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DEPARTMENT OF EDUCATION

DRAFT WHITE PAPER ON EDUCATION AND TRAINING

The Draft White Paper on Education and Training hereunder is hereby published by the Department of Education for general information and comment from interested parties. Comment must reach the Department by 31 October 1994 at the following address:

The Secretariat
White Paper Committee
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Private Bag X895
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REPUBLIC OF SOUTH AFRICA

Ministry of Education

**EDUCATION AND TRAINING IN A
DEMOCRATIC SOUTH AFRICA**

First Steps to Develop a New System

Draft Policy Document for Consultation

[This document will be available in Afrikaans, English, isiNdebele, Sesotho sa Leboa, Sesotho, siSwati, Xitsonga, Setswana, Tshivenda, isiXhosa and isiZulu.]

Pretoria and Cape Town
September 1994

THIS IS A DRAFT DOCUMENT FOR COMMENT

Written comments on this document will be welcome.

Please send them to:

**Secretariat
Education and Training White Paper Committee
Private Bag X895
Pretoria
0001**

Written comments should reach the Secretariat by 31 October 1994. Comments received after 31 October will be welcome but may not be taken into account when the draft is revised for submission to Cabinet.

MESSAGE FROM THE MINISTER OF EDUCATION, PROFESSOR S M E BENGU

Education and training is one of the central activities of our society. It is of vital interest to every family and to the health of our national economy. The government's policy for education and training is therefore a matter of national importance second to none.

South Africa has never had a truly national system of education and training, and it does not have one yet. This draft document describes the process of transformation in education and training which will bring into being a system serving all our people, our new democracy, and our Reconstruction and Development Programme.

Our message is that education and training must change. It cannot be business as usual in our schools, colleges, technikons and universities. The national project of reconstruction and development compels everyone in education and training to face up to the challenge of creating a system which cultivates and liberates the talents of all our people without exception.

My Ministry is acutely aware of the heavy responsibility it bears for managing the transformation and redirection of the system of education and training within the terms of the Constitution and under severe budgetary pressure. But we are also aware that we can call on the commitment and wisdom of all roleplayers and stakeholders in the system.

The contributions of teachers and other educators, and of the officials in the new education departments who will be charged with spearheading change, are particularly vital, and will amount to a formidable resource provided we are all pulling together and in the right direction.

I trust that the discussion of this draft document, within the education and training system, among the interested public, and in the public hearings of the Joint Senate and National Assembly Select Committee on Education, will mark the beginning of a national consensus on the way forward. It is essential for us to build a system of education and training with which all our people can identify because it serves their needs and interests, which is owned and cared for by the communities and stakeholders it serves, and which uses all available resources in the most effective manner possible.

Professor S M E Bengu

MINISTER OF EDUCATION

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PART 1

INTRODUCTION

I THE NATURE OF THIS DOCUMENT

- 1 The people of this country are entitled to know the Ministry of Education intends to spearhead the provision of education and training services for a democratic South Africa.
- 2 **This is the draft of the government's first policy document on education and training. It is published by the Ministry of Education for comment by the public. When the consultation period has closed, the document will be revised and the Minister of Education will submit it to Cabinet. When the Cabinet has approved the document, it will be published by the Minister of Education as a statement of government policy, the first policy document on education and training by South Africa's first democratically elected government.**
- 3 This document outlines a new vision for education and training in the reconstruction and development of South African society, sketches the lines of development the government proposes to pursue in selected important sectors of education and training, discusses the implications of the new Constitution for educational provision, provides information about how the education and training system will be organised, analyses the issue of funding for education, and indicates significant new policy directions for the school system.
- 4 Because the new national and provincial education departments and consultative bodies are still in process of formation, this document does not cover all aspects of education and training policy. Other policy documents will be published by the Ministry of Education from time to time.
- 5 This draft document is issued by the national Ministry of Education alone. It is not a joint document of the national and provincial Ministries. Nevertheless, in preparing the document, the national Ministry has enjoyed substantial cooperation from the provincial Ministries and appreciates their comments and suggestions.
- 6 Provincial Ministers of Education have indicated that they intend to issue documents in due course which set out the policies of their governments on matters for which they have constitutional and executive authority. The national Minister of Education would welcome such provincial contributions to the development of education policy in the country.
- 7 The development of policy is a learning process. Government policies should therefore always be open to correction and evolution. The Ministry of Education is committed to seeking advice through new and representative consultative bodies, which will be established as soon as possible after the new departmental structure has come into effect. The Ministry will also commission investigations of policy options in areas where radical new thinking needs to be done, and publish the results for information and comment.

PART 2

THE RECONSTRUCTION AND DEVELOPMENT OF THE EDUCATION AND TRAINING PROGRAMME

I THE NEED FOR RECONSTRUCTION AND DEVELOPMENT IN EDUCATION AND TRAINING

Introduction

1 For the first time in South Africa's history, a government has the mandate to plan the development of the education and training system for the benefit of the country as a whole and all its people. The challenge the government faces is to create an education and training system that will fulfil the vision to 'open the doors of learning and culture to all'.

Historical trends and their aftermath

2 New policies are needed to reverse the trends which dominated the troubled history of South African education and training under White minority rule governments, especially in the apartheid era. The denial of equal citizenship and equal rights to all South Africans necessarily involved the denial of equal educational rights, with the following consequences:

- First, the system which is now being replaced was organised in a complex hierarchy of separate racial and ethnic departments and services, with financial and policy control in White hands throughout. The education system for Whites has always been highly privileged and self-contained.
- Second, the funding of education and training has been grossly unequal across the racial and ethnic sub-systems. A century and more of discriminatory provision entrenched huge disparities in physical facilities, professional services, and teaching quality.
- Third, access to education and training was severely rationed on a racial and ethnic basis. Compulsory education for White children has been enforced for decades, with the result that the White adult population has been completely literate for generations. By contrast, millions of Black adults and out-of-school youth still have little or no access to education and training. Most Black adults, especially rural women, are illiterate.

State provision for early childhood development, and the education and training of children and adults with special needs, has generally been inadequate and racially determined.

- Fourth, the historic pattern of governance has been top-down, authoritarian or bureaucratic in all departments, but especially in the systems of the majority of the people. Until very recently, representative student organisation was actively discouraged or suppressed in large parts of the system, and teachers' organisations representing predominantly Black teachers have operated under severe constraints. Parents and community representatives have at best participated in official advisory and executive structures under paternalistic departmental control.

By contrast, in recent years the trend of policy in the self-contained White system has favoured a high degree of administrative decentralisation, professional autonomy for educators, and parental ownership and control of schools through governing bodies.

- Fifth, the curriculum, textbooks and teacher education were manipulated for ideological purposes and used as instruments of propaganda and indoctrination. State-determined history, religion, value systems, culture and gender roles have been imposed. Official policies on examinations and teaching methods have encouraged the memorisation of large amounts of information, and discouraged both teachers and students from developing their initiative or critical thinking.
- Sixth, the management and control of the education and training system has always been kept in male hands, across all the racial and ethnic sub-systems. Women have suffered discriminatory treatment in service conditions and promotion practices.
- Seventh, academic learning has been given a higher status than vocational learning. The two have been strictly separated in education and training systems with different structures of curriculum, teacher preparation, and qualification, and virtually no articulation between them.
- Eighth, all of the above trends have resulted in huge inequalities in skills and competences in the nation's labour force, with the same racial, ethnic and gender hierarchies reproducing themselves in private and parastatal employment, and in the public service.

Neither public nor private employers have invested in training at anything like an acceptable level by international standards. Affirmative action to overcome the effects of discrimination has been largely resisted or denied.

3 The dominant historical trends in education and training have distorted the patterns of access to learning, cultural production and participation, employment, and wealth in our society. The consequences have been devastating for social and economic development, because the human capacity of the majority of the South African population has for generations been neglected, wasted or stunted.

4 Because the denial of equal educational rights was an intrinsic part of minority rule, and constituted a frontal attack on the human dignity and life chances of the majority of the people, the struggle for equal citizenship and the struggle for equal education became completely identified.

5 As a result, schools, colleges and universities became an arena of political education and action, and the target of infiltration and repression by the security forces of the apartheid regime. Thousands of students and teachers became victims of police or military action, and thousands were detained or fled into exile. Many were killed.

6 In publishing this document, the Ministry of Education pays tribute to the generations of parents, students and teachers who were willing to risk their lives, personal liberty, education, family life, and careers in the cause of democracy, equal rights, non-racialism, and equal education.

Joining hands to build the new education and training system

7 South Africa now has a democratic government, elected by all the people under a Constitution which guarantees equality and non-discrimination, cultural freedom and diversity, the right to basic education for all, and equal access to educational institutions. This means that the legacy of the struggle is the common legacy of all South Africans.

8 The efforts of all South Africans will be needed to undo the damage inflicted by South Africa's past on its education and training system.

9 The Ministry of Education recognises that the task of reconstruction and development in the education and training system involves dismantling the apartheid juggernaut, developing a completely new and democratic culture of rights and responsibilities, rebuilding the system from the ground up, and expanding learning opportunities for all. This will take intense effort over many years.

10 The Ministry invites the goodwill and active participation of parents, students, community leaders, religious bodies, NGOs, academic institutions, workers, business, the media, and development agencies, in designing a new education and training system to meet the personal and social needs, and economic challenges, that confront us as we build our democratic nation.

II CENTRAL GOALS AND PRINCIPLES OF EDUCATION AND TRAINING POLICY

Education and training in the RDP

1 The government's Reconstruction and Development Programme is designed as an integrated, coherent socio-economic policy framework. It aims at the mobilisation of the people and the resources of South Africa toward two goals: eradicating the legacy of apartheid, and building a democratic future from which race and gender discrimination have been eliminated.

2 The development of human resources is one of the five key programmes of the RDP. The main theme of the RDP's human resource development (HRD) programme is the empowerment of the people, through appropriate education and training, to participate effectively in all the processes of democratic society, economic activity, cultural expression, and community life.

3 Education and training is the major vehicle for human resource development. In the Reconstruction and Development Programme it is seen as a broad-based set of activities, without boundaries in time and place. The underlying goal is that all South Africans should have access to lifelong learning. It should be available not just in schools and other educational institutions, but in homes and workplaces. General education and training components are to be built in to specific projects of the RDP, such as public works

programmes and youth programmes, so that participants can achieve a permanent learning dividend from their experience.

4 The Ministry of Education and Training has participated in the formulation of the RDP's human resource development programme, and agrees that the provision of education and training must be planned as part of the national strategy for human resource development, within a coherent, integrated programme of reconstruction and development, including the strengthening of the democratic process in all institutions of society.

5 The state has the central responsibility in the provision of education and training, but the state should also provide a facilitative framework in which learning opportunities may be provided on as wide a scale as possible by many other agencies in civil society. In particular, a national framework of policy and incentives should ensure that employers observe their fundamental obligation to invest in the education and training of their workers. This is a matter for inter-ministerial consideration, including the RDP Office, Ministry of Finance, the Ministry of Education and the Ministry of Labour Affairs, in consultation with organised business and organised labour.

6 It is widely recognised that education and training must become a vital element in national economic reconstruction and development. The RDP calls for human resource development on a massive scale, in order to provide the basis for employment growth, to raise workers' level of general education and skill, to support the introduction of more advanced technologies, to overcome the inheritance of racial and gender stratification in the workforce, and to achieve effective worker participation in decision-making and quality improvement.

7 Unless the types and levels of knowledge and skills available in our society are vastly extended and redirected, the low-skill, low-wage, racially stratified labour market will persist. An integrated approach to education and training is essential to enable South Africans to broaden their range of knowledge, skills and competences, and achieve greater mobility in the education and training system.

8 The Reconstruction and Development Programme therefore supports the establishment of a National Qualification Framework. The NQF is intended to be a mechanism for achieving a fundamental restructuring of the education and training system. It will encourage new and flexible curricula, the upgrading of learning standards, monitor and regulate the quality of qualifications, and permit a high level of articulation between qualifications based on the recognition and accumulation of credits.

9 The NQF will therefore facilitate the movement of learners from one qualification level to another, and encourage flexible access by learners to different modes of learning, whether based in learning institutions, the work place, community learning centres, or through self-study. The NQF will enable learning to be assessed and certified, whether achieved in formal programmes, by personal study, or by experience in the work place.

10 Having confirmed the centrality of education and training to the RDP, it is necessary to identify the values and principles which, in the view of the Ministry of Education, should drive the reconstruction and development of education and training.

Values and principles of national education and training policy

11 The Ministry of Education recognises that education and training are basic human rights. The state has an obligation to protect and advance these rights, so that all citizens have the opportunity to develop their capacities and potential, and make their full contribution to the society.

12 The over-arching goal of policy must therefore be to enable all individuals to have access to lifelong education and training, irrespective of race, class, gender, creed or age.

13 The system must increasingly open access to education and training opportunity to all children, youth and adults, and provide the means for learners to move easily from one learning context to another, so that the possibilities for lifelong learning are enhanced. The Constitution guarantees equal access to basic education for all. The satisfaction of this guarantee must be the basis of policy. It goes well beyond the provision of schooling, to include learning programmes in the community, on the air, in the workplace, or at home.

14 In achieving this goal, there must be special emphasis on the redress of educational inequalities among those sections of our people who have suffered particular disadvantages, or who are especially vulnerable: street children, out-of-school youth, the disabled, women, rural communities, squatter settlements, communities damaged by violence.

15 The realisation of democracy, liberty, equality and justice are necessary conditions for the full pursuit and enjoyment of lifelong learning, and it should be a goal of education and training policy to enable a democratic, free, equal and just society to take root and prosper in our land. The education process should help develop respect for the value of our people's diverse religious, cultural and language traditions, and encourage peace, tolerance and stability in our communities and nation.

16 The curriculum should promote the values underlying the democratic process and the declaration of fundamental rights in the Constitution, the unity of the nation, the common citizenship and common destiny of all South Africans irrespective of race, ethnicity, culture, class or gender, encourage the principles of sustainable development and care for our common environment, mutual co-operation and civic responsibility, and equip citizens to participate confidently in social and civic life.

17 The curriculum and teaching methods should encourage independent and critical thought, the capacity to question, enquire and reason, to weigh evidence and form judgments, to achieve understanding, and to recognise the provisional and incomplete nature of most human knowledge.

18 The principle of democratic governance should increasingly be reflected in every level of the system, by the involvement in consultation and appropriate forms of decision-making of elected representatives of the main stakeholders, interest groups and roleplayers. This is the only guaranteed way to infuse new social energy into the institutions and structures of the education and training system, dispel the chronic alienation of large sectors of society from the educational process, and reduce the power of government administration to intervene where it should not.

19 The state's resources must be deployed according to the principle of equity, so that they are used to provide essentially the same quality of learning opportunities for all citizens. This is an inescapable duty upon government, in the light of this country's history and its legacy of inequality. There must be purposeful strategies for ensuring that the system protects the rights of teachers and students to equitable treatment. Fair opportunities for advancement in the education service, including an affirmative action policy, are essential to reverse generations of privileged treatment on grounds of race, gender and language.

20 Access and equity must be coupled with the improvement of the quality of education and training services, otherwise they will lose their meaning. In the schools and colleges serving the majority of the population there has been a precipitous decline in the quality of educational performance, which must be reversed. But quality is required across the board. It is linked to the capacity and commitment of the teacher, the appropriateness of the curriculum, and the way standards are set and assessed. A national qualifications framework will be the scaffolding on which new levels of quality will be built.

21 The years of turmoil have taken a heavy toll on the infrastructure of our education and training system. The relationship between schools and the communities they are supposed to serve has been disrupted and distorted by the crisis of legitimacy. The rehabilitation of the schools and colleges must go hand in hand with the restoration of the ownership of these institutions to their communities through the establishment and empowerment of legitimate, representative governance bodies.

22 The restoration of the culture of teaching and learning involves the creation of a culture of accountability, of knowing, accepting and acting on one's responsibilities. This applies to all who work, teach and learn in the education and training system. It involves the clarification of roles which have become blurred, but not the mere reinstatement of an inappropriate structure of accountability and discipline which is best buried. The culture of management, the culture of teaching, and the culture of learning, all need redefinition in the era of democracy and human rights.

23 Two operational principles are given strong emphasis in the Reconstruction and Development Programme. They need to be upheld in the development of plans and programmes for the reconstruction and development of the education and training system.

24 The expansion of the education and training system must meet the test of sustainability. The

education and training system has not been given an open cheque book by the government. Development needs to be planned for. Unsustainable development is not development at all, but a kind of fraud practised on the people. This country has seen enough of that.

25 The system of education and training, taken overall, has developed many areas of inefficiency, where funds are wasted and staff are not well employed. The productivity of the system—what it produces in terms of personal learning, marketable skills, and examination results, in relation to what it has cost—is very low in much of the system. Improving efficiency and productivity are essential in order to justify the cost of the system to the public, and secure more funds for development when they are needed, but also to equalise the quality of performance across the system, and improve the life chances of the learners, many of whom now harvest only disappointment.

An Education and Training Charter

26 Education has been a deeply contested terrain throughout the long history of minority rule, and especially during the apartheid era. The Ministry of Education, pledged to reconciliation and reconstruction, has a profound duty to ensure that the vast education and training system, numbering more than 11 million school students alone, becomes a place of true learning for all instead of a battle-ground.

27 This will become possible if there is a commitment by all parties in the government, and key stakeholders and roleplayers in the system, to an agreed set of goals and principles which can unite the nation in a common mission to reconstruct, develop and protect the education and training system.

28 The Ministry of Education will shortly invite a representative group of South Africans to prepare a draft Education and Training Charter. This draft will form the basis for a country-wide consultation, out of which a revised text should be developed and agreement negotiated. The Education and Training Charter is envisaged as a solemn pact, in its own way as significant for peace and progress in our country as the Constitutional Principles on which the new Constitution will be based.

III DEVELOPMENTAL INITIATIVES

Introduction

1 The government is committed to the reconstruction and development of the education and training system as a whole. However, this document does not cover all aspects of the system in detail. Its focus is primarily on the Ministry's broad vision for education and training, its policy on the transition to the new national and provincial systems, and policy directions for the school system in 1995. These are matters on which information should be conveyed urgently to the public, and on which the government's views need to be known without delay.

2 This chapter gives a broad indication of the integrated approach which the Ministry of Education will adopt in other sub-sectors of education and training. A selection of developmental initiatives will be discussed. Many are inter-related. They are not presented in rank order of importance: all are considered by the Ministry to be important. Detailed policy proposals on these and other aspects of education and training will be developed through investigations or consultations to which all interested parties will be urged to contribute.

3 The omission of several sub-sectors from the list below is very much regretted. It has been done to prevent an already long document from becoming longer. The Ministry will present policy proposals on all aspects of education and training provision as soon as possible.

National Qualification Framework

4 National reconstruction and development demands that the knowledge and skills base of the working and unemployed population are massively upgraded, and that young people still at school have better opportunities to continue their education and training.

5 Our human resource development programme must therefore expand the ways in which people are able to acquire learning and qualifications of high quality. New curricula are needed that cut across traditional divisions of skills and knowledge in order to prepare people more effectively for life in a modern economy and democratic environment.

6 An integrated approach to education and training will link one level of learning to another and enable learners to progress to higher levels from any starting point in the education and training system. Learning and skills which people have acquired through experience and informal training will be formally assessed and credited towards certificates.

7 The Ministries of Education and of Labour Affairs expect to announce before long the mechanism which will be established to draft the government's formal proposal on the creation of a National Qualification Framework (NQF). The Ministries are satisfied that a very broad consensus has developed on the need for the NQF and its main principles of operation. The Reconstruction and Development Programme specifically endorses the NQF as a key element of human resource development strategy. Organised business and organised labour have thrown their weight behind the proposal.

8 The NQF is a priority programme of the Ministry of Education, and the South African Qualifications Authority, which will have responsibility for developing the NQF, will be brought into existence through legislation in the shortest possible time consistent with thorough preparation.

9 The Ministry of Education is aware that many interests need to be taken into account in the further development of this initiative. Through the National Training Board's National Training Strategy Initiative, a large number of organised constituencies have already participated in the development of the NQF concept. Special consideration will be given to the need for comprehensive consultations with the university, technikon and college sectors, representative organisations, specialist institutions and professional opinion within the formal education constituency, so that the development of the NQF incorporates their advice and enjoys their confidence.

10 Meanwhile, the Ministry of Education is basing its forward thinking on the proposed structure of the NQF, comprising eight qualification levels, listed schematically as follows:

- (1) Level 1: General Certificate of Education (GCE), to be achieved
 - at the end of the compulsory schooling phase: one year reception class (pre-school) plus nine years to Grade 9 (present Standard 7)
 - at the end of the Adult Basic Education and Training phase, comprising three sub-levels
- (2) Levels 2-4: Further Education Certificate(s) (FEC), to be achieved through a variety of modes, comprising core units and optional units in different combinations
 - at the end of senior secondary school, Grade 12 (Std 10)
 - on completion of Technical College and Community College programmes
 - on completion of programmes offered by accredited private providers or NGOs
 - through industry training, Regional Training Centres, etc
- (3) Levels 5-8: Higher Education and Research, comprising:
 - professional institute programmes
 - National and Higher National Diplomas
 - initial degrees
 - higher degrees
 - research

Curriculum development

11 The advent of democracy in South Africa has made it both possible and imperative to undertake an overhaul of the learning programmes in the nation's schools and colleges. The national Ministry of Education has the responsibility for setting norms and standards for the education system, which involves the development of curriculum frameworks and core curricula. Within these national parameters, provincial Departments of Education have significant scope for defining learning programmes which express distinct provincial interests and priorities, should they wish to do so.

- 12 The Ministry of Education is committed to a fully participatory process of curriculum development and trialling, in which the teaching profession, teacher educators, subject advisors and other learning practitioners play a leading role, along with academic subject specialists and researchers.
- 13 The Department of Education will continue for the time being, in terms of its new structure, to manage the curriculum development process. However, it will be reorganised to reflect some of the new priorities described in this document. An affirmative action programme is essential in this branch, as it is throughout the department.
- 14 The Ministry of Education will undertake a feasibility study of the concept of a National Institute of Curriculum Development, that is a professional institute outside of the departmental structure but advisory to the Minister of Education and operating through a devolved structure of subject panels including teachers and educators. If Provincial Departments of Education agree, the study will be broadened to include the concept of Provincial Institutes of Curriculum Development as well.
- 15 The study will consider the relationship of curriculum and assessment processes to the South African Qualifications Authority, the nature of the alterations that are required in curriculum work in the light of the NQF, the re-structuring of the qualifications system, and the integrated approach to education and training. The need for appropriate learning programmes for early learning, for youth, adults, workers, teacher educators, trainers and a variety of learning facilitators should be investigated. The study should clarify the link between teacher education, especially INSET, and curriculum development, and the future role of NGOs. It should consider the new demands for self-instructional learning materials arising from a variety of sources, in particular open learning processes and distance education technology. The relationship between national and provincial curriculum processes should also be considered.
- 16 While the study will be important in setting new directions for the curriculum, the Ministry recognises that it is also important to set up rapid processes for the production of new frameworks and core curricula. Much work has been done already, within the department, in university curriculum projects, and by NGOs. All curriculum change is a lengthy process, but strategic points of entry will be found so that a progressive transformation will take place on a phased basis.
- 17 Important planning has been done under the aegis of the National Education and Training Forum Curriculum Specialist Technical Committee. Until the feasibility study on a National Institute of Curriculum Development has been considered, the Ministry proposes to continue to support the process of curriculum change which has been developed, with the cooperation of the Department of Education, by the NETF Committee. The close involvement of all major bodies of the organised teaching profession is a major benefit of this process. The Minister will continue to exercise responsibility for approving norms and standards for educational programmes.
- 18 The Department of Education has an obligation in the interim to make a clear declaration of the basis of its work on curriculum and standards in the new South African era, so that clients and stakeholders will have confidence in the integrity and impartiality of the process, as well as its transparency. While the feasibility study is proceeding the Ministry of Education will give urgent consideration to this matter.

Education Support Services

- 19 Education Support Services (ESS) encompass all education-related health, social work, specialised educational, vocational and general guidance and counselling, and psychological services. Parents, teachers and students in both formal and non-formal sectors of the education and training system are clients of these services, which until now have tended to function separately, and to be administered separately with poor co-ordination.
- 20 The more privileged the department has been in the past, the more support learners have had, and the greater the ease of access to that support. The cruelty of past race-based policy is demonstrated by the fact that where the need has been greatest the service has been poorest. Low levels of funding for Black education have relegated ESS to the periphery, with the result that ESS provision for African learners is meagre in the extreme, whether through mainstream or specialised facilities.
- 21 The Ministry of Education intends to explore a holistic and integrated approach to Education

Support Services, in collaboration with the provincial Ministries of Education and in consultation with the Ministries of National Health, Welfare, and Labour Affairs. The inclusive, integrated approach recognises that issues of health, social, psychological, academic and vocational development are inter-related.

22 It is essential to increase awareness of the importance of ESS in an education and training system which is committed to equal access, non-discrimination, and redress, and which needs to target those sections of the learning population which have been most neglected or are most vulnerable.

23 One way to ensure visibility is to require the representation of ESS personnel, learners with special educational needs, and their legitimate representatives, on all statutory or consultative bodies which deal with ESS matters.

24 In the new structure of the national Department of Education, responsibility for education and training policy for learners with special educational needs has been assigned to the Directorate which will be responsible for the development of education and training systems. This provision is unlikely to be adequate. However, the Ministry needs to be advised on policy before changes are made.

25 The vast need for ESS, coupled with the extreme impoverishment and inequality in provision for ESS, the complexity of the professional fields involved, and the necessity for co-ordination across levels of government and different departments (as well as with NGOs), indicate that a special study is required. The Ministry of Education therefore intends to develop a proposal and seek Cabinet approval for a National Commission on Special Needs in Education and Training, to undertake a thorough needs analysis and make its recommendations to the Minister.

Teachers, Trainers and Educators

26 The teacher education sector is a joint responsibility of the national and provincial governments, since the 90 2D teachers colleges will fall under the provincial Departments of Education, and teacher education conducted in universities and technikons falls under the national Department, whereas the many NGOs involved in teacher education may belong in either category. Teacher education belongs at present both within higher education and within the 'college/school' (CS) sector.

27 The Ministry of Education is strongly of the view that teacher education is a unified field and belongs in higher education. The Ministry will be expecting advice on this point from the commission to investigate higher education which will shortly be appointed.

28 This is not to say that the teachers colleges will or can cease to fall under the respective provincial departments, since the Constitution is clear on this matter. What is required is imaginative bridge building between the national and provincial levels, so that the planning and development of the sector can proceed in a purposeful, coherent and cost-effective way.

29 The Ministry regards teacher education (including the professional education of trainers and educators) as one of the central pillars of national human resource development strategy, and the growth of professional expertise and self-confidence is the key to teacher development. The responsibility of the national level of government is to provide regulatory mechanisms under which the institutions and bodies responsible for programmes will have wide latitude to design and deliver them.

30 The Ministry of Education agrees to the establishment of a National Council for Teacher Education (NCTE) as a statutory body representing all higher education institutions and other stakeholders in this field, whose role will be to advise the Minister on all aspects of teacher education policy. This encompasses initial teacher education, induction, in-service education, and further education, whether based institutionally or provided by distance education methods. It is expected that provincial Departments of Education will seriously consider the establishment of Provincial Councils for Teacher Education (PCTEs), and that the ten councils would create an effective collaboration.

31 The national and provincial councils will be responsible for the redesign of teacher education programmes. Given the magnitude of the task, and the cost factors, it is essential to base as much teacher education work as possible on distance education lines, with strong professional support. The formulation of a qualification structure expressed in terms of minimum criteria and competences must be developed. This is an essential step in the upgrading of teacher education programmes. A new system of accreditation of teacher education and training institutions which accords with SAQA, and

provides for quality assurance and the portability of credits, is another important task of the NCTE.

32 Special criteria will be needed to prepare students for subjects in short supply, particularly science, mathematics and technology. 'Second chance' opportunities should be extended to students who would not otherwise fulfil the admission criteria, and special support should be extended to them, for as long as the need persists. This would be part of a comprehensive programme of special measures which are needed to enable many more students to follow science-based careers. Coordinated and certificated 'second chance to learn' and recovery programmes for students in science and mathematics would offer alternative entry to higher education and employment, but should be part of a comprehensive package of measures, including new science and mathematics curricula linked to accredited in-service programmes at all levels of schooling.

National Open Learning Agency (NOLA)

33 The dimensions of South Africa's learning deficit are so vast in relation to the needs of the people, the constitutional guarantee of the right to basic education, and the severe financial constraints on infrastructural development on a large scale, that a completely fresh approach is required to the provision of learning opportunities.

34 South Africa is able to gain from world-wide experience over several decades in the development of new approaches to guided self-study, including the use of a variety of media. The concept of open learning combines the principles of lifelong learning, flexibility of learning provision, the removal of barriers to access learning, the recognition for credit of prior learning experience, the provision of learner support, the construction of learning programmes in the expectation that learners can succeed, and the maintenance of rigorous quality control over the design of learning materials and support systems.

35 The Ministry of Education is anxious to encourage the development of this learning approach, since it has applicability in virtually all learning contexts. For this reason, the Ministry intends to investigate the feasibility of establishing a National Open Learning Agency (NOLA) as a small, flexible and responsive professional agency, with the mission of promoting the open learning principles wherever they be most influential, and undertaking research and development as well as a facilitative role with practitioners and institutions.

Adult Basic Education and Training

36 The historic inadequacy of school education, especially for Black communities, has ensured that a majority of the adult population, both in and out of formal employment, has had no schooling or inadequate schooling. This situation will be redressed, because basic education is a right guaranteed to all persons by the Constitution, and because our national development requires an ever-increasing level of education and skill throughout society.

37 The Ministry of Education views Adult Basic Education and Training (ABET) as a force for social participation and economic development, providing an essential component of all RDP programmes. The objective of policy is a national ABET programme, focused on particular target groups which have historically missed out on education and training, and providing an appropriate ABET curriculum whose standards will be fully incorporated in the National Qualification Framework.

38 The main organisational principle of the national ABET programme will be the building of partnerships of all constituencies with a vital interest in the ABET enterprise, including organised labour and business, women's and youth organisations, civics, churches, specialist NGOs, learner associations, all levels of government, media and other stakeholders. The partnerships are expected to undertake planning, arrange public advocacy, sponsor research and development, and mobilise financial resources for the programme. A representative national ABET Council is expected to be established as the authoritative voice of the field, and to advise the Minister.

39 A professional directorate for ABET is planned for the new Department of Education, in order to provide a national focal point for government's commitment to the field, to undertake or sponsor research on structure and methods, to develop norms and standards for the field, and liaise with the RDP Office, the Department of Labour Affairs, and provincial departments of education. In the meantime, the Ministry of Education has established a national ABET Task Team to carry forward the extensive preparatory

work which has already been undertaken by the community of ABET stakeholders and practitioners. The Department of Education will work with the Task Team to help translate proposals into implementable policy.

40 In general, ABET programmes do not require major investments in new facilities, but more cost-effective use of available educational institutions, as well as exploiting opportunities for self-study by distance education and open learning. One institutional innovation which the Ministry wishes to see investigated with some speed is the idea of Community Learning Centres. These can be envisaged as a network of facilities, usually pre-existing, which offers regular support and services to students of all varieties in pursuing their learning goals. They would call for a new type of learning facilitator, and have the potential to be connected electronically to almost unlimited data sources and networks. They need not be confined to the basic phase of learning.

41 Prototypes of such centres already operate in some South African communities. In collaboration with provincial Departments of Education, other government departments and the array of stakeholders in youth and adult learning, the Ministry of Education wishes to explore their potential for shifting supported self-study into a new gear.

Further Education and Training

42 The key to a successful integrated approach to education and training lies at the Further Education level. The developmental task of the Further Education sector is to address the inadequacy of programmes at the senior secondary level and above, both in school and out of school, in the workplace, in other institutions, or by private study.

43 Success in the RDP requires a comprehensive human resource development approach. Global changes in the industrial and service sectors of the economy require an increase in the general education component of vocational training and a concomitant increase in the ability of those in full-time education to develop applied and problem-solving skills. So far, however, in South Africa, education and training tend to operate separately in terms of provision, curricula, examination and qualification structures.

44 The Ministry of Education considers that the Further Education level needs to be planned as a comprehensive, interlocking sector which provides a purposeful educative experience to learners at the post-compulsory (post-GEC) phase, irrespective of age, place and time of delivery. There is immense scope, within the flexible structure of the NQF, for a modular curriculum of great variety comprising core general education and optional vocational or academic subjects. The scope for open learning is considerable: a form suited to the huge numbers of out-of-school young people and unemployed adults for whom conventional school-type instruction is unappealing and inappropriate.

45 Because the further education concept is not well developed in South Africa and touches many institutional, economic and professional interests, the Ministry of Education is of the view that a National Commission on Further Education is needed to undertake the research, consultation and planning required to set this level of learning on an energetic growth path. The Commission is expected to advise on the composition, scope, resourcing and developmental path for this sector, with particular reference to the qualifications, standards, curricula and new institutional forms required to revitalise learning at this level.

46 The discussions between the Ministries of Education and Labour Affairs on the division of responsibility for the training function will have an important bearing on the work of the Commission.

47 The Ministry of Education will consult the provincial Ministries of Education and hopes they will associate themselves with this important initiative. The wide variety of stakeholders, including organised labour and business, secondary schools, technical, community and private colleges, distance educators, media specialists and others with a stake in this sector, will be invited to advise on the Commission and its modus operandi.

Higher education

48 The national higher education system represents a major resource for national development, and contributes to the world-wide advance of knowledge. The system faces several simultaneous challenges, however.

49 The process of transformation out of the highly segmented apartheid mode is proceeding at different rates in different parts of the system and creating substantial stress. The system as a whole is dealing with the effects of rapid enrolment growth and simultaneous decline in the real value of subsidy from the state. Students are under chronic financial pressure, which is transferred to their institutions. The resulting actions and counter-actions have become a serious source of instability for the institutions and interrupted study for the students. The student body is increasingly representative of the broad population, and brings into the system the learning deficits accumulated in the Black schools.

50 The structure of higher education programmes is the inverse of what is required by the society and economy, with a small technikon sector, a relatively large university sector, and a fragmented post-secondary college system, with poor articulation among the various parts. Higher education is compelled to grapple not only with the consequences of poor secondary education, but with the distortion of curriculum choice and in particular the under-development of language skills, the sciences and mathematics.

51 The 1993 Constitution has created uncertainty about how post-secondary education is to be planned, with universities and technikons being a national function and teachers, technical and other colleges being located under the provincial governments.

52 These and other significant issues which confront the sector are well known. The institutions are unable to resolve them on their own, individually or collectively, although substantial innovative and developmental work is being done.

53 The Ministry of Education is well aware of and upholds both the tradition and the legal basis of autonomous governance in parts of the higher education sector, especially the universities and technikons which fall within the sphere of the national government. The Ministry also has the responsibility to advise the government on whether this vast infrastructure of intellectual and professional endeavour, substantially supported by public funds, is yielding a good return to the nation, and how it might be assisted to do better.

54 No official enquiry into the whole of the post-secondary sector has ever been undertaken in this country. The new democracy needs to have confidence in its senior institutions of learning, especially given the massive influence which higher education exerts on the cultural, social, scientific, technological and professional formation of the country's leadership.

55 Accordingly, after a prolonged period of investigation and consultation, a proposal by the Minister of Education to appoint a National Commission on Higher Education has been approved by Cabinet. When final consultations on the terms of reference have been completed, the President will be asked to issue a Proclamation on the appointment of the Commission. By November 1994 the Commission should be appointed and begin working.

56 The Commission will be asked to investigate the entire sector, its identity, goals, demography, problems, structure, funding, governance, management, planning, programmes, size, qualification structure, articulation, intellectual and developmental role, and more, and make specific proposals to the Minister of Education on the way forward.

Early Childhood Development

57 The care and development of infants and young children must be the foundation of social relations and the starting point of a national human resource development strategy. The national and provincial Departments of Education will have specific roles to play in this field. They cannot undertake the full responsibility for ECD, which is a multi-disciplinary field. Instead, the national Department of Education will liaise with the Departments of National Health and Welfare in order to establish an inter-departmental committee or working group to develop their joint interests in policy for the infant and young child.

58 The Department of Education has particular responsibility for the education components of ECD, especially the development of policy frameworks, norms and standards in relation to curricula and teacher education, including para-professional training.

59 The new national department is planned to have a directorate for Early Childhood Development and Lower Primary Education, in the light of the continuity in developmental approaches to the young child and the need for a reshaping of curricula and teaching methodology for the early years of school. Hopefully, similar units will be established in provincial Departments of Education, which will undertake similar liaison functions with Health and Welfare.

60 The new national directorate will have the major responsibility for developing policy for the reception year, the first year of the compulsory general education programme, in consultation with its provincial counterparts. These new provincial units would therefore take up the massive challenge of spearheading the phasing in of the policy, in conjunction with NGO providers and accredited training agencies.

61 However, before the policy process could properly begin, it would be necessary to consult with all national stakeholders in the field, including the national representative body of ECD practitioners, in order to develop an appropriate statutory consultative body to advise on ECD policy, resourcing and development.

62 State funds will not be sufficient to mount a major developmental programme in 1995, but the seed money should be made available, as in the new ABET programme, to begin the startup phase and attract other funders. This process needs to be driven through a partnership of local government, community, business, worker and development agency interests, in order to build public awareness and develop a funding strategy for a national ECD programme.

Partnerships for human resource development

63 A recurring theme throughout this account of selected developmental initiatives has been the need to build partnerships for consultation, advocacy, planning and resourcing.

64 The Department of Education will play its role in the Human Resource Development Task Team of the RDP, which has responsibility for facilitating such partnerships. There are significant ties to be established between the Department of Education and the Departments of National Health, Labour Affairs, and Arts, Culture, Science and Technology, in relation to the functions in which they have common interests.

65 The Ministry and Department are committed to strengthen working and consultative relations between themselves and their provincial counterparts, as the whole of this document will testify, without intruding on the provincial domain.

66 Finally, a new field of partnership in international development cooperation has opened up for the South African education and training sector. The Department looks forward to a pro-active and reciprocal relationship with external partners, for the benefit of the whole sector.

PART 3

THE CONSTITUTIONAL AND ORGANISATIONAL BASIS OF THE NEW SYSTEM

I EDUCATION AND TRAINING IN THE 1993 CONSTITUTION

- 1 The present Constitution, agreed in multi-party negotiations, is the legal vehicle by which all South Africans achieved equal citizenship and voted a democratic Parliament into being. Parliament, sitting as the Constitutional Assembly, is required to adopt a new and permanent Constitution within two years, although provision is made to vary this period under certain conditions. The new Constitution will come into effect when assented to by the President and promulgated.
- 2 The elected government decides policy. Government policy is implemented in terms of laws passed by Parliament, from which government departments draw their authority to act. The Constitution is the supreme law, and no law passed by Parliament may be inconsistent with it. Thus all executive acts of government in pursuance of its policy are required to observe the provisions of the Constitution. Moreover, the Constitution binds all legislative, executive and judicial organs of state at all levels of government.
- 3 Although education is not given its own chapter in the Constitution, and training is not mentioned at all, several sections of the Constitution deal specifically with education, and others do so by implication. Taken together, these provisions of the Constitution prescribe a completely new legislative, bureaucratic, and value framework within which national and provincial governments are required to act in education and training matters.
- 4 Deciding education policy in line with the Constitution poses problems of interpretation for the national and provincial governments, because education functions are split between the two levels. Such problems will not always be easy and may sometimes be controversial.
- 5 **The Ministry of Education will make all reasonable attempts to find common ground between its own views and the views of all the provincial governments, especially with respect to the division of responsibility for education functions between the two levels of government. The newly-established Council of Education Ministers is an appropriate forum for such consultations.**
- 6 If interpretations differ, the government believes strongly that every effort should be made by the parties concerned to find agreement rather than resort to litigation.
- 7 The following chapters summarise important provisions of the Constitution which have a bearing on education and training matters. Where appropriate, an indication is given of how the Ministry of Education interprets its own responsibilities under the Constitution. In some cases, the precise nature of the obligation imposed by the Constitution must be investigated and debated further.

II FUNDAMENTAL RIGHTS TO EDUCATION AND TRAINING, AND WITHIN EDUCATION AND TRAINING

Introduction

- 1 The Preamble to the 1993 Constitution envisages the creation of a:
common South African citizenship in a sovereign and democratic constitutional state in which there is equality between men and women and people of all races so that all citizens shall be able to exercise their fundamental rights and freedoms.
- 2 Chapters 1 and 3 of the Constitution affirm the fundamental rights and freedoms whose observance and protection is binding on government organs and legislatures at all levels, and which apply to all laws and administrative decisions and acts in force during the life of the Constitution.
- 3 Since the 1993 Constitution represents a stage in South Africa's progress toward a permanent democracy, Schedule 4 lists the Constitutional Principles, including the entrenchment of fundamental rights and freedoms, with which the nation's elected representatives in the Constitutional Assembly must comply in writing the new Constitution.
- 4 Together, these provisions mark the decisive break which the people of South Africa have made between the oppressive past and the democratic future, not least in education.

5 The rights and freedoms guaranteed by the Constitution may be limited by laws of general application only to the extent that they are reasonable, justifiable in an open and democratic society based on freedom and equality, and do not negate the essential content of the right in question.

The right to basic education

Every person has the right to basic education.

6 The Constitution confers this right on all persons (that is, children, youth and adults) without exception. The Ministry of Education accepts that the state at all levels has a continuing obligation under the Constitution to take purposeful and effective action to achieve the satisfaction of this right.

7 In doing so, educational provision in the country will be transformed.

8 In meeting its constitutional obligation, the Ministry intends to draw on the wealth of experience, professional and material resources in this field which are available within the country and internationally. The national Ministry will help forge a close partnership with provincial Ministries (on whom the main onus for planning and execution will fall), local governments, business organisations, labour organisations, teacher organisations, parent, civic, women's, youth and other community-based organisations, distance learning and media specialists, non-governmental organisations, professional organisations, development agencies, and all other roleplayers and stakeholders in education, training and community development.

9 Since the term 'basic education' is not defined in the Constitution, it must be settled by policy in such a way that the intention of the Constitution is affirmed. An important question is whether 'basic education' should be defined in terms of learning needs and outcomes, or qualification levels, or school grades, and whether the content of basic education needs to be the same for children, youth and adults.

10 The World Conference on Education for All, sponsored by the United Nations in 1990, addressed such questions in its authoritative World Declaration on Education for All. Article 1 of the Declaration makes the following statement on 'basic learning needs':

Every person—child, youth and adult—shall be able to benefit from educational opportunities designed to meet their basic learning needs. These needs comprise both essential learning tools (such as literacy, oral expression, numeracy and problem solving) and the basic learning content (such as knowledge, skills, values, and attitudes) required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning. The scope of basic learning needs and how they should continue to be met varies with individual countries and cultures, and inevitably, changes with the passage of time.

The Ministry of Education associates itself with this statement.

11 The Ministry accepts that basic education be defined in terms of learning needs appropriate to the age and experience of the learner, whether infant, child, youth or adult, men or women, workers, work seekers or self-employed. Basic education programmes should therefore be flexible, developmental, and targeted at the specific requirements of particular learning audiences or groups.

12 However, to avoid becoming educational dead-ends for separate groups or individual learners, basic education programmes should be designed around a common core of fundamental concepts, knowledge and skills on which further learning, knowledge and skill formation could be built. The expected outcomes, or learners' achievements, should therefore be formulated in progressive steps which are appropriate to the learners' circumstances and experience, which should encourage a large measure of self-learning, and which enable learners to be assessed and credited with nationally recognised standards of attainment.

The right to equality, and the right to equal access to educational institutions

No person shall be unfairly discriminated against, directly or indirectly, on any grounds whatsoever. However, affirmative action measures to counter the disadvantages of previous unfair discrimination are specifically protected.

Every person has the right to equal access to educational institutions.

13 It is clear to the government that these provisions of the Constitution require the creation and application of uniform and equitable admissions practices in all state and state-aided schools. Likewise these provisions must outlaw any admissions practice in a state or state-aided school which directly or indirectly sustains the privileges of a certain part of the population and prevents or impedes the admission of students from another part of the population.

14 In the case of people with disabilities, the rights of access and protection from unfair discrimination have profound implications for the education system, and these merit urgent investigation. The government proposes to appoint a National Commission on Special Needs in Education and Training to address these and other important issues of policy in this field.

The right to language and culture

Every person has the right to instruction in the language of his or her choice where this is reasonably practicable.

Every person (including a 'legal person') has the right to establish, where practicable, an educational institution based on a common culture, language or religion, provided that racial discrimination is prohibited.

Every person has the right to use the language and participate in the culture of his or her choice.

The diversity of language and culture is acknowledged and protected, and conditions for their promotion shall be encouraged.

Afrikaans, English, isiNdebele, Sesotho sa Leboa, Sesotho, siSwati, Xitsonga, Setswana, Tshivenda, isiXhosa and isiZulu are official South African languages at national level and conditions shall be created for their development and the promotion of their equal use and enjoyment.

Provincial legislatures may declare any of the national languages to be official languages in their provinces, and differences among provincial language policies are permissible.

15 These constitutional provisions do not in themselves define a policy on language in education, but they state principles which must underpin such a policy. National policies which establish norms and standards for language use and language teaching in educational institutions will be required to aim positively at the promotion and development of all official languages, equal respect for official languages, and multilingualism. National norms and standards will also have to accommodate provincial language policy decisions. Distinct provincial policies are specifically protected, so long as they observe the language policy principles declared in the Constitution.

Freedoms of conscience, belief and expression**Rights of the person**

Every person shall have the right to freedom of conscience, religion, thought, belief and opinion (including academic freedom in institutions of higher learning), speech and expression, artistic creativity and scientific research.

16 The letter and spirit of these rights and freedoms should inform the intellectual culture in all schools and educational institutions. This has unavoidable implications for curricula, textbooks, teaching methods, teacher education, professional supervision and management culture.

The rights of all persons to equality, human dignity, freedom and security of the person, privacy, assembly, demonstration and petition, association, political affiliation, access to information and administrative justice, and the rights of children, have a direct or indirect bearing on the administrative and professional conduct of the education system.

17 Management practices, relations between school principals and their staffs, between teachers and students, between schools and parents, campus rules, disciplinary culture and procedures, and

much else, must come under the microscope in order to ensure compliance with the nation's new constitutionally-protected human rights culture.

An Action Plan for Human Rights in Education

18 It is impossible for those who are responsible for the reconstruction and development of our national education system, including all professional educators and parents, to be complacent in the face of these provisions of the Constitution, which protect the freedoms of the mind and conscience, and the rights of the individual person.

19 These rights and freedoms are newly won in our country. Many of our educational institutions have been theatres where the drama of the struggle for the recognition of elementary rights and freedoms has been played out amid repression and resistance. In the course of these events, over several generations, many distortions of intellectual culture, authority relationships and personal responsibility have become entrenched. Such distortions may have been particularly evident in schools and other institutions in the Black community, but they are not confined to that community. Moreover, other parts of the education system have suffered distortions of a different kind through their association with the culture of power and privilege.

20 The 1993 Constitution is the nation's school of democratic practice. Its provisions cannot be taken for granted, or relegated to the political and administrative arenas. The Ministry of Education intends to ensure that the full resources of the nation's education system are mobilised in support of the practice of human rights, freedoms and responsibilities which the Constitution promotes and protects.

21 This should begin with a frank and searching self-examination, within the education system, of its democratic practice in the light of the Constitution's requirements. The self-examination should result in action plans within each school and educational institution, and within each branch and section of the education services at national and provincial levels. Implementation, reporting and evaluation should follow, until the human rights culture of the entire national education system has been transformed for the better.

22 The Ministry of Education intends to launch such a process at the start of the second school term of 1995. The Ministry expects to consult the Council of Education Ministers on the details of the proposal within the next two months, and invite the Council to identify with, revise and adopt it, so that preparations for a national programme of activities, engaging education departments, educational institutions, roleplayers and stakeholders in the system, can proceed.

23 The Ministry is aware that the objectives of this process are fully consistent with the terms of reference of the Human Rights Commission established under the Constitution. The Ministry of Education will seek the advice and support of the Human Rights Commission in pursuing his proposed course of action. In turn, with the support of the Council of Education Ministers and the roleplayers and stakeholders, the vast human resources of the national education system could be associated with the work of the Commission.

24 The advice of the Human Rights Commission and the Council of Education Ministers will be sought on the wisdom of establishing a small professional Human Rights in Education Unit within the national and each Provincial Department of Education, in order to offer a permanent evaluation and support service.

A Gender Equity Unit

25 The Constitution recognises the specific nature of gender inequality by establishing a Commission on Gender Equality.

26 The national education system represents the single largest organisation in the nation. By virtue of its educational function, it has great potential influence on gender relations and on the respective career paths of men and women. However, within the education system there are worrying disparities between girls and boys, and many girls and women suffer unfair discrimination and ill-treatment.

27 Boys and young men drop out of school at a far higher rate than girls and young women. Girls and young women exhibit significantly narrower subject and career choices than boys and young men.

Women are overwhelmingly represented in the teaching service, but are poorly represented among the ranks of school principals, and are barely visible in middle and senior management positions in education departments.

28 A patriarchal culture therefore dominates educational organisation and authority relationships. In many schools and other education institutions, including the most senior, social relations among students, and between staff and students, exhibit sexism and male chauvinism. Sexual harassment of girl and women students and women teachers, as well as acts of violence against women, are common in many parts of the education system.

29 This entire situation must change. While appreciating that the problems are deep-seated within the society at large, the Ministry of Education believes that educators must show leadership in tackling them, and that the place to begin is within the education system itself. The Ministry hopes for a strong partnership between itself and the provincial Ministries of Education on this issue.

30 As a first step, the Ministry of Education proposes to appoint during 1994 a Gender Equity Task Team led by a full-time Gender Equity Commissioner who shall report to the Director-General. The terms of reference of the Task Team will be to investigate and advise the Department of Education on the establishment of a permanent Gender Equity Unit in the Department of Education, initially with seconded or attached staff. In cooperation with provincial Departments of Education, the Gender Equity Unit will study and advise the Director-General on all aspects of gender equity in the education system, and in particular:

- (1) identify means of correcting gender imbalances in enrolment, dropout, subject choice, career paths, and performance
- (2) propose guidelines to address sexism in curricula, textbooks, teaching, and guidance
- (3) propose affirmative action strategies for increasing the representation of women in professional leadership and management positions, and for increasing the influence and authority of women teachers
- (4) propose a complete strategy, including legislation, to counter and eliminate sexism, sexual harassment and violence throughout the education system
- (5) develop close relations with the organised teaching profession, organised student bodies, the Education Labour Relations Council, the National Women's Coalition and other organisations whose cooperation would be essential in pursuing the aims of the unit.

31 The Gender Equity Commissioner will be expected to establish close working relations with the national Commission on Gender Equality.

32 The Ministry of Education intends to consult the Council of Education Ministers without delay on these proposals, to request their support for action on gender equity, and their consideration for a similar line of action within the provincial ministries.

III NATIONAL AND PROVINCIAL POWERS IN EDUCATION AND TRAINING

Introduction

1 The new system of education will be a single national system which is largely organised and managed on the basis of nine provincial sub-systems. The Constitution has vested substantial powers in the provincial legislatures and governments to run educational affairs (other than universities and technikons) subject to a national policy framework. The essence of the relationship between the national and provincial governments is co-operative.

2 That being so, the Ministry of Education is acutely sensitive to the need for the closest possible co-operation between the national Department of Education and each of the provincial education departments on matters relating to the formulation of national education policy and the effective management of the system.

3 This chapter describes how the cooperation between national and provincial governments in the

field of education will be managed. It then explains how the Constitution assigns legislative responsibility for education and training matters between the national and provincial levels. The chapter concludes with an account of the national Department of Education's role in shaping the new system.

The Council of Education Ministers and the Heads of Education Departments Committee

4 Two bodies have been created to enable the departments to share information and advice, and to collaborate on plans for the transition to provincial departments and the future direction of the national system.

5 The first of these is a Council of Education Ministers (CEM), which comprises the national Minister of Education and the nine provincial Ministers of Education. It has met monthly since May 1994, and will continue to meet regularly to ensure an optimum level of dialogue between the persons who have responsibility for the education portfolio throughout the country. The CEM will be an important forum for clarifying the constitutional division of responsibility for education between the national and provincial legislatures. It will also provide a unique and invaluable inter-provincial perspective on the development of national education and training policy.

6 The second structure is a Heads of Education Departments Committee (HEDCOM), which from January 1995 will consist of the heads of the national and the nine provincial education departments. This body will advise the Council of Education Ministers, and will provide a regular forum for the administrative heads of education departments to consult and collaborate in the interests of the system as a whole. Significant investigative work will also be undertaken on policy matters referred to HEDCOM by the CEM.

7 The new HEDCOM will replace the Committee of Heads of Education Departments (CHED) which, in the past, brought together the heads of some of the ethnically-based departments which are now being replaced. To provide a bridge to the new HEDCOM, to enable essential planning to be done for the establishment of provincial departments, and to prepare for the 1995 school year, the old body has been expanded with representation from the national Minister's and nine provincial Ministers' offices.

8 The Ministry of Education intends to table legislation during the latter part of the 1994 Parliamentary Session which will provide a statutory basis for the Council of Education Ministers and the new Heads of Education Departments Committee, and the small secretariat they will require.

How legislative powers are divided

9 Education is one of the 'Schedule 6' functions on which the Constitution gives both the national Parliament and provincial legislatures the competence to make laws, but subject to rather complex rules.

10 The following propositions summarise how the Constitution provides for national and provincial competence in the field of education and training:

- (1) Provincial legislatures may make laws on any aspect of education except universities and technikons. A provincial law applies only in that province.
- (2) The national Parliament may make laws on any aspect of education. Its laws apply throughout the country.
- (3) A national and a provincial law on education which are consistent with one another will both apply in that province.
- (4) If a national law and a provincial law on education are inconsistent with one another, the provincial law will prevail in that province, except in the cases listed at (5).
- (5) A national law will prevail over a provincial law in a province only if the national law applies uniformly throughout the country, and if it deals with a matter which:
 - (a) can only be regulated effectively by national legislation
 - (b) can only be performed effectively if regulated or coordinated by uniform national norms or standards
 - (c) needs minimum standards for rendering public services

- (d) is concerned with the maintenance of economic unity, the protection of the environment, labour mobility, and other matters of national interest
- (6) A provincial legislature may recommend to Parliament the passing of any law on a matter in which it has no competence, or on which a national law has prevailed over a provincial law. Parliament need not comply with the recommendation.
- (7) Training is not listed in Schedule 6 as a provincial function. (The national Ministries of Education and of Labour Affairs are consulting each other over the identification and location of training functions.)
- (8) The national Parliament may make laws which delegate certain education or training responsibilities to provincial Ministers.
- (9) In the event of a dispute between the national Parliament and a provincial legislature concerning the exercise of legislative competence, the Constitutional Court has jurisdiction to determine the matter.

11 These arrangements have not yet been tested in practice, but the Ministry of Education is determined to make them work effectively, for the benefit of the entire national system of education. The Council of Education Ministers is the forum which will permit regular reviews of the common interests of the national and provincial Ministers. Any difference of interpretation with respect to their respective powers and responsibilities can be examined and, in principle, resolved by that body.

12 There is an obvious advantage in reconciling both the views and the proposed legislation of the national and provincial Ministers of Education. All draft legislation prepared by the national Department of Education will be submitted to the Council of Education Ministers for advice. The Ministry of Education would welcome a reciprocal arrangement by the provincial Ministries of Education.

13 Close coordination will be required in another sphere: between the Department of Labour Affairs on the one hand, and the national and provincial education departments on the other, with respect to their common interests in the training function. A permanent inter-Ministerial Working Group has been proposed, to manage all aspects of the relations between the two sectors.

14 The overall management of training policy is of the greatest strategic importance for the human resource development programme of the RDP. The Ministry of Education is therefore anxious to make rapid progress in concluding its current discussions with the Ministry of Labour Affairs and key stakeholders (organised business, organised labour and the National Training Board) on the location of various aspects of the training function, and the establishment of the South African Qualifications Authority.

15 There is urgent need for both Ministries to clarify the practical implications of the constitutional assignment of functions for the implementation of an integrated approach to education and training. In particular, all parties concerned need to decide how education and training programmes falling under provincial education departments (in particular, secondary, adult, technical, community and teacher education) will engage with the labour-market related training services for which the national Department of Labour Affairs has portfolio responsibility.

Role and functions of the national Department of Education

16 Since legislative competence in education will soon be assigned to provincial legislatures, the Ministry of Education wishes to state its views on the education and training functions which must be undertaken at the national level.

17 The Minister will uphold the Constitutional Principle which requires that the allocation of powers to the national and provincial governments in the new Constitution be made on a basis

which is conducive to financial viability at each level of government and to effective public administration, and which recognises the need for and promotes national unity and legitimate provincial autonomy and acknowledges cultural diversity.

In particular, the Minister is sensitive to the criterion that decision-making and rendering of services should be assigned to the level of government where they can be undertaken most effectively.

18 The national functions described below, therefore, do not impair or infringe upon the legislative or executive competence conferred on the provinces by the Constitution. One of the main duties of the national Department of Education is to facilitate and support the work of the provinces.

19 Education matters are dealt with at national level by the Minister of Education and his Deputy Minister, assisted by the Department of Education.

20 A national Department of Education has the responsibility to make a definite impact on education and training in the country as a whole. It does so in part by preparing the general policy of the government on education and training. Policy must underlie the preparation of the norms and standards in education and training for which the department is responsible, and the department's advice on budget allocations for all education services, national and provincial. The department's interaction with the Reconstruction and Development Programme is undertaken in terms of its general policy on education and training. Relations with provincial departments of education must be guided by the national policy on education and training within which the provincial departments set their priorities and implementation programmes.

21 With these considerations in mind, the purpose of the Department of Education will be to develop a national framework for the promotion of education and training. The department's role will be:

To promote the translation of the education and training policies of the Government of National Unity (including the Reconstruction and Development Programme), and the provisions of the Constitution, into a national framework within which higher educational institutions and provincial education departments can cater for the entire nation's needs for the development of its human resources.

22 In undertaking its role, the Constitution empowers the Department of Education, either specifically or by inference, to:

- (1) Promote compliance with the constitutional guarantees relating to education: basic education for all persons; equal access to educational institutions; non-discrimination in the system; protection of linguistic, cultural and religious diversity; protection of academic freedom; equitable funding;
- (2) Establish and maintain a national Education and Training Management Information System (ETMIS), and manage an appropriate research and development programme, in order to determine national needs, encourage and evaluate innovation, and monitor delivery and performance;
- (3) Establish norms and standards with respect to curriculum frameworks, standards, examinations and certification;
- (4) Establish a National Qualification Framework to ensure uniformity of standards and compliance with minimum standards across all fields of learning, and to promote access and mobility of learners within the education and training system;
- (5) Establish norms and standards for equitable funding of educational provision, and for the employment and deployment of educators;
- (6) Advise the Financial and Fiscal Commission, in consultation with the provincial governments, on the requirements for equitable financing of education in the provinces and among provinces, including the resource implications of the maintenance of national norms and standards, and the provision of conditional or unconditional financial allocations to the provinces from national revenue, in line with national and provincial needs and priorities;
- (7) Provide assistance to the provincial governments, where required, for the maintenance of minimum standards of public service in education and training;
- (8) Establish cooperative relationships with other departments with which the Department of Education shares common interests, particularly the RDP Office, the Department of Labour Affairs (in respect of training, career guidance and the NQF), the Departments of National Health and Welfare and Population Development (in respect of school nutrition, early childhood development, education support services, AIDS education, population education), the Department of Arts, Culture, Science and Technology (in respect of Library and Information Services,

school art and culture programmes, the promotion of science and technology, and research funding policy);

- (9) Conduct international relations in the education field, in cooperation with the RDP Office, the Departments of Finance and Foreign Affairs, and other departments in the case of shared international interests;
- (10) Maintain cooperative relations with provincial departments of education with respect to all of the above functions;
- (11) Maintain close cooperation with the university and technikon sectors, for which the Department of Education has direct responsibility.

23 The process, specified in the Constitution, by which the new national and provincial departments of education are to be constructed from the former structures, is described in the following chapters.

IV THE TRANSITION TO NEW NATIONAL AND PROVINCIAL DEPARTMENTS

Introduction

1 The public management of education in South Africa is in the throes of massive change. This chapter describes the process of provincialisation of the system, which also entails the creation of a new national Department of Education. The establishment of new provincial departments means assembling nine different jigsaw puzzles from the pieces of ethnic administration located in those provinces, and connecting different personnel and other vital systems together so that a coherent provincial departmental structure can function.

2 This chapter describes how this process is being managed, identifies the risks and the opportunities involved, and how the Ministry of Education believes these can be responded to. The chapter concludes with an account of what is being done to prevent serious disruption of the delivery of educational services while the new national and provincial departments are being established.

3 Budgetary and financial matters are reserved for discussion in Part 4.

The rationalisation process

4 The government is committed to the establishment of a lean yet effective system of educational administration. The creation of nine new provincial governments in terms of the 1993 Constitution means that the ethnically-based education departments or services responsible for providing education under the previous Constitution will be amalgamated into nine new non-racial provincial government departments. Once the provincial departments have been consolidated, the new non-racial and non-ethnic structure of organisation will be considerably less complicated and less costly than the one it replaces.

5 At the central level, the former Department of National Education, which was responsible for education policy, has been absorbed into the new national Department of Education. The new department is also taking over the functions of the Education Co-ordination Service, whose mandate has been to make technical preparations for the provincialisation of education services. The new single Department of Education has been redesigned, in consultation with the Public Service Commission, to make it more suited to meeting the national need for a reconstructed education system.

6 The process of amalgamating existing ethnically-based departments into new provincial education departments is extremely complex. It is perhaps one of the largest and most difficult exercises in organisational change to have been attempted anywhere in so short a time. Structural disparities and inequities between the existing departmental organisations have to be eliminated in the new provincial departments. Uniform payroll, personnel, accounting, logistical and information systems must replace the variety of management systems which the present departments employ.

7 While the unification process is proceeding in each province, the management and staffing of the education system must continue to function, and schools and colleges must do their work, with as little interruption as possible.

8 **The Ministry of Education is convinced that until structural amalgamation has taken place it will be impossible to ensure the development of an equitable, accessible and effective education system. The creation and smooth operation of a new national Department and nine new provincial Departments of Education, working in close liaison with each other, is therefore a fundamental policy objective of the Ministry.**

9 The education system inherited by the democratic government is structured in such a way that it will be difficult to achieve complete integration of provincial departments in the short term. The government is nevertheless committed to significant and visible unification of existing education departments at the very latest by 1 January 1995, so that the process of educational reconstruction can be driven from a firm provincial base.

10 Provincial Ministers of Education, with political accountability for education other than university and technikon education in their provinces, have been in post since May 1994. In the absence of single provincial Departments of Education, each minister has been obliged to work with a miscellaneous group of ethnically-based education departments or part-departments.

11 The appointment of provincial heads of education departments, together with key financial, administrative and personnel staff, is now extremely urgent, both to provide advice to provincial ministers and to assume responsibility for the creation and management of provincial departments. Such appointments are a prerequisite for the development of an education system which is free from discrimination on any grounds whatsoever, which is fully accountable and efficiently organised, and which is recognised as legitimate by the public it serves.

12 The Ministry of Education is acutely aware that serious delays have occurred in the assignment of powers to provinces and the measures required for the appointment of provincial heads of education department. Everything possible has been done by the national education authorities concerned to speed these matters, but the responsibility for the crucial decisions in this complex legal and administrative process lies elsewhere. However, a recent decision of the Intergovernmental Forum, on the recommendation of the Forum's Education Joint Technical Committee, has broken the logjam. It now appears that provincial governments will be authorised to proceed with the appointment of heads of education departments, and that the assignment of powers could then follow.

Creating a new national education department

13 The legislative basis of a national Department of Education has been laid by Presidential Proclamation, and a Director-General has been appointed. The education functions of the former Department of National Education (which has ceased to exist) have been phased into the new department, pending its reorganisation. National-level functions (notably accountability for university and technikon matters) previously held by other education departments are also being transferred to the Department of Education.

14 The Ministry of Education is committed to ensuring that the Department of Education has the necessary organisational and resource infrastructure to enable it to play its essential role in the reconstruction of the education system in South Africa. The Ministry is committed to the finalisation of the process of restructuring and rationalising the new department in the shortest possible time, but in any event no later than the end of 1994. Affirmative action principles will be applied in making appointments and promotions in the new department.

15 An organisational structure for the new department has been proposed to the Public Service Commission and is expected to be agreed before this draft policy document is published. It reflects the national government's responsibilities under the 1993 Constitution and accommodates many of its policy imperatives, but not all. The structure is not final. It marks a stage in a developmental process.

16 The new department will soon reflect a wider range of perspectives as it becomes more representative of the broad population. New needs will become apparent as it responds to the challenges of educational reconstruction. The department's responsibilities in the field of training will be re-assessed once the agreement between the Ministers of Education and Labour Affairs on this matter has been approved by the Cabinet. Adjustments may be needed when the rationalisation process ends and the new provincial departments become fully operational. The structure of the department will therefore be

kept under review, and changes will be made when necessary in the interests of better policy development and implementation.

17 For the time being, the new Department of Education will be organised in three branches: Education and Training Systems and Resources, Education and Training Programmes, and Education and Training Support.

18 Education and Training Systems and Resources. This branch will be responsible for researching, planning and evaluating the overall design, coordination and performance of the education and training system, and will develop and maintain the necessary Education and Training Information System in collaboration with provincial departments of education. Financial and human resource planning, and international liaison, are part of the responsibilities of this branch.

19 Education and Training Programmes. This branch will be responsible for managing the development of the National Qualification Framework, and for the research and development of national norms and standards for educational programmes across the spectrum at all levels. The coordination of new developmental initiatives will be done in this branch, in areas like Early Childhood Development, Adult Basic Education and Training, Vocational and Community Education and Training, Distance and Media Education. The feasibility study for the creation of a National Institute for Curriculum Development will be launched here. The first comprehensive national one-stop service for higher education programmes and institutions will be established in this branch.

20 Education and Training Support. This branch will be responsible for all service matters affecting educators, and for managing the process of labour relations, bilaterally and in connection with the Education Labour Relations Council. The branch will also be equipped to deal with the department's internal and external communication needs, and its administrative, legislative and financial requirements. The development and management of externally funded projects will be administered here.

21 The modus operandi of the relationship between the national and provincial education departments is of vital importance. Since all of these structures will be new, it is to be expected that management and communication systems will evolve over time with a certain amount of trial and error. However, the working relationship between the two levels will need to be as thoroughly planned as possible. The of Heads of Education Departments Committee will provide the appropriate forum for this to be arranged.

Creating new provincial education departments

22 Planning for the establishment of new provincial education departments is being conducted by the national Ministry of Education in close liaison with provincial Ministries of Education and heads of the former executive departments, both by direct consultation and through the Council of Education Ministers and the interim Committee of Heads of Education Departments.

23 Since the creation of provincial education departments is part of the even broader process of establishing provincial administrations and rationalising the public service, the Public Service Commission, the offices of the Provincial Premiers, Provincial Service Commissions (where these are in place), and the Commission on Provincial Government, are important partners in the process.

24 Each provincial department will be a completely new structure. In principle, none of the former departments operating in a province should dominate or absorb the others. Bringing the new provincial education departments into being will require:

- The amalgamation of all the existing education departments or part-departments, operating within the boundaries of a province, into a single provincial departmental structure.
- The disestablishment of the head offices of the former Department of Education and Training and the three Education and Culture Services (ex Assembly, Delegates and Representatives), and the assignment of relevant posts to the nine provincial education departments.
- The combination of the head offices of the education departments in the former SGTs and TBVC territories with part-departments operating within a province.
- The disestablishment of the head offices and regional offices of departments which formerly operated

across the borders of new provinces (Bophuthatswana, TED, CED, and the DET Regional Offices) and the assignment of the relevant posts to the new provincial education departments.

- Once the process of assigning posts to the new departments has been completed, the rationalisation of posts will be undertaken by the provincial authorities concerned, in consultation with the Commission on Provincial Government and Provincial Service Commissions, where these are already in place.
- The reorganisation, over a period of time, of all education structures within a province at the regional and sub-regional level into a new system of sub-provincial management.

25 The Ministry of Education is aware that the 1993 Constitution gives national departments no *locus standi* with respect to the process of departmentalisation at provincial level. These matters are the responsibility of provincial governments, the Provincial Service Commissions where they exist, the Public Service Commission and the Commission on Provincial Government. However, the Ministry of Education has a clear interest in the departmentalisation process, and offers its services in any way they may be required by provincial Ministers of Education.

26 In undertaking this process of amalgamation and rationalisation, the constitutional requirement, to promote a non-partisan, efficient, and broadly representative public service, will be upheld.

27 The Ministry of Education appreciates that the process of creating new departments will affect very large numbers of staff members. Their rights in law, subject to the provisions of the Constitution, will be recognised in instances where personnel will have to be transferred.

Staffing the new departments

28 The reallocation of education functions between the national and provincial levels of government will require that personnel establishments and organisational structures of education departments be totally revised.

29 The Ministry of Education is acutely aware that past discrimination has led to serious inequities in the distribution of education managerial capacity both within and between provinces. In the process of disestablishing former central departments of education, the government will seek to ensure that as far as possible the available managerial capacity will be equitably distributed.

30 The administrative structures of the previous departments will not apply. At every level beyond the school—including circuits, areas and sub-regions—new structures will be needed, including new head offices.

31 The Ministry recognises that the location of provincial capitals could in certain instances place the personnel of some former education departments at an advantage when new head offices are established. The structuring of new head offices and the staffing of sub-structures in the province should as far as possible draw personnel from all previous departments within the province.

32 While the processes of structuring provincial education departments are not a primary responsibility of the national government, the Ministry of Education believes that the new single provincial education departments (like the new single national department) will fail the test of public acceptability if there is not a demonstrable equity in the recruitment and placing of personnel in the new provincial structures.

33 The staffing of the new education bureaucracy must be guided by the constitutionally-entrenched principles of representivity, non-partisanship, and expertise. With sensitivity to previous discrimination on grounds of race, gender and language, qualified people who were previously unable to gain access to the education public service must be recruited. The representation of Black people and women, especially in senior and middle management echelons, must be improved by a deliberate programme of staff development, affirmative action and the encouragement of lateral entry.

34 The Ministry of Education is convinced that re-training of present education officials will be necessary once they have been placed in new national and provincial departments, and attaches a high priority to initiatives which will develop unified management teams at various levels within the new education bureaucracy as soon as possible.

35 The establishment of new education departments will not affect the position of educator personnel in broad terms. The Ministry of Education is highly sensitive to the need for as many well-qualified teachers as possible.

Replacing old legislation with new

36 Education legislation in South Africa has been essentially of two kinds—that which has regulated education policy formulation at the central level, and that which has regulated the provision of education in schools or other institutions. The former did not apply to all the education systems operating in South Africa prior to the elections, while the latter reflected the fragmented nature of South Africa's education system.

37 Existing education legislation is therefore wholly inappropriate to the new national and provincial systems, and must be replaced with new or revised legislation as a matter of urgency.

38 The Ministry of Education will introduce legislation during 1994, in terms of the powers conferred on the national legislature by section 126(3) of the Constitution, which is necessary for the efficient management of the new system or which is required urgently in terms of new policy. Among other matters such legislation will deal with the establishment of bodies such as the Council of Education Ministers and the new Heads of Education Departments Committee, with curriculum policy, the establishment of a national qualification framework, and educator personnel.

39 The new provincial administrations will inherit various education laws emanating from now-defunct South African legislatures. In the interests of manageability, the Ministry of Education is of the view that provincial legislatures need to replace all such laws with consolidated education acts. Thereafter, provincial governments will no doubt introduce new education laws which reflect their own policies and priorities.

Consultative bodies

40 The Ministry of Education is committed to openness and consultation in the management of education. However, it has inherited in existing laws a fragmented system of education consultation which reflects the racially-divided nature of the former South Africa. The continued existence in law of essentially racially-based structures for consultation are an affront to the Constitution and cannot be tolerated.

41 The Ministry of Education therefore plans to abolish the present South African Council of Education, the Education and Training Council, and similar bodies, and to replace them with a democratic and representative body or bodies which can be consulted by the Minister on matters relating to general and sectoral education policy. In preparation for setting up the new structures, the Ministry will seek the advice of a wide range of stakeholders in education and training, including especially the organised teaching profession, organised students, and the National Education and Training Forum.

42 The Ministry of Education recognises that some constitutional provisions as well as sections of education Acts which have not yet been repealed, oblige the government to follow certain prescribed consultative processes. Such consultation will take place according to law. The government also intends to consult important stakeholder organisations, including the National Education and Training Forum, which are not covered by any statutory obligation. At the same time, the government hopes that there will be an understanding of the need to proceed with the reconstruction of the education system as a matter of urgency. The consultation on such matters, including this policy document, will be brief and intensive.

43 The Ministry of Education believes that it is imperative that provincial governments take urgent steps to abolish existing racially-based consultative structures, and replace them with effective, representative bodies, so that the reconstruction of education can proceed on the basis of broad-based advice and demonstrable support.

Maintaining delivery of educational services during the transition

- 44 The amalgamation and restructuring of education departments create the possibility that the provision of educational services could be interrupted, as the former education management systems are phased out and new systems are phased in. Since the establishment of new provincial Departments of Education in January 1995 coincides with the beginning of a new school year, the possibility of interruptions and breakdowns of services becomes stronger. Moreover, the government's commitment to move toward free and compulsory general education from the start of the next school year is expected to put unprecedented pressure on school services.
- 45 The Ministry of Education will employ every means available to it to ensure that educational services are well maintained during the period of transition. The Council of Education Ministers has charged its interim, expanded Committee of Heads of Education Departments with the technical management of key aspects of education policy for the transitional period.
- 46 The government recognises that the process of transition will make extra demands on all providers of education services. For a short period an increase in the number of persons employed in the education administration sector will be unavoidable, since new management systems must be put in place while existing services are maintained. The number of education administration personnel can be reduced as soon as the full rationalisation of provincial education departments has taken place.
- 47 The provision of education services, other than to universities and technikons, is the primary responsibility of the provinces. The provincial education departments will be new structures on which exceptional demands will be placed, especially at the beginning of the new school year in January 1995.
- 48 While the transition to single national and provincial departments of education is in process, it will be difficult to improve education quickly. This must be done properly, and in a well-planned fashion. However, provincial Ministries of Education are already planning priority projects under their provincial RDP programmes which will target those communities whose basic educational services are critically lacking or totally inadequate.
- 49 The Ministry of Education is committed to fostering additional managerial capacity in the education system so that the quality of educational services can be enhanced, even if additional financial resources may not be available as rapidly as government would wish.
- 50 The understanding and coöperation of the people served by our schools and other educational institutions will be a major asset in assisting the education system to come successfully through the process of transition. The government accepts the obligation to keep the public, especially parents, fully informed of what is happening.
- 51 The establishment of active Provincial Education and Training Forums, and similar forums at local levels, will provide a vital channel of communication and advice between provincial education departments and the people they serve. In the same vein, well-informed, representative school governing bodies will be in a position to anticipate the inevitable changes which provincialisation will bring. They will be able to prepare both the school communities and the wider communities they serve to take advantage of the opportunities and challenges which the new, non-racial provincial education system will offer.

I TRANSITION IN THE EDUCATION BUDGET PROCESS

Introduction

1 Like all other aspects of public administration, the management of the budgets of the departments of education is in transition from the old pattern to the new.

2 At the time of publication of this document, the provincial Departments of Education had not been created and therefore have no responsibility for budget management. This is one of the most frustrating aspects of the present transition for provincial Ministers of Education. Decisions on financial allocations and re-allocations are necessarily being made at the national level in relation to the existing departmental structure. While such decisions may take the new provincial interests into account, this cannot substitute for decisions made by the provincial authorities themselves.

3 Because of the lead time required to construct the 1995/96 estimates of expenditure, this process too has been started by the Department of State Expenditure on the basis of the old existing structures, though provincial governments will have an increasingly influential role in the process as time goes on.

4 This chapter provides information on these matters. It discusses the prospects for education in the 1995/96 budget, and indicates the direction of the Ministry of Education's thinking on relations between the national and provincial departments of education in the present and future budgetary dispensation.

Financial arrangements for 1994/95

5 Financial accountability for education (other than universities and technikons) will be assigned to the provincial level as soon as new provincial administrations are established. The Council of Education Ministers expects this to occur before the beginning of the 1995 school year, and the Ministry of Education will do all it can to expedite the process.

6 The Ministry recognises that existing budgetary allocations to education for the 1994/95 financial year are inadequate to meet the anticipated demands of the 1995 school year, especially in relation to the commitment to move to free and compulsory general education. Various options to address this situation in the short and medium term are under consideration.

7 The 1994/95 budget reflects the departmental structure which is now in the process of being superseded, and financial allocations to educational services are based on the financial principles followed by the previous administration. Substantial inequities and disparities persist in this budget. The national Department of Education has achieved a limited measure of reallocation from better resourced services towards poorly resourced services, but additional steps are required to deal with the new school year.

8 The last quarter of the 1994/95 financial year covers the first three months of the 1995 school year. The government has directed that the extended interim Committee of Heads of Education Departments shall

- (1) quantify the total financial resources which will be available for the provision of education in each of the nine provinces,
- (2) as a matter of urgency identify the most pressing additional financial needs for the last quarter of 1994/95, and
- (3) indicate how a reallocation of existing financial resources within provinces can be undertaken with a view to commencing a move towards equity in the financing of education.

9 Furthermore, current education departments or services which have high historic funding levels have been asked to:

- (1) implement austerity campaigns to keep their expenditure as low as possible during the first three quarters of the 1994/95 financial year, and
- (2) prepare plans for the future provincial departments of education, showing how funds available for the fourth quarter can be effectively pooled with those of the other departments in the province concerned, to enable more equitable allocations during the fourth quarter of the financial year.

10 There is considerable disparity of resource provision among the nine provinces, quite apart from disparities within provinces. This will be taken into account in allocating any additional funds which may become available.

11 The 1995/96 education budget will ultimately be allocated to the new non-racial provincial departments. The national Department of Education, in consultation with the Finance Sub-Committee of the interim extended Committee of Heads of Education Departments, will incorporate equity as one of the fundamental principles of allocation.

The 1995/96 budget process

12 The budget for 1995/96 will be truly transitional, in that its process spans both the old system and the new provinces, but it will not incorporate all elements of the budget arrangements laid down in the 1993 Constitution.

13 The budget cycle for 1995/96 began in November 1993, expenditure proposals from the old departmental structures were submitted to the Department of State Expenditure in April 1994, and guideline allocations by department were presented to Cabinet in August 1994. Present guideline allocations for provincial administrations include funding for functions of the former TBVC, SGT and previous provincial administrations, but not those functions currently exercised by national departments which will be assigned to the provinces in terms of Schedule 6 to the Constitution.

14 The provincial administrations will compile their estimates in October 1994 based on guideline amounts from State Expenditure. When Cabinet has approved the final allocations for 1995/96, national government departments will divide the funds for provincial Schedule 6 functions. These will be held by the national departments until provincial funding systems are in place and provincial legislatures have approved their estimates.

15 The national Department of Education will therefore have the main responsibility for coordinating provincial education budgets for 1995/96. This will not be done unilaterally but in cooperation with the Finance Sub-Committee of the extended interim Committee of Heads of Education Departments.

16 The national government is following a strict fiscal policy. The guideline figures for the 1995/96 budget reflect no real increase in consumption expenditure over 1994/95, and no increase in the deficit as a share of GDP.

17 As previously announced by the Minister of Finance, a figure of R5 billion to finance the RDP Fund was deducted from the total expenditure guideline before departmental guideline figures were allocated. The government's intention is that the imposition of lower real expenditure ceilings on departments will indirectly compel them to re-order their priorities to the new priorities of the RDP.

18 Departments are obliged to negotiate with the RDP Office to secure allocations from the RDP Fund for programmes and projects in line with RDP objectives. In general, the RDP Office will fund capital projects, and will stipulate that associated recurrent costs be absorbed by departmental budgets without upward adjustments. This is intended to require departments to redeploy personnel to meet the staffing requirements of RDP programmes.

19 Both in terms of the guideline budget figure and the RDP Fund process, the implications of these measures for education programmes and personnel, are evidently serious. The present 1995/96 guideline figure for Education is not more in real terms than the 1994/95 budgetary appropriation for Education and may be less. The situation is being urgently reviewed by the Department of Education, and the findings are to be referred to the Finance Sub-Committee of the extended interim Committee of Heads of Education Departments.

20 This review is a prelude to a fundamental assessment which the Ministry of Education will undertake, in cooperation with provincial Ministries, of budget priorities and sectoral allocations. The development plans proposed for the education and training sector in this document must be examined in relation to the government's capacity to fund the sector, and the availability of funds from other sources.

1996/97 budget process

- 21 At current levels of allocation, without possible adjustment according to new policy priorities, around 85 per cent of the total public funding of education would be spent by the provincial Departments of Education. From the beginning of the 1996/97 budget cycle, when the budget process specified in the Constitution comes fully into effect, the national Department of Education will have only an indirect influence on the provincial appropriations for education.
- 22 Each province has a Provincial Revenue Fund, into which will be paid the proceeds from provincial taxes, levies and duties, and loans raised by the provincial government for capital projects, and also the funds allocated to the province from revenue collected nationally. The national contribution to a province's revenue fund will be constructed from percentages of four separate tax sources, together with any other conditional or unconditional allocations from the National Revenue Fund to the province.
- 23 The Financial and Fiscal Commission (FFC) is charged with advising on the respective percentages and conditions which are to be applied to national revenue sources to make up the appropriation for each province. In doing so, the FFC must ensure that the provincial shares are equitable and reasonable, taking into account the province's developmental needs, capacity to spend, fiscal discipline, and its relative economic disadvantage compared with other provinces.
- 24 Provincial governments will construct their own budgets in relation to their total revenue estimates and spending requirements. Education will almost certainly claim the largest share of provincial budgets, but the question is how adequately the various financial needs of the provincial departments of education will be assessed under this complex revenue-sharing arrangement.
- 25 Since the national Department of Education is not responsible for allocating funds to the provincial departments, it is clearly important for close consultation to take place between the national and provincial departments on the financial implications of norms and standards set at the national level.
- 26 The new budgetary system will come into operation in the preparation of the 1996-97 estimates. The national and provincial Departments of Education will need to make adequate preparations in order to ensure that the new system is used to best advantage. The following steps are considered essential:
- (1) The new Heads of Education Departments Committee (HEDCOM) will need a well-staffed Finance Sub-Committee in order to plan collectively. The budget process is inherently competitive, but the provinces and the national department have a mutual interest in ensuring that the claims of the education and training sector as a whole are well-argued.
 - (2) The new national Education and Training Management Information System (ETMIS) must be set up on the basis of new and functioning provincial ETMIS as soon as possible, in order to provide relevant data for analysis and planning.
 - (3) Agreement must be reached between the HEDCOM Finance Sub-Committee and the FFC on the categories of information and indicators of need which the FFC will take into account in establishing its criteria.
 - (4) The national Department of Education should be ready and able to provide technical support, if required, to provincial Departments of Education in preparing their budget submissions.

II BUDGET REFORM AND FUNDING REQUIREMENTS OF THE EDUCATION SYSTEM

Introduction

1 The main function of the education budget is to maintain fully functional, cost-effective services and institutions in line with the policy of the Ministry of Education. The restructuring of the education budget is an urgent priority of the Ministry of Education. Several pressures are operating simultaneously to make this necessary.

- (1) The provincialisation process means that the procedure and decision structure of education funding are being transformed over the next twelve months.
- (2) The education budget structure is a legacy of apartheid and must be reconceptualised for the new democratic education and training system.

- (3) Constitutional requirements, reinforced by government policy, require that equity becomes a basic principle of budget strategy.
- (4) The government's development programme in education and training makes substantial claims for a re-ordering of budget priorities and a significant number of new initiatives.
- (5) The education budget is under severe pressure from government's overall fiscal policy.
- (6) The national and provincial Departments of Education must develop a strategy for effective access to the RDP Fund.
- (7) The RDP Office has asked all government departments and provincial administrations to prepare a five-year plan to 're-orient their strategy, improve their efficiency, and enhance their use of resources consistent with the RDP'.

2 This chapter marks the beginning of the analysis, which must be deepened, broadened and quantified before the end of 1994. The Department of Education is not yet in a position to give guidelines on re-allocation between programmes or sectors, although some are implied in the analysis of cost factors.

3 Instead, the analysis here puts the entire education and training budget in a developmental perspective, examines the nature of the demand factors operating upon it, the extreme importance of budget reform and its implications, the scope for off-budget funding of the sector, and the case for a temporary increase in public and other sources of support.

4 The analysis treats the education budget globally. In carrying the discussion forward, the provincial education departments will be key players.

Background

5 Education is a key to the realisation of the personal aspirations of individuals and the socio-economic programme of the Government.

6 The people of South Africa rightfully entertain high expectations that their long-standing education and training needs will be recognised and acted upon by their government.

7 The Constitution requires the government to make adequate provision to satisfy the fundamental right of all persons to basic education and to equal access to educational institutions. A better educated and skilled workforce is a prerequisite for enhanced productivity in the domestic economy and competitiveness in international markets, and significant growth in entrepreneurship and small-business development. As the draft RDP White Paper puts it:

Human resource development, education and training are key inputs into policies aimed at higher employment, the introduction of more advanced technologies, and reduced inequalities.

8 A better educated and skilled child, youth and adult population is the only sure guarantor of democratic freedoms, environmental protection, public health, and reduced crime and violence.

Demand factors

9 The current pressure for additional spending on education arises from four sources:

- (1) Redress and rehabilitation. There is a shortfall of 76 000 school classrooms merely to provide for the current enrolment. Rehabilitation costs (arising from underfunding for maintenance, violence, vandalism) are being investigated and are expected to be high.
- (2) Extended and new services. The government's human resource development programme involves major extensions of educational services and new services. Among the most important of these are: the phased introduction of free and compulsory general education (to Std 7), school nutrition, launching the national Adult Basic Education programme, launching the Early Childhood Development programme, expanding training capacity in technical colleges, community colleges and technikons, an adequate special education needs programme, enhanced pre-service and in-service teacher education to cater for the foregoing, and a tertiary student loan/bursary facility.

(3) Demographic factors. Population growth of around 2,7% p.a. obviously impacts on annual demand at Sub-A level and has a continuous ripple effect throughout the system. Urbanisation and improved access to schools increase demand in excess of the normal growth rate in impact areas. The current trend is for about half a million new learners to enter the system annually, without any effort to implement free and compulsory education. Nevertheless, the estimated backlog in provision amounts to 1,8 million children aged 6-18 who are not enrolled in 1994.

(4) Rationalisation. Reorganising the previous 14 ethnically-based departments and services into nine provincial departments involves massive management and service changes. This involves costs for infrastructure and logistical support, plus some element of redundancy payments. Estimates of such costs are inherently unreliable but are being attempted.

The rationalisation process also involves disposing of accumulated debts on educational services rendered by the DET to some former TBVC and SGT administrations, and paying off interest on the current bank overdrafts incurred by the same administrations.

By 1996 it will be possible to undertake a thorough analysis of personnel requirements in the administration, with a view to reducing the number of posts to a sustainable level. This is a requirement of government policy, and a key strategy of the RDP.

Current budget level

10 There are at present nearly twelve million students, at 27 500 educational institutions, including 330 000 students at the 21 universities and 137 000 students at the 15 technikons. These learners are served by a staff complement of about 470 000 of whom 370 000 are educators.

11 The budget for this service for 1994/95 amounts to just under R30 billion, which represents 22,5 per cent of the government's budget and nearly 7 per cent of the estimated GDP.

12 It is well known that this level of public funding for education is at the high end by international standards. Under normal circumstances it would be expected to stabilise at lower proportions of national budget and GDP. However, the circumstances are not normal.

Essential budget reforms

13 The education budget must be radically reformed, in four dimensions.

(1) Equity. The South African education budget has always been inherently inequitable. This presents two problems. The first is to achieve equity, especially in respect of teacher/pupil ratios on which staff provision scales are based. This is being done, starting in 1995. Moreover, all educational administrative and professional services will be deployed for general, not sectional, benefit from 1995, as a consequence of provincialisation.

The second problem is to deal with the skewed profile of teacher qualifications, which is itself the historic legacy of past inequity, and which perpetuates a skewed distribution of teacher costs. Most white teachers are better qualified, and therefore more expensive, than other teachers. This is more complicated to deal with but it must be tackled in close consultation with the organised teaching profession.

(2) Unit costs and productivity. Much expenditure on education is wastefully used and yields poor, if not abysmal returns. New pupil/teacher and class size norms must ensure both effective learning and efficient use of teaching staff. Space utilisation (occupancy rates) must be improved in order to make optimum use of expensive learning facilities. Systematic preventive maintenance of buildings and equipment must become routine. Absenteeism of students and staff must be cut to negligible levels. Full working hours must be observed throughout the system. The causes of student dropout and excessive repetition of grades must be identified and vigorously tackled.

Less labour intensive teaching and learning technologies must be systematically and vigorously introduced.

It is also of the utmost importance that the structure of teachers' remuneration is radically

changed, in order to prevent an unsustainable spiral of salary costs. The number of salary grades must be compressed, the lowest salary levels must be raised, and the automatic link between salary level and qualification-acquisition must be broken. These are clearly matters for negotiation.

The second stage in the rationalisation process, beginning in 1996, will result in lower unit costs for administration, as the new national and provincial departments trim their establishments to sustainable levels.

- (3) User charges. The system inherits a completely unsystematic pattern of user charges, from school through to university, which is linked to the former ethnic organisation of provision. This must be reviewed from top to bottom and re-designed in an equitable, sustainable, market-related and publicly acceptable way. The urgent priority is to begin meeting the commitment to free and compulsory general education in a way that will be seen by all the people as both fair and necessary, even if this involves income-related user charges.
- (4) New funding partnerships. The immense goodwill towards the RDP expressed by all organs of civil society, including organised business, community based and non-governmental organisations, development agencies, and religious bodies, offers scope for new funding partnerships for human resource development, especially in such fields as: Adult Basic Education and Training, Early Childhood Development, Special Education, school rehabilitation, community colleges, school nutrition, and the tertiary students' loan/bursary fund.

International development assistance agencies have already expressed their wish to participate in these areas.

These opportunities for establishing new funding partnerships are being vigorously explored with a view to giving them a proper institutional form. It is essential to be able to anticipate, if not plan, the level of extra-budgetary support which will enhance the provision of essential human resource development services.

Implications of budget reform for funding levels

14 All these measures are of major significance for the level of budget support required by the national education and training services, as well as for enhancing the quality, coverage and effectiveness of these services. Quantification exercises will be undertaken and revised as the provincial database improves, especially in relation to ex-TBVC and SGT areas.

15 However, even in the absence of figures, some budgetary consequences of the above measures can be anticipated with confidence. These are presented for analytical purposes, not as a prediction of government decisions.

- (1) Equity. The uniform pupil/teacher and class size norms which will be phased in will be significantly above the historic norms in the former HOA, HOR and HOS systems, but below the former DET and homeland norms, so that a definite increase in the quality of service for the majority of learners will be made possible. However, the budgetary effect of reducing unit costs in the smaller ex-HOA, HOR and HOD systems will be more than offset by the effect of reducing class sizes (and therefore increasing the requirement for teachers) in most of the Black system.

Making administrative and professional services (subject advisers, inspectors, administrators) available across the board within provinces will be far more cost-effective. However, it will not reduce budgetary outlays in the short term.

Achieving more equitable non-salary expenditure for essential items such as teaching materials, upkeep and maintenance, will require increased budgetary provision in the largely Black parts of the system, starting in 1995.

- (2) Unit costs and productivity. The equity measures described above will reduce unit costs overall and should significantly increase productivity in terms of educational outcomes. Efficiency measures, such as curbing absenteeism of students and teachers, reducing dropouts, and achieving higher professional standards of teacher conduct, will dramatically increase both

qualitative outcomes and numerical outputs (more matriculants, better results). However, none of these measures is likely to reduce budgetary requirements, especially in the short term.

Five measures will achieve significant savings over time. One is reducing the repetition of grades to educationally acceptable levels. A second is to move toward eliminating over-age students and shifting them into more appropriate, more cost-effective learning environments. (Both measures will lower student enrolments in schools.) A third is to phase in self-instructional and distance education technologies wherever appropriate, which will substitute for labour-intensive traditional teaching formats. The fourth is most significant. Restructuring teachers' remuneration will slow the built-in rate of increase of the salary bill. This measure, to be worked on jointly with the organised teaching profession, is in line with proposals of the RDP Office to restructure public service grading structures:

This must be rationalised to a simple broad-banded structure based on competency rather than qualifications and which allows for clear career paths and lifetime training.

Of necessity, such changes will take time to effect, and will require negotiation in the Education Labour Relations Council. The fifth measure is the rationalisation of the education administration, which should result in a reduction in costs from as early as 1996.

- (3) User charges. The rationalisation of user charges will increase public confidence in the system but in itself may be of valuable but limited budgetary significance. This does not imply that they should be subject to uniform controls, but that the regulations under which they are applied should be transparent, equitable and adopted after full consultation.

Internationally, user charges offset a small proportion of the public cost of total educational provision, except in higher education. The government's commitment to phasing in free and compulsory general education ensures that user charges at this level (which accounts for more than half of the total education budget) will be strictly regulated and income-related, and will not apply at all to the poorest.

Fees in the post-compulsory system will need to be modest at senior secondary level and substantial at higher levels. However, public subsidy in the form of income-related bursaries for high school students and a national student loan/bursary scheme for tertiary students (capitalised partly by the state) will be essential on equity grounds.

- (4) New funding partnerships. The new sources of off-budget revenue which will become available will apply largely to new services, but could offer valuable marginal budgetary relief in some currently under-funded areas such as school rehabilitation and tertiary student funding.

16 The following conclusions can be drawn. The restructuring of the education budget will be highly beneficial in terms of public acceptability and educational performance, with major payoffs into the quality of the workforce and social well-being.

17 The benefit in terms of public finance and planning will be a rational and defensible educational cost structure, with tremendously improved efficiency, cost-effectiveness and productivity levels.

18 However, the net effect of these measures will not be to reduce budgetary outlays, even on present services, in the short term. There will be significant gains in terms of unit cost reduction in the medium to long term. Thus the rate of increase of the education budget per unit of input (student enrolment) will have substantially reduced, even as productivity rises. The cost of expanding the system will therefore be substantially less burdensome to the budget than would otherwise have been the case.

Findings and implications

19 The findings of this analysis are that:

- (1) Essential budgetary reforms, linked to the enhancement of systems and institutional management and the improvement of professional practice, will bring major equity, efficiency and productivity gains, amounting to a massive improvement in the effectiveness of the public investment in education services, but no net reduction in budgetary requirements, especially in the short term

- (2) Rationalisation of the education departments will require increased budgetary provision in the short term, but will bring significant infrastructure and personnel savings in the medium term (2 + years)
- (3) Population growth, urbanisation, and mobility exert a strong upward demand on education services, which the government's commitment to phasing in free and compulsory general education will accelerate
- (4) The commitment to redress past inadequacies, including rehabilitation of school infrastructure, entails additional budgetary provision
- (5) The new services required in terms of the government's commitment to human resource development, will need additional budgetary provision, though strongly linked to the RDP Fund and off-budget support through new funding partnerships
- (6) The increased social and economic benefits of the above improvements will have a dramatic indirect and direct effect on the budget (since crime, prison, health and welfare caseloads should reduce) and the fiscus (in terms of enhanced economic growth arising from improved educational, motivational and skill levels, and a stabilised social environment).

20 The most serious implication of the analysis is that while there is massive scope for restructuring the budget and improving efficiency and productivity in the system, which must be done, these measures will not reduce absolute budget requirements in the short term. The short and long-term demand factors are unavoidable, given demographic realities, constitutional obligations, and government's public commitments to phase in free and compulsory general education, launch a national adult basic education and training programme, and in general radically improve the quality of the nation's human resources.

21 A major capital works programme in education is essential, to meet the government's constitutional and RDP commitments. It is needed to cover the most serious requirements for school and college rehabilitation. Learning space of acceptable quality must be provided, based on a thorough survey and systematic mapping of requirements, so that significant progress can be made towards free and compulsory education, and new service requirements for human resource development. Costs must be carefully controlled through tight design specifications for new construction, and by carefully planning the multiple use of facilities. Elements of this programme have already drawn support by the RDP Fund. Other funding partnerships with local and international agencies will be sought.

22 Most capital investments in the education sector have associated recurrent cost implications, particularly personnel costs. In principle, the education budget can absorb these only up to the limit set by minimum national norms and standards for the maintenance of a service of acceptable quality.

23 While ways must be found to reduce government consumption expenditure in the education sector, as in others, it is important to emphasise that educators are the vehicles for the public investment in human resource development. Just as investments in labour force training in the general economy must be lifted if workplace productivity and national competitiveness are to rise, the state as the monopoly employer of teachers and other educators must invest in their professional development if any improvement in education and training quality is to be achieved.

24 There is an unanswerable case for investing in research and development on open learning technologies, including the use of print and electronic media for aided self-instruction, coupled with student support services. There is a vast potential demand among educators, youth, women, workers, self-employed persons, and students in institutions. The unit cost and cost-benefit factors are highly favourable as demand grows and development costs are absorbed.

25 The Ministry of Education recognises that the most secure source of additional public funds for education will accrue from real economic growth and increased revenues. There are two other potential sources. One is internal savings and re-allocations, which the RDP Office requires. This chapter examines these options seriously, and explains their limitations. The second is re-allocations from other functions to education. This is a matter for Cabinet's decision on developmental priorities.

- 26 The Ministry of Education, in the face of extreme budgetary pressure, requests recognition:
- (1) of the significant social and economic payoffs accruing from a well-functioning education and training system which is responsive to social and economic demands
 - (2) for its goal of budget restructuring and associated reforms in education management and professional practice: to stabilise overall capital and recurrent cost factors in the system at lower levels in the shortest possible time, while substantially improving equity, productivity and quality, in order to achieve a sustainable long-term basis for growth and development in the education and training sector
 - (3) for the conclusion that the education budget from all sources needs to increase by a sufficient margin in real terms over the population growth rate for two to three years; in order to absorb the bulk of the essential capital cost programme for rehabilitation and development, the consequent operational expenses, and the costs arising from rationalisation, and that strategic, 'cutting edge' parts of the programme for human resource development be planned and executed by the government in conjunction with local and international funding partners.
- 27 This preliminary analysis will be critiqued and deepened as the Department of Education, in consultation with the provincial departments and stakeholder organisations, makes preparations for the five-year transformation plans which the RDP Office has requested.

Summary and conclusions

- 28 Education is a key element in personal aspirations, in satisfying fundamental human rights, and in national reconstruction and development. The anticipated demand for increased short-term and long-term funding for education involves four components: redress and rehabilitation, extended or new services, demographic factors, and rationalisation.
- 29 The current level of budget provision for education is high, but it is skewed inequitably, and the productivity of the system is unsatisfactory. The education budget must be restructured (1) to achieve equity, (2) to reduce unit costs and enhance performance, (3) to rationalise user charges, and (4) to develop new funding partnerships. These measures, while significant, will not generate sufficient budget capacity to cover additional funding needs in the short term.
- 30 The national education budget from all sources must be enhanced for the next few years, until demand stabilises, rationalisation costs are absorbed, and other measures generate significant structural savings or new revenue.

PART 5
RECONSTRUCTION AND DEVELOPMENT
IN THE SCHOOL SYSTEM

I SCHOOL OWNERSHIP, GOVERNANCE AND FINANCE

Introduction

1 In adopting a Constitution based on democracy, equal citizenship, and the protection of fundamental human rights and freedoms, South Africans have created a completely new basis for state policy towards the provision of schooling in the future. Unavoidably, because the inequalities of past policy are so deep-rooted in our educational history and dominate all aspects of the present provision of schooling, a new policy for school provision must initially be a policy for transformation and redress.

2 The equality guaranteed by the Constitution provides the moral and legal basis of schools policy, but other constitutional guarantees and prescriptions are no less important in laying down the new foundations of schools policy or influencing how it may be designed and executed.

3 This chapter is concerned with the pattern of ownership, governance and finance of schools. It will first examine what the Constitution has to say about these matters. It will then describe the main features of the present arrangements, and the most urgent issues of transformation and redress that must be tackled. The chapter concludes with the government's proposed line of action.

Constitutional provisions affecting school ownership, governance and finance

4 In the first place, provincial governments will have constitutional responsibility for establishing, running, regulating and financing schools, but they will do so within the framework of national policy on matters such as the legal status of different types of school, and the norms and standards by which they should be governed and financed.

5 Secondly, the provisions on Fundamental Rights which guarantee equality, non-discrimination (except for purposes of redress), and equal access to educational institutions, set the standards which all levels of government are bound to observe in legislation and administrative action relating to school ownership, governance and finance.

6 Thirdly, the Fundamental Rights chapter explicitly protects cultural, language and religious rights, both in terms of personal observance, and as a legitimate basis for school ownership. The latter is the only constitutional provision directly relating to school ownership. It gives every person the right

to establish, where practicable, educational institutions based on a common culture, language or religion, provided that there shall be no discrimination on the ground of race.

This right would apply also to legal persons (for example, trusts, and governing bodies established by law), and it affords protection to the owners of schools of this kind which may already be in operation, so long as they do not discriminate racially.

7 Fourthly, the Constitution includes some unusual 'special provisions' about the governance of educational institutions. These provisions apply specifically to the rights, powers and functions which the governing bodies or similar structures of departmental, community-managed or state-aided schools possess under laws existing immediately before the Constitution came into effect. (Identical provisions apply also to universities and technikons.)

8 The national and provincial governments are required to reach agreement 'by bona fide negotiations' with the respective governing bodies or similar authorities, and give reasonable notice, before altering the rights, powers and functions of such bodies. If agreement is not reached by negotiation, a government may nevertheless proceed to make the alterations it wishes. If it does so, however, the Constitution gives 'interested persons or bodies' a specific entitlement to mount a legal challenge to the validity of such alterations in terms of the Constitution.

9 Fifthly, another 'special provision' requires the 'responsible government', national or provincial, to provide funds to departmental, community-managed and state-aided schools on an equitable basis, in order to ensure an acceptable quality of education.

10 The complexity of the provisions relating to school ownership, governance and finance indicates the sensitivity of the interests which the Constitution has accommodated. Both the governments and the governing bodies of the schools concerned, will be required to act with a high degree of responsibility in fulfilling their obligations in these matters.

11 All governments are bound to uphold all the constitutional guarantees, and (within their competence) to require schools to do the same. This includes upholding the rights to personal equality, equal access to schools, protection of cultural, linguistic and religious rights, prohibition of all unfair discrimination, and protection of the right of redress.

12 School governing bodies which have discriminated unfairly on whatever grounds in the past are required by the Constitution to change their practices. The Constitution also provides that if a governing body is challenged in court on the basis of prima facie evidence of discrimination, the onus of proof of non-discrimination rests with them.

The present pattern of school ownership, governance and finance

13 On the eve of the creation of unitary provincial education departments, the pattern of school ownership is still defined by the laws and practices of the ethnically-based departments which are about to disappear.

14 It is generally assumed that schools are organised in three categories: state, state-aided and private. However, the situation is not that simple. Some departments have more than three categories of schools. Different departments use different terms to describe the same thing (government, state and public schools). The same term (state-aided) used in different departments covers a variety of school types. Some private schools receive state subsidies of up to 50 per cent but are not classified as 'state-aided'.

15 There are substantial differences among departments in the proportions of children enrolled in state and state-aided schools. This means that the basis of state funding of schooling differs from department to department, and so does the magnitude of financial contributions to schooling made by parents or the community. For example, using figures for 1992 or 1993:

- In the former Self-Governing Territories, community schools (a class of state-aided school) accounted for 87 per cent of all schools and all enrolments.
- In the Department of Education and Training, state-aided schools (mainly farm schools) accounted for 70 per cent of all schools but less than three per cent of all enrolments, while public schools (state schools) accounted for less than 30 per cent of schools but 96 per cent of enrolments.
- In the former House of Delegates, state schools accounted for over 90 per cent of both enrolments and schools.
- In the former House of Representatives, state-aided (mainly church) schools accounted for 44 per cent of all schools.
- In the former House of Assembly, state-aided (Model C) schools accounted for 94 per cent of both schools and enrolments
- Private schools accounted for less than four per cent of schools and enrolments in the former House of Assembly, and no more than one to two per cent elsewhere.

16 The extreme diversity and inequality in all aspects of school organisation are illustrated by examining some of the characteristics of four types of schools, three of which are classified as state-aided: Community Schools, Farm Schools, Model C and Private Schools.

17 Community Schools. These state-aided schools are the dominant school type of the former Self-Governing Territories, found mainly in rural areas but also in the urban townships which were controlled by SGT governments. In the rural areas, the schools are built by community contributions of cash, kind and labour, supplemented by state funds. In urban areas, the state builds the schools and parents fund the cost of maintenance and expansion. The state pays teachers' salaries in community schools, and in some but not all SGTs the state pays for textbooks as well.

18 Despite being named community schools and classified as state-aided, the schools are under departmental control and the traditional authority structure has a dominant role in local decision-making through school committees and control of teachers.

19 Farm schools. Farm schools are by far the most numerous type of school in the DET system, but

the average enrolment is extremely small. They are classified as state-aided, and receive 100 per cent state subsidies.

20 The farmer owns the school, which is situated on his or her land. As a condition of the subsidy, farmers are obliged to keep a school open for a stipulated number of years. In terms of the Trespass Act, property owners have the right to refuse access to any child or teacher. The pupil/teacher ratios are higher than in DET schools generally because enrolment is much smaller. For the same reason, many classes are multi-grade. Teachers are appointed by the state, but generally live off the site and are subject to the farmer's control over their movements in the school precincts and on the farm. The appointment of school committees has been a matter of contention for farmers and it appears that few schools have governing bodies other than the owner.

21 Some farm schools have been developed in exemplary fashion by farmers with genuine interest in education and concern for the farm worker community. In general farm schools as a class are almost certainly the least developed and most problematic class of school in the system.

22 Model C schools. These state-aided schools, comprising 94 per cent of the former House of Assembly schools, are by contrast the best resourced in the system, with the highest concentration of qualified teachers. The former House of Assembly subsidy, based on low pupil/teacher ratios, has been the most generous by far of any department. The per student public cost of Model C schools is about three times the national average, despite the fact that school governing bodies are responsible for covering non-personnel costs. Almost half of the difference is attributable to the fact that teachers in Model C schools have qualifications well above the national average, with salaries to match.

23 The Model C system has involved a radical devolution of state school ownership and management to parent governing bodies. White parents were offered, and overwhelmingly accepted, the option of taking ownership of the physical assets of the school and virtually full control of management through an elected governing body with extensive powers (including powers to appoint teachers and charge fees). The governing bodies receive a state subsidy to cover teacher costs at a favourable staff provision scale based on small class sizes. In principle, all other school costs are met by the governing body through fee charges and other means, including sponsorship. However, public funds are made available for bursaries to assist disadvantaged students.

24 Model C schools are reported to be characterised by high levels of parental participation and support for school programmes. The sense of ownership and responsibility among the parent communities is regarded by them as the most valuable product of the new system. A national association represents all governing bodies in negotiations with the department.

25 Business management is reported to be conducted efficiently and at lower non-personnel cost levels than before. Fee income in the Model C system in 1994 is expected to amount to R700 million. However, the fee burden is a significant problem for poor parents of all races. It is alleviated to some extent by income-related bursaries, for which the department contributed R4,5 million in 1993.

26 About 10 per cent of total enrolment in formerly White schools comprises students of other population groups. Not all of this enrolment is in Model C schools. (The former House of Assembly system runs a Model D category of state school, comprising schools which were no longer patronised sufficiently by the White population to keep going, but which are now run by the House of Assembly service for all-comers.) Since the White population is not growing overall, and is in fact declining in many rural communities, some Model C schools have recruited students from other communities in order to keep their teaching strength at a sustainable level.

27 The transfer to governing bodies of virtually all schools in the formerly White system has been strongly opposed by the educational and political structures of the mass democratic movement, who have viewed the move as a unilateral action of the previous minority government, to take the schools of the White community out of state ownership and give them a form of protection from direct intervention by a democratically elected government.

28 This view is disputed by those who have been responsible for the system.

29 Private schools. This is a small and diverse category, spread administratively across all the existing executive departments. The schools range from struggling secular and church schools serving

poor Black communities, to lavish secular or church school campuses serving a mainly affluent, mainly White clientele. Private schools, including the wealthiest, may receive state subsidies but some do not. The per capita state subsidy to some mainly White private schools has exceeded the full extent of per capita state funding to state schools in the DET system.

30 Much of the private school sector is well-organised through religious or secular representative bodies like the Catholic Institute of Education, and the Independent Schools Council, which seek to be regarded as partners of the government in educational development, not just for their own communities. Some of the poorest private schools seek to become state-aided or state schools. Governance structures vary, but the sector generally prides itself on a high degree of parental involvement, efficient use of resources, a service ethic, and accountable management.

The need for a managed process of change

31 The present pattern of organisation, governance and funding of schools is a patchwork from the past. It contravenes the rights to equality and non-discrimination which the Constitution guarantees. It is dysfunctional and cannot continue unchanged.

32 The Ministry of Education is keenly aware of the need for a clear strategy to defuse the tensions surrounding the issues of school governance and funding. The Ministry is required to send a clear signal to the people of South Africa that the school system is being democratised. The parents, teachers, students, managers and other stakeholders who are seeking an equitable and democratic solution which will best serve the educational needs of all communities, need an official lead from the national Ministry of Education which will encourage them to redouble their efforts. The Ministry will do whatever can be done in the short term to assist them, within the powers available to it under the Constitution, while the necessary consultations are being undertaken and plans prepared for long-term change.

33 The Ministry of Education believes strongly that schools must be owned by the communities they serve. In many schools, such ownership is already reflected in good, accountable management, with high levels of community participation, despite the inequalities and distortions inherent in the apartheid-based organisational and funding structures. The task facing educational leadership is to recognise the best experience from all parts of the system and, where necessary, enable communities to reshape their structures of governance so that they reflect the constitutional principles of democracy and non-racialism.

34 It is understandable that many parents, school principals, teachers and students are uncertain about what the changes in the system of education will mean for their schools and themselves. Those who are accustomed to stable schools, which have close links with the social, cultural and religious life of their communities, and honoured traditions, may feel that what is precious to them is threatened by unknown changes they may be unable to influence or control. Communities which have been favoured by the past political dispensation, and who know that a democratically elected government, representing an overwhelmingly poor electorate, cannot be expected to fund their privileges, may be particularly apprehensive about what is in store.

35 Equally, parents, teachers and students who have had to cope with appalling conditions, the result of decades of under-resourcing, instability, wasted human potential and low morale, have high expectations from a government they believe rightly is committed to redress.

36 In many of our schools, principals and teachers have been grappling with the challenges of educating students from different historical, cultural and language backgrounds. The students and parents concerned have willingly borne the brunt of these changes, which will now accelerate in schools throughout the country. The government believes that the overwhelming majority of South African parents in all communities accept that schools should not and must not be racially exclusive, that schools must be democratically governed, and that state funding of schools must be equitable.

37 In all spheres of economic, social, religious and political life, South Africans are learning to live, work and plan together. Events in the sphere of local government are potentially important for education. The success of negotiating forums in achieving agreed local government boundaries and preparing for the election of democratic, non-racial councils in cities, towns and rural areas, should assist in creating a new social context for the local organisation and governance of schools. The Ministry of Education is

not suggesting that local governments should be assigned powers to run educational services. That is a matter for the education departments and provincial legislatures to consider when new local government councils have been elected and have stabilised. The point is that the moral climate of non-racial local government negotiations is likely to influence, hopefully for the better, a similar process in local (or district) school governance.

38 Change must now be managed by the new education authorities in a systematic, inclusive and fully participatory way. The school communities of teachers, students and parents, and the wider communities they serve, should be able to identify with change because they have helped to bring it about. Education departments must lead but not dictate. If radical change is imposed on schools by top-down direction in the absence of participation by those whose interests and identities are at stake, the result will be predictably disastrous.

39 The issue is not whether the organisation, governance and funding of the education system will change. Change is inevitable and cannot be delayed. The issue is whether a new and just dispensation in the schools will be brought about in the new South African way, by negotiating peacefully, according to the spirit and letter of the Constitution, in the service of both national unity and cultural diversity.

40 For its part, the Ministry of Education is convinced that peace in the schools is a prerequisite for democratic transformation in education. All the educational goals and programmes of the government depend upon achieving and maintaining a disciplined and purposeful school environment, dedicated to the improvement of quality throughout the system. The Ministry of Education is therefore committed to an inclusive process of negotiated change toward the full democratisation of school organisation and governance, and the following proposals are made in that spirit.

Establishing a new pattern of school ownership, governance and funding

41 A new national policy framework for school organisation is essential to provide a firm basis for action by the provincial education departments. The framework must clarify the legal status of different categories of schools, and establish national norms and standards for school governance and finance.

42 The framework must be developed on the basis of principles which are in full accord with the Constitution, consistent with the best South African experience, easily understood, and likely to raise the quality and effectiveness of schooling where it is most needed.

43 The Ministry of Education proposes the following principles as the basis of the new policy framework for school ownership, governance and finance:

(1) Legal categories of schools

- (a) The categories of schools recognised in law should be as few as possible.
- (b) The categories should be based on clear criteria such as ownership, funding, and relationship to departments of education.
- (c) The categories should be uniform across the country.
- (d) The categories should assist the elimination of inequitable and outmoded divisions between the inherited categories of schools.
- (e) The categories should include, but need not be confined to: state, state-aided, and independent schools.
- (f) The categories should accommodate the constitutional provisions affecting school ownership.
- (g) There should be clearly stated conditions under which a school or group of schools might be permitted to change their category.

(2) Governance

- (a) Local Education and Training Forums, representative of the main local stakeholders in the system, should be established as interim consultative and negotiating structures. The relationship and channel of communication with the respective provincial departments of education will need to be defined.

- (b) School governing bodies should be representative of the main stakeholders in the school, and reflect the principle of ownership of the school by the community it serves.
- (c) In primary schools, the main stakeholders for purposes of governance comprise at least the following groups: parents, teachers and representatives of the broader community served by the school.
- (d) In secondary schools, the main stakeholders for purposes of governance comprise at least the following groups: parents, teachers, students, and representatives of the broader community served by the school. It is recognised that students should not participate in some categories of school business.
- (e) The name 'governing body' should be used as the general term, but each school's governing body should be free to choose its own name (PTSA, PTA, School Board, Governing Body).
- (f) The composition of governing bodies should be sensitive to racial and gender representation.
- (g) State involvement in school governance should be at the minimum required for legal accountability, and should in any case be based on participative management.
- (h) The decision-making powers of governing bodies should reflect their capacity to render effective service.
- (i) A capacity-building programme should go hand-in-hand with the assignment of powers to governing bodies.

(3) Finance

- (a) The basis of financial allocations to different categories of state and state-aided schools must be equitable and transparent, aimed at eliminating historical disparities based on race and region and ensuring an acceptable quality of education.
- (b) In particular, a uniform staff provision formula, based on pupil/teacher ratios, must be phased in at state and state-aided schools as rapidly as possible, in full consultation with the representative organisations of the teaching profession.
- (c) The phasing in of the uniform staff provision formula should be based on acceptable educational planning principles, with attention to financial capacity, the physical size of classrooms, the number of students per class, and personnel implications.
- (d) Pending the outcome of a review of independent school subsidy policy, the eligibility of independent schools for state subsidies must be based on clear and uniform criteria, including observance of constitutional guarantees.

44 These principles involve extremely complex legal, financial, administrative, educational and political issues. The Ministry of Education will within six weeks put proposals based on these principles to the Council of Education Ministers. The Ministry will invite key stakeholders in the education system, through the National Education and Training Forum and other bodies, to debate and advise on the proposals.

45 The Ministry's proposals will aim at establishing a process of policy review, participatory planning and negotiation, in order to arrive at sustainable policy positions which accord with the requirements of the Constitution and have the widest possible public support.

46 In keeping with commitments made before the election, the review will focus on the issue of the legal categories of schools, including the status, role and future of state aided schools (including Model C and farm schools), and the relationship of the state to independent schools. The review will be undertaken by a specialist committee appointed by the Ministry on the basis of nominations by stakeholders, and its terms of reference and mode of operation will be determined in full consultation with all interested stakeholders.

II MEETING THE COMMITMENT TO FREE AND COMPULSORY GENERAL EDUCATION

Introduction

1 Education provision during a basic phase is now recognised as a fundamental human right in many countries, including both industrialised and developing nations. In these countries, government provision of education during the basic phase is usually justified on equity grounds, that is, the provision of free and compulsory education during the basic phase is meant to ensure that all citizens have access to education of equal quality.

2 The Ministry of Education is committed to the provision of ten years of free and compulsory general education. Achieving this goal is central to the national development strategy but it will require hard work, cooperation and compromises from all the education role players including government, educators, parents and students.

4 The commitment to provision of free and compulsory general education has major implications for access, quality, equity and efficiency in the education system, and the sustainability of financial resources.

Access

5 Extending access into the education system has two main components. First, capacity must be expanded. The number of schools and classrooms has to be increased so that there are sufficient places for all children. There is a need also to ensure that these schools are adequately staffed, that they are located where they are needed, and that they are in fact accessible to learners in their areas. It is a waste of resources to have underused buildings in one place and overcrowded classrooms in another. Most importantly, it is necessary to ensure that current capacity is fully utilised.

6 Second, there is a need to address the barriers that prevent some children from going to school. Distance and lack of transport, hunger, disability, looking after younger siblings, herding, household tasks, lack of parental guidance, homelessness, having to find work, inability to pay for uniforms, are all factors which may prevent children enrolling for school or remaining in school for the duration of the programme.

Quality

7 The achievement of ten years of basic general education has both quantitative and qualitative dimensions. Any acceptable definition of basic general education needs to embrace not merely the proportion of eligible children attending school, but also the nature and quality of schooling offered. The implementation of the free and compulsory phase implies not merely securing formal attendance at school but also ensuring that the material and human resources available in schools are sufficient to allow an acceptable quality of learning to proceed.

8 Perhaps the most important challenge in improving the quality of our education system is to ensure that our teachers are well prepared for the major responsibilities they carry. It is essential that teachers are helped to develop the expertise and skills that will enable them to stimulate learning. It is necessary to ensure that children have sufficient textbooks and instructional materials. The physical facilities of schools must provide a decent environment for learning. Many of our schools are in a state of disrepair. Many are in ruins. Furthermore, many lack basic furniture, storage space, electricity, a safe water supply, toilets, a school library, laboratories, or recreational facilities.

Equality and equity

9 Equality and equity in the provision of basic education are of crucial importance. The government has a commitment to provide equitable access to schooling and its benefits. Despite impressive increases in enrolments during the past two decades, a significant number of children of school-going age remain out of school. The vast majority of them come from one or more of the traditionally disadvantaged groups in society: they live in a rural area, or in a high-density urban settlement, they are poor, and they are most likely to be Coloured or African.

10 To achieve equitable access, expanded access is itself a necessary first step. Good quality education cannot be provided to all children while some are in school and some are not, or while some stay in school for the basic education phase while others leave after one or two years. In this respect, making sure that there are enough schools and classrooms for all children, and competent teachers to teach them, is the foundation for constructing an equitable education system.

11 The next step is to ensure equality of access. To reduce the inequalities of the past requires affirmative action. It is not sufficient simply to announce that discrimination by race or gender is now illegal. The discrimination that was introduced in the past was not just a matter of the allocation of resources and of everyday practices.

12 It is essential, therefore, to redress imbalances generated through historical inequalities in provision. For instance, the implementation of pre-school programmes can commence in those communities where this facility has never been provided. Ways need to be found to encourage children to attend schools that formerly excluded them. Parents and their children must be encouraged to seek out education opportunities that were previously denied them. Furthermore, educational institutions must be made aware of their responsibility to diversify their recruitment and to ensure that enrolment matches the rich heterogeneity of our country.

13 Affirmative action, for example, means providing special encouragement and support for those who experienced discrimination in the past. Clearly, not everyone needs or should receive that special assistance. Thus, to achieve equity, it may be necessary to pursue policies that treat different groups of people in somewhat different ways. If girls have been systematically discouraged from selecting subject combinations that emphasise mathematics and science, then achieving equitable education requires that new ways be found to encourage more girls to select those subjects.

14 Just as expanded access to schooling is the first step toward achieving equality, so is equal access the first step toward achieving equity. In the future, success in achieving both equality and equity will be measured by analysing what children go to school. For example, we should not be satisfied by enrolment and promotion rates in basic general education that vary significantly from one district to another. Nor should we accept a school system in which some children have sufficient textbooks in every subject and well equipped libraries and laboratories, while other children sit on the floor in large classes and lack books, libraries and laboratories.

15 It is vital as we move towards the goal of attaining equal access, that we turn our attention towards results or outcomes, in order to ensure that all learners have equal opportunities unless we have looked carefully at the outcomes. For example, do girls stop their schooling sooner than boys, or vice versa? Are pass rates systematically and consistently higher in some regions than in others? Achieving equity in results is far more complex and difficult than achieving equality of access. But we shall have failed if we aim at anything less.

Efficiency

16 Educational efficiency is linked to quality of provision. Achieving or improving efficiency in the education system will require us to reduce repetition and drop-out rates and increase the quantity and quality of output from the system.

Sustainability

17 The provision of free and compulsory education can take place only within a context of financial sustainability. Education requires substantial financial resources. Currently, nearly a quarter of the government's expenditure is allocated to education. Education has to compete for resources with other sectors such as health, social welfare and housing, where the needs are also substantial.

18 The large gaps that need to be closed between schools and communities with the highest and lowest spending per pupil, as well as the resourcing needed for the education of teachers and the construction of schools, will consume a large proportion of the education budget each year. Providing ten years of free education for all will mean increasing expenditure year on year as more children are brought into the system and stay longer. Moreover, if economic growth is sluggish, the budgetary resources available to education will be seriously constrained. Thus the restructuring of the school system must be handled in a manner which ensures its financial sustainability.

19 It is vital that rapid progress is made towards the attainment of free and compulsory general education. Education financing policies must direct the distribution of public resources in a manner that ensures that the goals of universal provision and equalisation are attained in the shortest possible time.

Compulsory education

20 The implications of providing free and compulsory general education for access, quality and equity can best be examined by separating the notions of 'free' and 'compulsory'. The idea of ten years of compulsory education implies that all children in the age group 5-14 will be required by law to attend school, or alternatively that all children will be required to be in school until they have attained the equivalent of what is known today as Standard 7.

21 The main constraint to the rapid implementation of compulsory education is the capacity of the education system to absorb the additional demand for schooling. The demand will be of two kinds: it will arise from both population growth and the large number of children of school-going age who for a variety of reasons have remained out of school.

22 The estimates of the number of children eligible for the free and compulsory phase vary between 850 000 and two million. In 1990 the DBSA estimated that 14 000 classrooms were needed each year between 1990 and 1995 to eliminate backlogs and keep pace with enrolment growth. The average annual increase of classrooms during the early nineties was only 6 000.

23 The Education Foundation has estimated that there was a backlog of 35 000 classrooms in 1994, with an annual demand for 12 500 classrooms between 1994 and 1999, and over 16 000 between 1999 and 2004. The cost of eliminating the current backlog was estimated at R1,8 billion, with an annual requirement of R600 million for classroom construction just to keep up with enrolment growth. If the DBSA estimates of the out-of-school population are correct, the costs of classroom construction to accommodate out-of-school children and enrolment growth would be substantially higher than these massive sums.

24 The government will make a concerted effort to increase the rate at which schools are constructed, and to hold down the costs by careful design specifications and multiple use where necessary. However, the construction of schools addresses only part of the problem. Schools have to be provided with electricity, water and sanitation. Moreover, they have to be staffed and provided with equipment and teaching materials. This entails a considerable increase in the recurrent costs of the system.

25 **Given the huge anticipated demand for schooling arising from population growth and the out-of-school population, and the constraints on the capacity of the education system to absorb this demand, the implementation of government's commitment to provide compulsory education can realistically only be begun on a phased basis in 1995. The enforcement of compulsory attendance by law can be phased in only when it is clear that the capacity for each successive age group exists, and when the ground has been prepared in the affected communities so that the full implications of compulsory attendance are understood. Compulsory birth registration is an essential precondition for regulating admissions to school and, over time, eliminating under-age and over-age enrolment.**

26 The national Department of Education and the provincial ministries are addressing urgently the issues of school building, teacher education and the maldistribution of teachers across the system. School buildings and teachers cannot be produced overnight. Rapid construction methods (if funds are available), mobile classrooms, and double shifts are all in use in different parts of the country, and offer potential ways of easing the problem. The redeployment of teachers to where the demand is greatest is more complex, since it involves negotiations with their organisations and many personal decisions. The implementation of compulsory education for the 10 year phase will thus be crucially dependent on the speed with which these problems can be addressed.

27 **The Ministry of Education proposes that the implementation phase should begin in January 1995 with the enrolment in Grade 1 of all children aged six.**

28 At the present time it is not possible to make the pre-primary or reception year compulsory, given

the enormous deficits of appropriately trained teachers and suitable facilities for five year olds. However, the Ministry of Education is committed to a new national initiative in Early Childhood Development (ECD), of which the needs of the reception year for five year olds forms an important part. The new structure of the Department of Education makes specific provision for the new ECD programme. The year 1995 should be used mainly for planning the development of the reception year. A range of options will need to be considered, including both school-based provision where appropriate staff and facilities exist, and suitably accredited community-based institutions which would receive a per capita subsidy.

29 As capacity within the system as a whole expands, compulsory education will be extended for each age group.

30 Compulsory education by definition carries certain legal implications for parents. Parents will be required by law to ensure that their children attend school for the phase which is deemed compulsory. In view of the capacity problem, the government will review possible legal enforcement measures when it is clear that all children of a particular age-group can be accommodated in school, parents have been appropriately prepared for the implications of compulsory attendance, and an appropriate service is available to deal with non-attendance.

Free education

31 The government's ability to implement 'free education' will be determined by the level of public resources that are available for the education sector. At the present time education consumes 22,5 per cent of the total government budget and approximately seven per cent of the country's GDP. On both these measures South Africa ranks amongst the highest in the world in relation to its level of development.

32 As the discussion in Part 4 indicated, the extent to which additional budgetary resources will be made available for education will depend on a number of factors, particularly the rate of economic growth in the country, the demands of competing sectors such as health, social welfare and housing, and cabinet decisions on developmental priorities.

33 Secondly, and probably more importantly because of its implications for the immediate term, the costs of education are a direct function of the quality of service provided. This constrains the notion of free and compulsory education in important ways. First, it implies that a certain acceptable level of quality of schooling should be made available to all, not just any level of schooling however poor and ineffective. However, while it is important to define exactly what constitutes the minimum necessary acceptable standard, the idea of a maximum affordable quality of schooling is also likely to be implied. In cases where families wish to avail themselves of a higher quality of schooling, they may need to supplement what can be afforded from public funds by their own private resources.

34 That is to say, the government may not be able to guarantee to provide fee-free schooling at levels of quality beyond those which are deemed affordable for all.

35 In the first instance, therefore, the state's ability to fund 10 years of free education will be determined by the level of financial resources available for education in general. As the discussion in Part 4 made clear, an additional complication is that the current pattern of education financing is characterised by wide disparities in racial per capita expenditure especially between the erstwhile White and Indian education systems on the one hand and the African and Coloured systems on the other. These disparities are due primarily to the relatively high teacher qualifications and lower teacher/pupil ratios in the former systems.

36 Under these circumstances, redistributive strategies will be difficult to implement effectively in the short term if wide-scale retrenchment of teachers is to be avoided in the ex-tricameral departments. What is abundantly clear is that given the sluggish economy and government's firm commitment to fiscal discipline, the level of budgetary resources available to fund the education sector is severely constrained. The state cannot fund all schools at the level of per capita expenditure currently prevailing in those parts of the system which have had the highest levels of funding in the past. For example, it is estimated that funding ten years of free education for all at the level of subsidisation prevailing in the ex-House of Assembly schools would increase the financial burden of the state from R12 billion to R34 billion in 1992 prices.

37 The notion of free schooling implies a certain acceptable quality of schooling which would be made available to all. This would mean that African schools would receive a higher level of subsidisation than they presently receive. However over time there would be a convergence of higher-subsidised schools and low-subsidised schools towards equality of per capita subsidisation. In other words, equality of per capita subsidisation would be effected through lower teacher/pupil ratios in disadvantaged schools and higher teacher/pupil ratios in the advantaged schools. More highly qualified teachers would be required in the erstwhile Coloured and African schools.

Fee charges in state and state-aided General and Further Education

38 The implications of such a notion of free schooling need to be clarified. Implementing an acceptable level of education that is completely financed by the state will ensure firstly that the salaries of all teachers will be paid at the appropriate staff provision level.

39 Secondly, it will ensure that an adequate level of resources particularly with respect to equipment, books, teaching materials and facilities are provided in needy communities and areas where such resources have historically not been available. These needs will be determined on the basis of a School Register of Needs which will be constructed from a nation-wide audit of schools to be undertaken during 1994 and 1995, and which will be used to influence the distribution of resources for education in the 1995/96 budget. The interim extended Committee of Heads of Education Departments will co-ordinate this work.

40 **Schools will be free to charge fees, the level of which will be determined by the capacity of the community to pay and/or the quality of schooling which that community deems affordable, beyond the 'acceptable minimum' which the government provides from public funds. To advance equity it is vital to ensure that children are not excluded from schools because of an inability to pay.**

41 In the current system, fee paying occurs in a variety of forms ranging from those paid at the Model C schools to contributions from relatively poor communities for school building programmes.

42 **The government's intention is to ensure that in the initial phases of implementing free education, poor communities, particularly those in rural areas, will not be required to pay towards capital and teacher costs of education. Payment of fees must be an option that communities and schools must jointly decide.**

43 **The notion of 'free education' is thus constrained by the limited public resources available for education relative to the magnitude of the needs particularly in Black communities. It suggests that the state will provide an acceptable quality of schooling and that fee paying is an option that schools and communities must consider if they wish to offer a quality of schooling higher than that which the state can afford.**

44 Given the racial and regional inequalities in the education system that this government has inherited, the provision of even a minimally acceptable level of educational quality will entail a substantial redistribution of resources committed to non-personnel expenditure from the historically-privileged sectors to the historically-disadvantaged sectors. As fees may be expected to rise in the latter, the government may need to give consideration to the development of a subsidy scheme to encourage access of poor students, particularly to the Model C schools.

45 It is necessary to allay fears of poor communities that the introduction and implementation of 'free and compulsory general education' implies a complete absence of state subsidisation of pupils in Standards 8-10. This is emphatically not the case. State subsidisation of senior secondary education is crucial to ensure that a significant proportion of pupils from all South African families, particularly those from socio-economically disadvantaged backgrounds, are able to proceed to and beyond the matriculation level.

46 The level of state subsidisation of senior secondary education will depend most obviously on the level of per capita expenditure that is allocated to the general education sector in the compulsory phase. However, in order to advance equity, it would be appropriate to fund senior secondary education according to socio-economic status. In order to effect an 'ability-to-pay' scheme, means testing would have to be introduced and depending on the resources available a range of fees would be set, relative to parental income.

CONCLUSION

- 1 This document represents the first steps along the long road of restructuring education in South Africa. The educational problems of our country run deep and there are no easy or quick-fix solutions. Even when educational changes enjoy wide support they necessarily take several years to work their way through the system because educational cycles tend to be very long.
- 2 The policy framework set out in this document does not constitute the government's final blueprint for educational transformation. The policy proposals address the areas which require urgent direction as the new government seeks to transform the fragmented and ethnically-based system into a non-racial system of education and training.
- 3 The Ministry of Education will be developing further policy in the future, and is committed to do so in consultation with all stakeholders and roleplayers.
- 4 The policy proposals set out in this draft document are directed at initiating fundamental change in the character and content of our education and training system. They are designed to ensure democratisation, a clear framework for redress, equity, and the transformation of our educational bureaucracy. It is a challenge which we can only meet collectively and in a partnership of all sectors of South African society.
- 5 The Ministry of Education is mindful that the struggle for a democratic education system has played a central role in defining the parameters for change. The gains from this struggle have been obtained at an exorbitant human and social cost. We acknowledge those who fought so hard for the human right to a free and equal basic education.
- 6 We owe it to them, to ourselves and future generations to make a sharp break from the educational deprivation and mismanagement of the past. The Ministry of Education invites all South Africans to join the project of establishing a democratic education and training system, which will open the gates of learning and culture to all, and ensure that our nation's human resources and potential are developed to the full.

