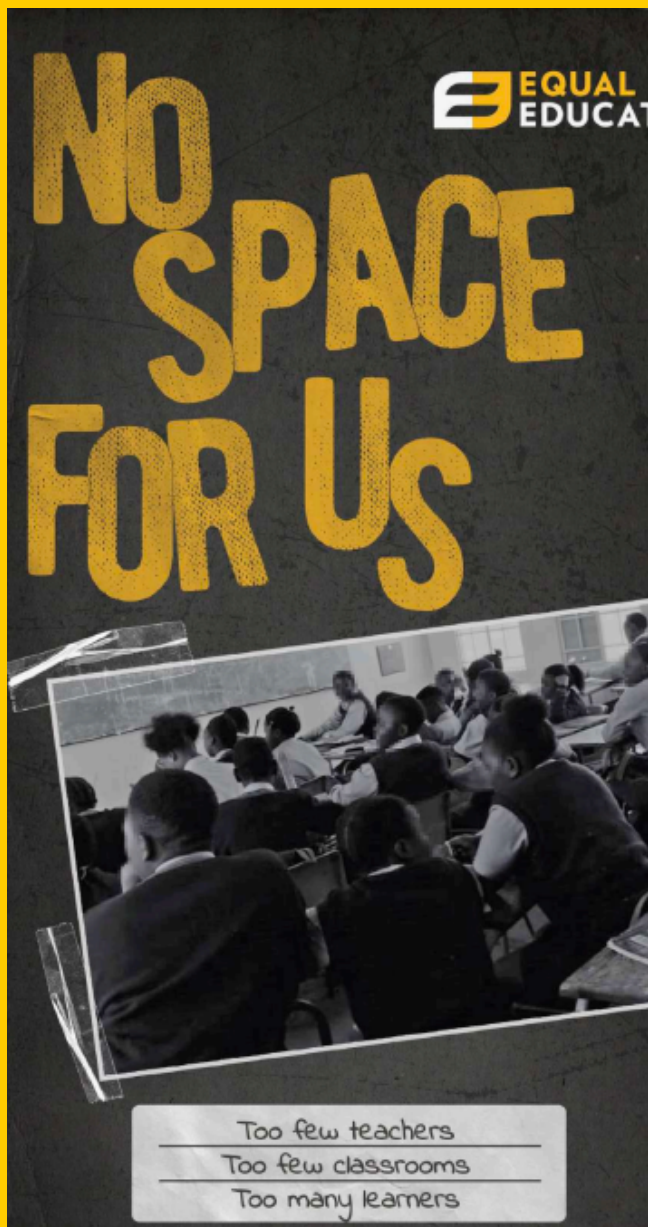
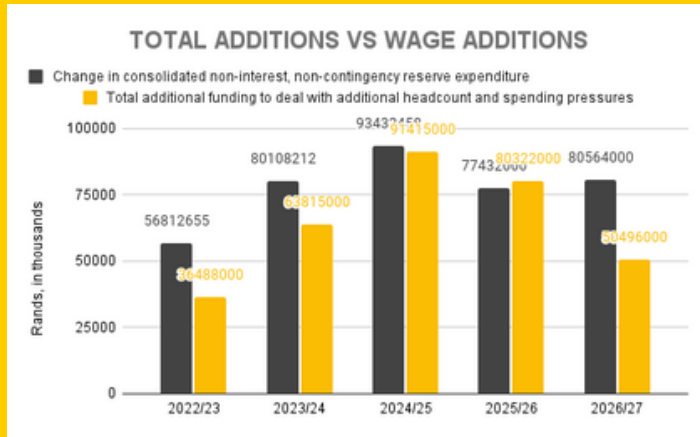
R16.2B

2024/25



OVERCROWDING

UNFUNDED WAGE BILL?



School overcrowding is a multifaceted issue, affected by an array of inputs including school infrastructure, furniture, scholar transport, language and admissions policies, and the training and placement of educators. Austerity-stricken provincial budgets do not offer remedies to this problem.

SPECIAL INTERVENTION ON OVERCROWDING IN SCHOOLS

70 043

additional classrooms required

R44.5B

estimated cost

FUNZA LUSHAKA

Allocations to the bursary scheme were reduced by **R397.9 million** over the MTEF in the 2024 budget. With many teachers nearing retirement age, more money needs to be invested in training.

PYEI - EDUCATION

MTBPS provided no clarity about the status of this programme, which supports education services in a time of crisis, provides direct employment, and stimulates economic activity..

POST-PROVISIONING BUDGET PRESSURES

R16.2B

for 2024/25

R76.7B

consolidated, up to 2027/28

NSNP, LTSM, NNSSF, SCHOLAR TRANSPORT

LEARNER-TEACHER SUPPORT MATERIAL

The Courts confirmed in *Basic Education for All and Others vs Minister of Basic Education and others* that every learner is entitled to a textbook for every learning area. To the extent that the state does not meet this obligation, it is in breach of the right to basic education, as well as the right against unfair discrimination. Despite this, many learners still have to share textbooks or go without them. To the extent that this right is being undermined by insufficient funding to provinces, this should be corrected.

NATIONAL SCHOOL NUTRITION PROGRAMME

Many learners depend on the NSNP to realise their right to food. This right risks being compromised by a low baseline value, coupled with inadequate inflation adjustments. The NSNP currently provides less than R5 per meal, which is supposed to include a starch, protein, and a fresh vegetable/fruit.



SCHOLAR TRANSPORT

Budget cuts have forced provinces to reduce scholar transport expenditure by R483 million in 2024/25. Poor regulation and oversight of South Africa's scholar transport system demands urgent reform of the National Scholar Transport Policy. Current challenges include irregular procurement practices revealed in audits, significant disparities between actual transport needs and departmental estimates, and serious safety concerns for learners using these services. To address these issues, Parliament should collaborate with relevant departments to develop a comprehensive framework that streamlines funding mechanisms, strengthens accountability, and introduces a conditional grant specifically for scholar transport services.

NATIONAL NORMS AND STANDARDS FOR SCHOOL FUNDING

At least two provinces, Mpumalanga and KwaZulu Natal, do not currently fund no-fee schools' non-personnel non-capital budgets at the level prescribed by the National Norms and Standards for School Funding. This leads to severe shortfalls in schools' ability to provide learners with necessary LTSM, and to keep up with municipal payments – potentially leaving learners without important public utilities like water and electricity that are necessary for them to realise the right to education. By amending the Bill and increasing equitable share allocations, Parliament can thereby ensure that schools receive the necessary funding to protect the right to education.

CONCLUSION & RECOMMENDATIONS

Treasury's tabled adjustments not only fall short of funding legally mandated educational services but also overstep by effectively nullifying Parliament's legislative intent. This disregard for legislative authority and the accompanying underfunding undermine the constitutional rights to basic education. Parliament must exercise its power to amend the budget to align the Division of Revenue Amendments with legislative and constitutional mandates.

WE RECOMMEND:

- Fully fund Grade R to build state capacity to ensure universal attendance.
- Increase equitable share allocations to appropriately invest in ECD.
- Revise provincial equitable share formula to include a rurality component, and adjust education component to promote equity.
- Exercise stringent oversight to ensure that provinces allocate funds responsibly, to meet rights obligations.
- Recommend revisions to DBE post-provisioning policies to promote progressive spending.
- Increase equitable share allocations to meet education spending pressures around Post-provisioning norms and historical backlogs.
- Increase the value of the Education Infrastructure Grant to meet costs associated with critical school infrastructure backlogs.
- Demand further clarity and transparency around the merger of the Education Infrastructure Grant and the School Infrastructure Backlogs Grant.
- Maintain the conditionality of the Community Library Services Grant.
- Reinstitute and fund the Special Intervention on Overcrowding in Schools.
- Reverse the 2024 budget's cuts to Funza Lushaka bursary scheme.
- Ringfence funding for textbooks to meet constitutional obligations.
- Recommend continuation and improvements of the education sector presidential youth employment initiative.
- Ringfence funding for National Norms and Standards for School Funding.
- Introduce a conditional grant for scholar transport.
- Increase the value of the National School Nutrition Programme grant. Peg the value of the grant to accurate food-inflation estimates.
- Institute reforms to ensure greater oversight and accountability over provincial spending, by promoting transparency, gender-responsive budgeting, consequence management, whistleblower protections, and anti-corruption efforts.

THANK YOU

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