

# Cautious optimism as court forces Education to act on broken schools

KERUSHUN PILLAY

“LOOPHOLES” which allowed the government to indefinitely delay repairing ailing schools infrastructure and services have been deemed “unconstitutional”.

A judgment handed down last week at the Bisho high court ruled that parts of the Regulations Relating to Minimum Uniform Norms and Standards for Public School Infrastructure were too vague. These regulations stipulate the infrastructure standards that should be enjoyed at all public schools.

Activist organisation Equal Education (EE) had asked the court to deal with five particular issues in the regulations, including what EE termed an “escape clause”, where the Department of Basic Education (DBE) could blame partnered departments and agencies for a lack of service delivery.

For instance, the department could rest the responsibility of a the lack of elec-


tricity or water with Eskom or a municipality.

The DBE said it was applying the finishing touches to amendments to the norms and standards, and would consider the judgment.

Russell High School, which is reportedly so dilapidated that pupils are potentially in danger. It was also reported last month that Pholela High School in Bulwer has mouldy walls and exposed electrical wires.

But organisations still expressed caution — especially around the DBE and provincial department’s ability to deliver.

“I have not seen the court judgment, but we would support any means that

 **At this stage in our democracy, we should not have children in unequal learning structures. Parents should have confidence that their child won’t be in danger.**

The Witness has run several reports of KZN schools requiring serious and immediate intervention for infrastructure.

These included heritage schools, like

The judgment has been described as “long overdue”, and as something that could “stop the department from washing its hands” of infrastructure problems.

ensures children are provided with infrastructure,” Dr Anthea Cereseto, the CEO of the Governing Body Foundation, said.

Cereseto said KwaZulu-Natal was one

of the worst-hit provinces when it came to schools lacking infrastructure.

“At this stage in our democracy, we should not have children in unequal learning structures. Parents should have confidence that their child won’t be in danger.”

She added: “But we would also like more monitoring and accountability when it comes to expenditure by the department.”

Dr Rishigen Viraana, the DA spokesperson for education in the province and member of the portfolio committee on education, said: “We do oversight visits and tell the department of problems.

“But the department just washes its hands of the problem.

“Now they can’t do that ... they are forced to act.”

Activist organisation Section 27 expressed cautious optimism, saying the “victory would remain hollow” if it was not taken seriously by government.

• kerushun.pillay@witness.co.za