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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

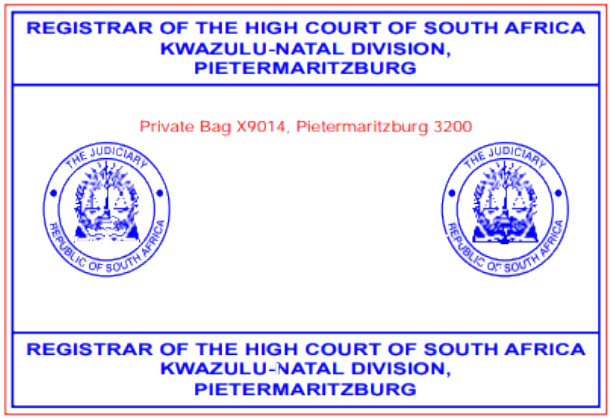
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Certificate

NOTE: **This document was filed electronically by the Registrar on 22/5/2025 at 9:36:08 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

22/5/2025-9:36:08 AM

IN THE HIGH COURT OF SOUTH AFRICA

KWAZULU-NATAL DIVISION, PIETERMARITZBURG

CASE NO: 2025-067855

FRIENDS OF SOUTH AFRICA EARLY CHILDHOOD DEVELOPMENT FORUM	First Applicant
KWAZULU-NATAL EARLY CHILDHOOD DEVELOPMENT ALLIANCE	Second Applicant
SAKHOKWETHU CRÈCHE	Third Applicant
PHUMELELA CRÈCHE	Fourth Applicant
ZENZELENI CRÈCHE	Fifth Applicant

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG
Private Bag X9016, Pietermaritzburg 3200
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

and

MEC FOR EDUCATION: KWAZULU-NATAL	First Respondent
HEAD OF DEPARTMENT, KWAZULU-NATAL DEPARTMENT OF EDUCATION	Second Respondent
DIRECTOR OF EARLY CHILDHOOD DEVELOPMENT, KWAZULU-NATAL DEPARTMENT OF EDUCATION	Third Respondent
MINISTER OF BASIC EDUCATION	Fourth Respondent
MINISTER OF FINANCE	Fifth Respondent
MEC FOR FINANCE: KWAZULU-NATAL	Sixth Respondent

MINISTER OF SOCIAL DEVELOPMENT Seventh Respondent

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Eighth Respondent

---

CERTIFICATE OF URGENCY



I, Muhammad Zakaria Suleman, an advocate of the High Court and legal practitioner, practicing at Ubunye Chambers, Durban, confirm that I have drafted the founding affidavit and notice of motion in the above matter. I certify that this matter is sufficiently urgent to be placed on the motion roll on 26 May 2025.

Muhammad Zakaria Suleman

13 May 2025

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Notice of Motion (Long Form)

NOTE: **This document was filed electronica Registrar on 14/5/2025 at 8:38:00 AM South African Standar ST). The time and date the document was filed by the party is presented on the header of each page of this document.**

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

Private Bag X9014, Pietermaritzburg 3200

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.



14/5/2025-8:38:00 AM

IN THE HIGH COURT OF SOUTH AFRICA

KWAZULU-NATAL DIVISION, PIETERMARITZBURG

CASE NO:

FRIENDS OF SOUTH AFRICA EARLY CHILDHOOD DEVELOPMENT FORUM	First Applicant
KWAZULU-NATAL EARLY CHILDHOOD DEVELOPMENT ALLIANCE	Second Applicant
SAKHOKWETHU CRÈCHE	Third Applicant
PHUMELELA CRÈCHE	Fourth Applicant
ZENZELENI CRÈCHE	Fifth Applicant
and	
MEC FOR EDUCATION: KWAZULU-NATAL	First Respondent
HEAD OF DEPARTMENT, KWAZULU-NATAL DEPARTMENT OF EDUCATION	Second Respondent
DIRECTOR OF EARLY CHILDHOOD DEVELOPMENT, KWAZULU-NATAL DEPARTMENT OF EDUCATION	Third Respondent
MINISTER OF BASIC EDUCATION	Fourth Respondent
MINISTER OF FINANCE	Fifth Respondent
MEC FOR FINANCE: KWAZULU-NATAL	Sixth Respondent
MINISTER OF SOCIAL DEVELOPMENT	Seventh Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL DIVISION, PIETERMARITZBURG

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Eighth Respondent

---

NOTICE OF MOTION

PART A

TAKE NOTICE that the applicants will make application to this Court on the 26th day of May 2025, at 09h30, for an Order in terms of **PART A**, as follows.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

1. The applicant's non-compliance with the Uniform Rules of Court is condoned and the matter is heard on an urgent basis in terms of Rule 6(12)(a).

2. Directing the first to third respondents to pay the third to fifth applicants, forthwith and no later than 5 (five) days from the date of this Order, all outstanding Early Childhood Development Grant subsidies owed to them.

3. Directing that the costs of the application, are to be paid by those respondents who oppose this application, such costs to include the costs of two counsel, each on scale C, to be paid jointly and severally amongst those who oppose.

TAKE NOTICE FURTHER THAT that the accompanying affidavits of **NKOSINATHI SIBISI and SHENIECE LINDERBOOM** will be used in support thereof.

TAKE NOTICE FURTHER that the applicants have appointed **LEGAL RESOURCES CENTRE** at which they will accept notice and service of all process in these proceedings.

2

TAKE NOTICE FURTHER that if you intend opposing PART A of this application you are required:

(a) to notify applicant's attorney in writing by 16 May 2025;

(b) and on or before 21 May 2025 to file your answering affidvaits if any; and

(c) further that you are required to appoint in such notification an address referred to in rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.



If no such notice of intention to oppose be given, the application will be made on the 26th of May 2025 at 09h30 or so soon thereafter as counsel may be heard.

PART B

TAKE NOTICE that the above applicants intend to make further application to this Court, on a date to be arranged with the Registrar, for the following orders:

1. Declaring and recognising that all children have a right to early childhood development.

2. The first to third respondents are directed to file a searchable report, within one month of the date of the court order, under oath, of the names and addresses of all ECD centres in KZN that are recipients of the conditional grant or equitable share subsidies, setting out the total subsidy amounts that are outstanding in respect of each centre and in that report to detail how they will remediate such non-payment.

3

3. The first to third respondents are directed to file an updated version of the reports referred to in prayer 2 above, before the last day of every subsequent month until all payments are up to date and the order is fully complied with.

4. The applicants be granted leave thereafter, within 30 days, and before the last day of every subsequent month, to deliver an affidavit in answer to the reports and may thereafter set the matter down for further, other or alternative relief, as supported by their affidavits and this application.



5. The first to third respondents are directed to ensure that, within three months of the date of the court order, a signed TPA agreement is concluded with each of the ECD centres that are recipients of the conditional grant or equitable share subsidies, and that each agreement clearly sets out the terms and timeframes for the payment of the subsidy in respect of each ECD centre.

6. Directing those respondents who oppose this affidavit to pay the costs of this application, including the costs of two counsel, each on scale C, such costs to be paid jointly and severally amongst them.

TAKE NOTICE FURTHER THAT the accompanying affidavits of **NKOSINATHI SIBISI and SHENIECE LINDERBOOM** will be used in support thereof.

TAKE NOTICE FURTHER that the applicants have appointed the **LEGAL RESOURCES CENTRE** at which address they will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing PART B this application you are required:

(a) to notify applicant's attorney within ten days of receiving this application

(b) and within fifteen days after you have so given notice of your intention to oppose the application, to file your answering affidavits, if any; and

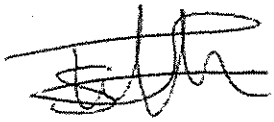


(c) further that you are required to appoint in such notification an address referred to in rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose be given, the application will be made on the at 09H30 or so soon thereafter as counsel may be heard.

DATED at Durban this 13th day of May 2025.

5



LEGAL RESOURCES CENTRE
Attorneys for the Applicants
1st Floor, CBI Building
635 Peter Mokaba Road
DURBAN,
Tel: 03[illegible] 7572
Ref: ED11-25
Email: sheniece@lrc.org.za / kiara@lrc.org.za
C/O M BHYAT ATTORNEYS
401 Prince Albert Street
Pietermaritzburg, 3201
Tel: 083 578 6059
Email: mohammed@mbhyat.co.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL DIVISION, PIETERMARITZBURG

AND TO: **THE REGISTRAR OF THE ABOVE COURT**

AND TO: **THE MEMBER OF THE EXECUTIVE COUNCIL, DEPARTMENT OF EDUCATION, KWAZULU-NATAL**

First Respondent

Anton Lembede Building

247 Burger Street

Pietermaritzburg

AND TO: **HEAD OF DEPARTMENT FOR THE KWAZULU-NATAL DEPARTMENT OF EDUCATION**

Second Respondent

Anton Lembede Building

247 Burger Street

Pietermaritzburg

AND TO: **DIRECTOR OF EARLY CHILDHOOD DEVELOPMENT, KWAZULU-NATAL DEPARTMENT OF EDUCATION**



Third Respondent

Anton Lembede Building

247 Burger Street

Pietermaritzburg

AND TO: **MINISTER OF BASIC EDUCATION**

Fourth Respondent

Sol Plaatje House

222 Struben Street

Pretoria

AND TO: **MINISTER OF FINANCE**

Fifth Respondent

40 Church Square

Old Reserve Bank Building

2nd Floor

7

Pretoria

AND TO: **MEMBER OF THE EXECUTIVE COUNCIL FOR FINANCE, KWAZULU-NATAL**

Sixth Respondent

330 Langalibalele Street

Natalia Building

2nd Floor

Pietermaritzburg



AND TO: **MINISTER OF SOCIAL DEVELOPMENT**

Seventh Respondent

134 Pretorius Street

HSRC Building

North Wing

Pretoria

AND TO: **MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

Eighth Respondent

87 Hamilton Street

Arcadia

Pretoria

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

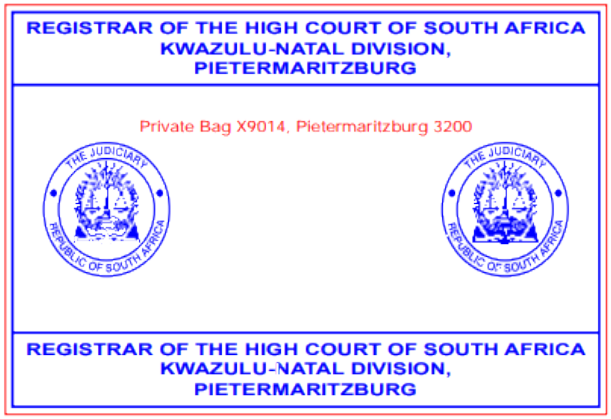
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Founding Affidavit

NOTE: **This document was filed electronically by the Registrar on 17/5/2025 at 12:39:35 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

IN THE HIGH COURT OF SOUTH AFRICA

KWAZULU-NATAL DIVISION, PIETERMARITZBURG

CASE NO: 2025-067855

FRIENDS OF SOUTH AFRICA EARLY CHILDHOOD DEVELOPMENT FORUM	First Applicant
KWAZULU-NATAL EARLY CHILDHOOD DEVELOPMENT ALLIANCE	Second Applicant
SAKHOKWETHU CRÈCHE	Third Applicant
PHUMELELA CRÈCHE	Fourth Applicant
ZENZELENI CRÈCHE	Fifth Applicant
and	
MEC FOR EDUCATION: KWAZULU-NATAL	First Respondent
HEAD OF DEPARTMENT, KWAZULU-NATAL DEPARTMENT OF EDUCATION	Second Respondent
DIRECTOR OF EARLY CHILDHOOD DEVELOPMENT, KWAZULU-NATAL DEPARTMENT OF EDUCATION	Third Respondent
MINISTER OF BASIC EDUCATION	Fourth Respondent
MINISTER OF FINANCE	Fifth Respondent
MEC FOR FINANCE: KWAZULU-NATAL	Sixth Respondent
MINISTER OF SOCIAL DEVELOPMENT	Seventh Respondent
MINISTER OF COOPERATIVE GOVERNANCE	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

AND TRADITIONAL AFFAIRS Eighth Respondent

FOUNDING AFFIDAVIT

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REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

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I, the undersigned,

NKOSINATHI SIBISI

state under oath the following:

1. I am an adult male and the chairperson of the Friends of South Africa Early Childhood Development Forum ("FOSA"), the first applicant in this application. I am also the principal of the Sinamuva Crèche and the Early Childhood Development Centre ("Sinamuva"), referred to below.



2. I am duly authorised to depose to this affidavit on behalf of the applicants. Resolutions confirming this are attached hereto as "**NS 1**".

3. The contents of this affidavit are within my personal knowledge, except where the context indicates otherwise, and are to the best of my belief both true and correct. Where I make legal submissions, I do so on the advice of my legal representatives.

A. OVERVIEW AND PURPOSE

4. Early childhood development ("ECD") is a comprehensive approach to programmes and policies for children from birth to five years of age. Its purpose is to protect the rights of children to develop their full cognitive, emotional, social and physical potential.

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5. Early childhood is an important period where a child's brain undergoes rapid development and lays the foundation for future learning, health, and behaviour. A significant number of ECD services are provided through ECD centres. The Department of Basic Education ("DBE") is responsible for co-ordinating ECD centres. These are regulated by the Children's Act 38 of 2005 and the National Integrated Early Childhood Development Policy, 2015 ("NIECDP").

6. However, hundreds of ECD centres in KwaZulu-Natal ("KZN") are not receiving the financial support they are entitled to from the state. The non-payment of subsidies owing to these ECD centres is having a devastating impact on tens of thousands of children aged between birth and five years old.

7. I am advised that the irregular or non-payment of subsidies goes against the objectives which the Children's Act 38 of 2005, seeks to achieve through its ECD programme and undermines the Constitution of the Republic of South Africa, 1996 ("The Constitution").

8. The affected children's constitutional rights to nutrition, care, and ECD are being infringed. If the breach continues, it will cause devastating, irreparable harm to their lives. This is not in their best interests and, it is contrary to the constitutional, statutory and international law obligations outlined in the affidavit by our attorneys of record. I refer in this regard to the affidavit accompanying mine, from Sheniece Linderboom, which sets out the legal framework in support of this application.

9. The failure by the respondents relates to the irregular, delayed and outstanding equitable share and conditional grant payments owed to the respective ECD

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centres in terms of Transfer Payment Agreements ("TPAs") signed between the provincial department and the ECD centre.

B. RELIEF SOUGHT

10. As outlined in the notice of motion, this application seeks the following relief:

10.1. **PART A** seeks urgent and immediate relief for the [illegible] applicants in the form of a mandatory interdict for the payment of all outstanding subsidies for ECD. This relief is sought pending the outcome of the relief in **PART B.**

10.2. **PART B** seeks a declarator and systemic relief through a structural interdict requiring the state to file a report to this Court dealing with the extent to which it remains in breach of its obligations in respect of numerous other ECD centres and a plan to overcome these deficiencies. This relief is as set out in the Notice of Motion, and I do not repeat it here.

11. The remainder of this affidavit will be structured as follows:

11.1. First, I set out the parties to this application.

11.2. Second, I will set out the legal standing of the applicants.

11.3. Third, I set out the factual background to this application, the steps taken to resolve the matter, and the impact of non-payment of subsidies on affected children.

NMM

11.4. Fourth, I establish that the requirements for a final interdict are satisfied.

11.5. Fifth, I discuss the remaining relief in the notice of motion, including the declaratory order and the structural interdict sought against the respondents calling on them to report and remedy their breach of their obligations.



C. PARTIES

Applicants

12. The first applicant is the **FRIENDS OF SOUTH AFRICA EARLY CHILDHOOD DEVELOPMENT FORUM ("FOSA").** Its postal address is PO BOX 481724, Qualbert, 4078 care of its attorneys of record, the Legal Resources Centre ("LRC"), Durban.

13. FOSA is a registered non-profit organisation ("NPO") with NPO registration number 064-282. In terms of its constitution, annexed hereto as "**NS 2**", two of the primary objectives of FOSA are to serve as a mouthpiece and provide an advocacy role for ECD centres in South Africa, and to implement policies and guidelines that pertain to the DBE and the Children's Act.

14. FOSA has a presence throughout the province with a district chairperson representing each of the eleven districts of KZN which are eThekwini South, eThekwini North, Amajuba, Harry Gwala, iLembe, Ugu, uMgungundlovu, uMkhanyakude, uThukela, Umzinyathi, Zululand and King Cetshwayo. FOSA has

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a membership of 517 ECD centres. A copy of the membership list is annexed hereto as "**NS 3**".

15. The second applicant is the **KWAZULU-NATAL EARLY CHILDHOOD DEVELOPMENT ALLIANCE ("KZN ECD ALLIANCE")**. The KZN ECD Alliance consists of three main bodies; The South African Association of Early Childhood Development, the South African Congress and the South African Agency for ECD.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

16. The KZN ECD Alliance is a community-based voluntary association that has established a network of ECD centres throughout KZN with the primary aim of advocating for the affected ECD centres in poor communities that have been plagued by the ongoing subsidy payment issues. It has worked alongside these centres to promote and advance their interests with the intention of rectifying the detrimental impact of the non-payment on the functioning of the centres. A copy of the KZN ECD Alliance's Terms of Reference document is annexed hereto as "**NS 4**".

17. The third applicant is **SAKHOKWETHU CRÈCHE ("SAKHOKWETHU").** Sakhokwethu is a registered NPO with registration number 032-433, located in Edendale H, Pietermaritzburg, uMgungundlovu District. The principal of Sakhokwethu is Bonisiwe Mthembu.

18. The fourth applicant is **PHUMELELA CRÈCHE ("PHUMELELA")**. Phumelela is a registered non-profit organisation ("NPO") with NPO registration number 047-572, located in Edendale, Pietermaritzburg, uMgungundlovu District. The chairperson of Phumelela is Ms Nonkonzo Madlala.

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19. The fifth applicant is **ZENZELENI CRÈCHE ("ZENZELENI")**. Zenzeleni is a registered non-profit organisation ("NPO") with NPO registration number 032-848, situated in Edendale, Pietermaritzburg, uMgungundlovu District. The principal of Zenzeleni is Ms Thembekile Ndlovu.

Respondents

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

20. The first respondent is **THE MEMBER OF THE EXECUTIVE COUNCIL, DEPARTMENT OF EDUCATION, KWAZULU-NATAL**. The first respondent is cited as the nominal respondent on behalf of the KwaZulu-Natal Government in its Department of Education and is the bearer of the constitutional and statutory powers and duties of the Member of the Executive Council ("MEC") of Education of KwaZulu-Natal.

21. The second respondent is the **HEAD OF DEPARTMENT FOR THE KWAZULU-NATAL DEPARTMENT OF EDUCATION**. The Head of Department is cited as the administrative head of the KwaZulu-Natal Department of Education ("KZNDoE"). The KZNDoE is responsible for the administration, registration and funding of education institutions in KwaZulu-Natal.

22. The third respondent is the **DIRECTOR OF EARLY CHILDHOOD DEVELOPMENT, KWAZULU-NATAL DEPARTMENT OF EDUCATION.** The Director of ECD is cited as the oversight head of the ECD services in the KwaZulu-Natal Department of Education. The KZNDoE is responsible for the

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administration, registration and funding of ECD centres in KwaZulu-Natal. This application will be served on the first, second and third respondents at Anton Lembede Building at 247 Burger Street in Pietermaritzburg.

23. The fourth respondent is the **MINISTER OF BASIC EDUCATION**. The Minister of Education is cited in her official capacity as the political head of the National Department of Basic Education ("**DBE**") (situated at the Union Buildings, Pretoria) and is the person responsible for the acts and omissions of officials within the DBE. In terms of section 85(2) of the Constitution and the National Education Policy Act 27 of 1996, the Minister is responsible for developing and implementing national education policy, as well as monitoring and evaluating all levels of education. This application will be served on the fourth respondent at her offices at the Union Buildings, Sol Plaatjie House, 222 Struben Street, Pretoria. The Minister is cited for any interest that she may have in the matter, but no relief is sought against her.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

24. The fifth respondent is the **MINISTER OF FINANCE** cited herein in his official capacity as the political head of National Treasury and the person responsible for the acts and omissions of officials within National Treasury. The Minister of Finance is also responsible for the financial management, governance, budgeting processes, and development of economic policy within National Treasury. The fifth respondent is cited based on his interest in the relief sought in this matter, and no relief is sought directly against him. His offices are situated at 40 Church Square, Old Reserve bank Building, 2nd Floor, Pretoria, where the papers will be served.

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25. The sixth respondent the **MEMBER OF THE EXECUTIVE COUNCIL FOR FINANCE: KWAZULU-NATAL**. The sixth respondent is cited herein in his official capacity as the political head of the KwaZulu-Natal Provincial Department of Finance and the person responsible for the acts and omissions of officials within this Department. He is also responsible for the administration of financial legislation in KwaZulu-Natal. The sixth respondent is cited based on his interest in the relief sought in this matter, and no relief is sought directly against him. The application will be served at the office of the department at 330 [illegible] Street, Natalia Building, 2nd Floor, Pietermaritzburg, 3201.



26. The seventh respondent is the **MINISTER OF SOCIAL DEVELOPMENT.** The Minister is cited in his official capacity as the political head of the Department of Social Development ("**DSD**") and the person responsible for the acts and omissions of officials within National DSD. The Minister is cited in terms of the Children's Act insofar as it requires intervention by the Minister in terms of the Act, although no direct relief is sought against them. This application will be served on the seventh respondent at their offices at the HSRC Building, North Wing, 134 Pretorius Street, Pretoria.

27. The eighth respondent is the **MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS.** The Minister is cited in their interministerial capacity. This application will be served on the eighth respondent at their offices at 87 Hamilton Street, Arcadia, Pretoria. No direct relief is sought against this Minister who is cited herein on the basis of a potential interest in the subject matter of this application.

NDM

D. LEGAL STANDING

28. The applicants have the necessary standing to litigate this matter:

28.1. Firstly, in terms of sections 38(a), (b), (c), and (d) of the Constitution of the Republic of South Africa, 1996.

28.2. Secondly, in terms section 15 of the Children's Act, in the public interest and on behalf of children affected by the failure to fund the ECD programmes.



29. The applicants bring this application:

29.1. In their own interest, as organisations that have as one of their vision, mission or purpose, to secure and ensure the right to early childhood development;

29.2. In the interest of the affected children at the three applicant ECD centres and across the province of KwaZulu-Natal;

29.3. On behalf of the affected ECD centres in KwaZulu-Natal who have been, and will continue to be, affected by the inadequate provision of resources and who lack the necessary resources to act in their own name;

29.4. On behalf of its members; and

29.5. In the public interest.

E. FACTUAL BACKGROUND

30. In what follows, I first set out how ECD centres are funded. Then I set out the challenges the applicants have faced with the provision of ECD. I then show how

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the problem extends far beyond these three centres and across the province. Finally, I set out the efforts made to address the problem.

Funding of ECD Centres

31. I am advised that ECD centres are required to register under section 81 and 95 of the Children's Act. If registration is successful, the centre qualifies to access the state subsidy.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

32. Subsidies are granted to ECD centres on a per capita basis taking into account the number of children in attendance at the centre and the number of days children spend at the centre during the year. If an ECD centre is located in a designated municipal ward identified for the targeting of subsidies, all children in attendance at the centre are subsidised. If it is located outside these areas, only the children in attendance whose parents or caregivers pass a means test will be subsidised. The subsidy value will also vary between centre and non-centre establishments.

33. Subsidies are funded from both the Early Childhood Development Grant ("ECDG"), a conditional grant administered by the DBE, paid quarterly, and by Provincial Education Departments ("PEDs") using a portion of their provincial equitable share, which is then paid monthly. The most recent framework sets the value of the ECD subsidy drawn from the ECDG at R17 per qualifying child per day at registered ECD centres, and R6 per qualifying child per session attending non-centre ECD establishments. These subsidies have not increased since 2019.

34. If the ECD centre does not however meet the registration requirements, they are largely left to fend for themselves and operate using the fees received from parents, which are negligible in poor communities.

35. The funding is therefore critical for the ECD centres to function. Without funding, many ECD centres face the real prospect of having to close. The three ECD centres highlighted next illustrates these ongoing violations of rights by the government.

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36. The funding itself supports the provision of, or access to, the components which make up the "essential package" of ECD services, which include:

(a) nutritional support;

(b) primary caregiver support;

(c) social services and protection;

(d) health care services; and

(e) early care and educational programmes.

37. This is recognised in law as detailed in the affidavit of Sheniece Linderboom. I turn next to deal with the position of the applicants, each of whom is facing severe obstacles because of the non-payment of the ECD grants by the government.

Sakhokwethu Crèche

38. Sakhokwethu is an ECD centre in Edendale H, Pietermaritzburg. It first opened in 1996 and registered as an NPO in 2004, with registration number 032-433. Bonisiwe Mthembu has been the principal of Sakhokwethu since 2022. The

accuracy of the information about Sakhokwethu in this affidavit is confirmed by the confirmatory affidavit of Ms Mthembu which is filed together with this affidavit.

39. The centre can accommodate up to 80 children but currently has 48 children enrolled, 28 of whom are eligible to receive the ECD subsidy. The children are between the ages of zero and five and are expected to pay R230 a month in respect of fees.

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40. In any given month, the centre should receive R8258 a month which funds approximately 60% of the children. This leaves the ECD subsidy as the centre's primary income source for the month. Initial glitches with the equitable share monthly payments emerged following the ECD function shift from the Department of Social Development ("DSD") to the DBE in April 2022.

41. The payments became exceedingly erratic and unreliable in 2023 and continue to be so. Ms Mthembu uses her personal funds to supplement the minimal fees received in months the subsidy is not paid. This money is then used to purchase food for the children as a priority. Food is prioritised overpaying staff and carrying out required maintenance.

42. There are four staff members at the centre. They have gone many months either not receiving a salary at all or only receiving half-pay. There is a cleaner/cook, an ECD practitioner for the four-year-old class, and two ECD practitioners for the zero to three-year-old classes.

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43. Ms Mthembu, as principal, should also receive a salary. With the failure to pay out the funding, she now rarely gets a salary. Instead, she uses her other income source to support the centre, receiving little to no remuneration for her efforts. The last time she was able to pay the staff was in December of 2024. Part-timers, like the gardener, are paid from the centre's petty cash fund. Two of these staff members are new. They replaced two staff members who had to leave for employment with a more reliable income source as they were the breadwinners of their families.

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44. Ms Mthembu is aware of many children in the community who are not accessing ECD services because of not being able to afford the R230 monthly fee she charges. Instead of being safeguarded within an ECD centre, Ms Mthembu regularly encounters young children loitering at a nearby dumpsite. She has tried to devise ways to give these children access to her services — such as a reduced fee of R150 a month paid after the Child Social Grant ("CSG") is received.

45. This, however, has never been feasible for the centre to implement. In months when a subsidy inevitably goes unpaid, it results in far too many children to care for and more salaries to pay without a sufficient income. These considerations keep her from enrolling the full 80 children that are allowed at the centre.

46. The funds from Ms Mthembu's consulting business have managed to sustain the centre thus far. However, she is currently R8000 in debt and cannot afford to make any further personal contributions. On 9 May 2025, she paid interest on this loan of R1750. Ms Mthembu's contributions have ensured that the children have not been deprived of food, due to the prioritisation of purchasing groceries

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with the limited funds. The centre provides breakfast, a snack and lunch. Ms Mthembu has avoided asking parents to send snacks out of fear that poorer children will be left hungry.

47. Ms Mthembu would like to plant a vegetable garden to free up some of the funds spent on groceries so she can afford to pay staff and perform maintenance. However, the fence and the gate lack stability to keep the many goats roaming the area from entering the garden, which would make growing vegetables pointless. This additional maintenance to stop goats from eating the produce would need to be carried out first.

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48. The prioritisation of food results in other necessities being neglected, such as maintenance. These issues compound and maintenance becomes more expensive with the passage of time. Once the subsidy is received, only 20% can be used for maintenance which is never sufficient.

49. The centre needs to build a new gate as the current one collapses whenever there is rain. There is also no jungle gym for the children to play on outside — just a frame needing repairs, a slide and swing. Ms Mthembu paid for the timber to complete the jungle gym, using her personal funds to transport the timber to the centre in a bakkie.

50. She cannot however afford the labour as general workers request payment on the same day. Any renovations that require expensive implements cannot be secured through lay-by, as there is no certainty that the subsidy will be received

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in the following month. There is also a shortage of indoor toys at the centre, but the centre cannot afford to buy any.

51. Collecting fees and covering costs in months like April and December is especially challenging. Almost all the parents choose not to send their children to the centre in these months due to the large number of holidays and therefore do not pay fees. It is not possible for the centre to remain open for the few who may need childcare when there is minimal income and staff cannot be paid.

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52. Ms Mthembu has four children, two of whom are minors and two majors who are unemployed. They are all dependent on her as the breadwinner for the family and live in her home in Pinetown. Ms Mthembu cannot afford the transport from Pietermaritzburg to Pinetown, to see her children over the weekend, unless the payment comes through. If they are unpaid, she must use her personal funds to support the centre rather than on transport costs home, which, by comparison, seems like a frivolous expense.

53. As stated above, payment irregularities were increasingly severe from 2023 onwards. The monthly stipend owed to the centre went unpaid for four consecutive months from March to June of 2023. In July, payment was received for March to May. In August, September and October 2023, no money was received. In November 2023, one instalment was paid, covering the outstanding June payment, followed by nothing in December 2023.

54. In January 2024, payment for July, August and September of 2023 was made, followed by no payment in February 2024. Two separate payments were received

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in March 2024, covering October and November 2023. The December 2023 payment was received in April of 2024. Payment for January, February and March 2024 remain unpaid for the 2023/2024 financial year.

55. In May of 2024, payment for April 2024 was received. This was the new subsidy amount for the 2024/2025 financial year:

55.1. Nothing was received in June and July 2024, followed by a double payment in August that covered the outstanding May and June 2024 payments.

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55.2. Nothing was received in September 2024.

55.3. In October 2024, the July payment was made, followed by two separate payments for August and September, made in November 2024.

55.4. In December 2024, the October payment was received.

55.5. In January 2025, the November 2024 payment was made.

55.6. In February, the December 2024 payment was made.

55.7. In March, payment for January 2025 was made.

55.8. Lastly, payment for February was received in April 2025.

55.9. No payment has been received for March or April 2025.

56. The payment history of Sakhokwethu is summarised in the table below:

Month	Paid/Unpaid	Date Paid	Amount
March 2023	Paid	9 July 2023	R7119
April 2023	Paid	9 July 2023	R7119
May 2023	Paid	9 July 2023	R7119

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June 2023	Paid	13 November 2023	R7200
July 2023	Paid	31 January 2024	R7119
August 2023	Paid	31 January 2024	R7119
September 2023	Paid	31 January 2024	R7119
October 2023	Paid	7 March 2024	R7119
November 2023	Paid	18 March 2024	R7119
December 2023	Paid	30 April 2024	R7119
January 2024	Unpaid	[redacted]	
February 2024	Unpaid		
March 2024	Unpaid		
April 2024	Paid	22 May 2024	R8258
May 2024	Paid	28 August 2024	R8258
June 2024	Paid	28 August 2024	R8258
July 2024	Paid	15 October 2024	R8258
August 2024	Paid	11 November 2024	R8258
September 2024	Paid	15 November 2024	R8258
October 2024	Paid	10 December 2024	R8258
November 2024	Paid	31 January 2025	R8258
December 2024	Paid	14 February 2025	R8258
January 2025	Paid	7 March 2025	R8258
February 2025	Paid	9 May 2025	R8258
March 2025	Unpaid	[redacted]	
April 2025	Unpaid		



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57. The table indicates that April 2024 was the only month in the last two years when payment was not delayed. Delays have ranged from one to six months (such as July 2023), with the average delay being three to four months.

58. The inconsistent payment practices demonstrate a pattern by the KZNDoE that spans years, which has been harmful to the children surrounding Sakhokwethu and to those within.

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59. With reliable payments, Ms Mthembu would be able to double the enrolment of the centre without demanding full payment of fees. This would keep more children from the community in a safe environment, while also allowing them to benefit from adequate ECD services. She would further be able to improve the standard of services offered by purchasing indoor and outdoor toys, hiring trained staff she could retain, and improving safety at the school with new fencing and a gate.

Phumelela Crèche

60. Phumelela is an ECD centre located in Edendale, uMgungundlovu District, KwaZulu-Natal. It was established in 1997 by the current chairperson, Ms Nonkonzo Madlala, and registered as an NPO on 23 March 2006 under registration number 047-572. Ms Nonkonzo Madlala has been the chairperson of Phumelela Crèche since 1 April 2020, after serving as principal since the establishment of the centre.

61. Phumelela provides essential ECD services to children from the local community, with the principal, overseeing its operations. The centre is allowed to accommodate 45 children, all of whom are eligible for the subsidy, and currently

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has 51 children enrolled. Phumelela faces severe financial constraints that threaten its ability to continue providing these services. The accuracy of the information about Phumelela in this affidavit is confirmed by the confirmatory affidavit of Ms Nonkonzo Madlala, which is filed together with this affidavit.

62. Phumelela charges school fees of R200 per month for children younger than 18 months, and R250 per month for children between 18 months and two years. The centre struggles financially due to inconsistent payments from parents and outstanding payments from the KZNDoE.

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63. The payment history of Phumelela is summarised in the table below:

Month	Paid/Unpaid	Date Paid	Amount
December 2023	Paid	31 January 2024	R9 966
January 2024	Paid	8 February 2024	R9 966
February 2024	Paid	17 March 2024	R9 966
March 2024	Paid	30 April 2024	R9 966
April 2024	Paid	22 May 2024	R12 814
May 2024	Paid	27 August 2024	R12 814
June 2024	Paid	28 August 2024	R12 814
July 2024	Paid	2 September 2024	R12 814
August 2024	Paid	15 October 2024	R12 814
September 2024	Paid	15 November 2024	R12 814
October 2024	Paid	10 December 2024	R12 814
November 2024	Paid	9 May 2025	R18 824
December 2024	Unpaid	[redacted]	

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January 2025	Unpaid	[redacted]
February 2025	Unpaid	
March 2025	Unpaid	
April 2025	Unpaid	

64. The table indicates that Phumelela received its last subsidy payment on 9 May 2025 for the month of November 2024. This effectively means that Phumelela has not received payment for December 2024 to March 2025.

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65. Phumelela tries to ensure that children receive two nutritious meals a day. In the mornings and afternoons, children are provided with porridge for breakfast and a cooked meal at lunch. Parents are requested to pack snacks for their children, but many parents are unable to afford to do this. This means that for the vast majority, the only sustenance and nutrition given to these young children during the day is that which they receive at the ECD centre.

66. Phumelela employs four staff members: the principal, an ECD practitioner responsible for children between zero and three years old, a cook, and a cleaner. The last payment of salaries was made in May 2025 for the month of November 2024. Salaries for December 2024 to March 2025 are still outstanding

67. One practitioner has not shown up for work since 21 March 2025 due to non-payment of her salary. The principal is now the sole ECD practitioner, alternating between two groups of children. She balances this workload by teaching the older children in the morning and then leaving them outside to play under the watch of

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the cook or cleaner. She then focuses her attention on the younger children. The cook and cleaner have continued to arrive for work despite not being for months, but the principal is doubtful they will come to work without pay for much longer.

68. Phumelela rents its premises from the Holy Bible Focus Church International at a monthly rental of R700. The lack of payment has prevented the centre from paying its rent and utilities for four months, with the last rent payment made in October of 2024.



69. The landlord has threatened to evict them several times if rent is not [illegible]. Phumelela cannot afford to enter into a new lease agreement given the centre's current financial position and has no alternate site to continue its operations if they are evicted. This would leave the children of Phumelela without childcare and access to essential ECD services as there are only three ECD Centres that are close to Phumelela and provide services to neighbouring communities.

70. Funds received from parents are used primarily for food, but these contributions are inconsistent and insufficient. When food runs out, the principal and the chairperson of the crèche, Ms Madlala, often provide meals for the children at their own expense. The principal and chairperson have both approached the local SPAR and Shoprite for donations/sponsorship but have not been successful. The centre is also unable to afford security and garden services, compromising the safety and upkeep of the premises.

71. There is an urgent need for new and additional sheets and foam mattresses, as the existing ones are insufficient, old and deteriorating. There are, however, no

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funds available for their replacement. This leaves many children sharing foam mattresses during naps. The principal and chairperson may have to purchase these mattresses using their own money. The inability to purchase educational toys and learning materials negatively affects the quality of education provided to the children.

72. Phumelela plays a central role in providing ECD services within the surrounding Edendale community. The financial difficulties it faces pose a serious risk to its continued operation.

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Zenzeleni Crèche

73. Zenzeleni is an ECD centre located in Edendale, uMgungundlovu District, KwaZulu-Natal. It was established in September 2015, with NPO registration number 032-848. The ECD Centre has submitted all required information and is waiting for the certificate from the KZNDoE.

74. Zenzeleni operates under the leadership of Ms Thembekile Ndlovu, who took on the role of principal in 2021 and is also a mother of three. The accuracy of the information about Zenzeleni in this affidavit is confirmed by the confirmatory affidavit of Ms Ndlovu which is filed together with this affidavit. Currently, Zenzeleni is allowed to accommodate 75 children, all of whom are eligible for funding, and has 76 children enrolled.

75. Zenzeleni charges a monthly school fee of R250 for children who wear nappies, and R180 for children who do not wear nappies. Fees, however, are not

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consistently paid due to the poverty in the surrounding area, with an average of between R4000 and R5000 received from fees in a month.

76. Further to the issue of minimal school fees, is the pattern of unreliable and inconsistent subsidy payments from the KZNDoE, which can be traced back to 2023. The last month that Zenzeleni received a grant payment for was November 2024, which was received on 9 May 2025. This effectively means that Zenzeleni has not received funding for December 2024 to April 2025, as outlined in the table below.

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Month	Paid/Unpaid	Date Paid	Amount
January 2024	Paid	7 March 2024	R14 238
February 2024	Paid	14 April 2024	R14 238
March 2024	Paid	23 April 2024	R14 238
April 2024	Paid	24 May 2024	R15 946
May 2024	Paid	27 August 2024	R15 946
June 2024	Paid	28 August 2024	R15 946
July 2024	Paid	15 October 2024	R15 946
August 2024	Paid	11 November 2024	R15 946
September 2024	Paid	15 November 2024	R15 946
October 2024	Paid	10 December 2024	R15 946
November 2024	Paid	9 May 2025	R15 946

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December 2024	Unpaid	[redacted]
January 2025	Unpaid	
February 2025	Unpaid	
March 2025	Unpaid	
April	Unpaid	

77. Zenzeleni endeavours to provide children with adequate nutrition throughout the day. The cook at Zenzeleni prepares porridge in the morning, followed by snacks brought from home. However, poorer children often arrive without these snacks, leaving the principal with no option but to ask children to share or she must buy them food from her own pocket. At lunchtime, the children receive a cooked meal.

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78. Zenzeleni employs two ECD practitioners. Additionally, Zenzeleni employs someone to watch over the children, a cook, and the principal. Despite their critical roles, staff have not been paid since December 2024, leading to discontent among employees, with one educator threatening to resign due to non-payment.

79. The failure by the KZNDoE to make regular subsidy payments has placed Zenzeleni in an untenable position, affecting its operations in multiple ways. Staff members have not received salaries since December 2024, resulting in uncertainty and the likelihood of resignations. The heavy financial burden has forced the principal of Zenzeleni to borrow money from friends and family to cover expenses such as groceries and transport money so she can deliver the monthly claim forms to the DBE offices in Pietermaritzburg. She has further resorted to

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asking her only employed son, who currently supports their entire household, to make purchases, like gas canisters, for the centre so they can continue cooking.

80. Repairs needed to the building, including fixing holes in the roof that leak during heavy rains and floods, remain unattended, posing safety risks to the children and staff. Zenzeleni has had to divert funds meant for operational expenses to purchase groceries at the expense of ignoring essential maintenance.

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81. Zenzeleni has sought external assistance and has received some donations from individuals and organisations. These once-off donations have included food supplies, crayons, a table, and a jungle gym. While these contributions have alleviated some burdens, they are not sufficient to cover essential financial obligations, particularly staff salaries and infrastructural maintenance.

82. Zenzeleni is pivotal to the provision of ECD services in Edendale, yet its sustainability is under threat due to inconsistent and unreliable subsidy payments from the KZNDoE. Without immediate assistance, Zenzeleni risks losing staff and being unable to provide essential services to the children who rely on it.

Broader Impact

83. The payment irregularities exhibited regarding the above centres are not isolated experiences, but just a few examples that illustrate the KZNDoE's breach of their responsibility towards centres that currently have outstanding payments.

84. In reality, there are ECD centres throughout the province that have experienced a breach in payment at some point in the past few years that has provoked a

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lasting impact on their financial stability and continued operation. Annexed hereto as annexure NS 5, dated 13 May 2025 is a table that captures 280 known ECD centres that are owed outstanding subsidy payments at the time of signing this affidavit. (Some information on the table is missing. It has not been possible to gather all the required information from all of the far-flung centres due to the urgency of the matter. Our attorneys will endeavour to provide an updated, complete table at the hearing of this matter.) The often-devastating consequences for children at these affected centres persist long after the breach is remedied, along with the uncertainty of whether the next payment will be made timeously.

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Sinamuva Crèche and Pre-School ECD Centre

85. In addition to being the chairperson of FOSA, I am also the principal of Sinamuva Crèche and Pre-School ECD Centre ("Sinamuva"), where approximately 60% of the enrolled children have parents who are still in school and rely on the CSG for support. The poverty that affects the children at Sinamuva, has forced me to deal with the effects of inconsistent payments on the operation of Sinamuva and the well-being of children.

86. Delayed or missed payments have left the centre with insufficient funds to provide adequate nutrition. As a result, children are fed limited meals, often lacking essential nutrients like protein, dairy, and vegetables.

87. Previously, groceries were bought in bulk, in accordance with the Department of Health's "Nutrition Guidelines for Early Childhood Development Programmes" ("Nutrition Guidelines"). I attach hereto the relevant pages of the Nutrition

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Guidelines as annexure NS 6, as the guidelines are 80 pages and will unnecessarily make the application voluminous.

88. Bulk nutritious produce is now an unaffordable luxury. Poor nutrition during these foundational years weakens children's immune systems, making them more susceptible to illnesses such as colds and infections. It also causes children's energy levels to drop, making it difficult for them to regulate themselves in a constructive manner. This could exacerbate developmental challenges and increase the risk of long-term health issues.

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89. Sinamuva's limited funding has forced the centre to cut back on educational materials, preventing the provision of a stimulating learning environment, which is crucial for cognitive and social development. With resources stretched thin, the centre has had to prioritise basic needs like food, leaving little to invest in early childhood education tools such as books, toys, and learning supplies.

90. Additionally, staff salaries have been reduced, creating stress and instability among the caregivers, further affecting the quality of care and education provided to the children. These financial constraints threaten the centre's ability to provide the comprehensive support children in vulnerable communities need to thrive.

91. Another centre that can attest to similar consequences due to the lack of consistent funding from the KZNDoE, is Umusa Uyasilandela ECD Centre ("Umusa"), a centre which has been forced to operate under severe financial strain, with a devastating impact on the quality of services provided to the children. The confirmatory affidavit of Mr Mngomezulu has been filed together

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with this affidavit, confirming the accuracy of the information herein in relation to Umusa.

92. Without the consistent, reliable payment of the stipend from the first to third respondents, the centre has struggled to pay salaries and retain staff, leading to resignations and a lack of qualified new practitioners, which disrupts the continuity of education and care for the children.

93. This has been compounded by administrative errors, such as the failure to change Umusa's banking details to Standard Bank from iThala Bank (which has frozen all bank accounts due to its pending liquidation) and has resulted in Umusa not being paid since 2024, when they first applied for the bank change.

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94. The lack of resources has also impacted the children's well-being. With insufficient funds for maintenance, the centre went months without an outdoor gate, putting children at risk until the principal of the centre, Lawrence Mngomezulu, could afford to use his own funds to purchase and install the gate.

95. Installing the gate was necessary for the children's safety and to protect the school's toilets from being damaged and defaced by locals who prefer to use the school's flush toilets instead of the pit toilets which most residents have at their homes. The use of the centre's toilets by locals after hours was a recurring problem due to there being no gate or security guard. Moreover, in 2024, there was a break-in to the centre's storeroom through the roof which resulted in bulk grocery items being stolen from the centre.

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96. The centre has been unable to provide adequate nutrition for the children, forcing Mr Mngomezulu to use personal funds to buy groceries. Without proper meals, the children's health and development are compromised, making them more vulnerable to illnesses and unable to benefit holistically from ECD services.

97. Mr Mngomezulu has seriously considered closing the centre, which would leave many children without access to ECD services, significantly hindering their development and future opportunities. Parents would not be able to afford alternative care, with the next closest centre not being within walking distance, or unregistered and therefore unfunded. The persistent financial issues and administrative failures have created a situation where the children's basic needs and educational opportunities are at risk, exacerbating the challenges of an already vulnerable community.

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98. The non-payment of subsidies by the KZNDoE has also had severe repercussions for Zamani Pre-School ("Zamani"), threatening its continued operation and the well-being of its children. Despite accommodating 170 children, the centre currently serves only 92 children due to the financial strain caused by inconsistent subsidy payments. Staff salaries have been delayed or unpaid for months, leading to a loss of key personnel, such as the security guard who stopped reporting for work in October 2024 following successive unpaid salaries.

99. The lack of funding has compromised the children's nutrition and educational resources. Without reliable payments, the centre has had to rely on small, infrequent payments from parents to purchase groceries, rather than shopping in bulk, which are often insufficient to cover basic needs. This has forced the centre

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to deviate from the Nutrition Guidelines and has limited the ability to provide essential educational materials, such as printed worksheets. In some cases, even printer ink has become unaffordable.

100. Mandulo Khuzwayo, the principal of Zamani, has had to use loans and his own funds to support the centre, causing financial hardship in his personal life. A confirmatory affidavit by Mr Khuzwayo is filed together with this affidavit to confirm the accuracy of the information herein. This led to him being evicted from his home and forced him to live apart from his children. If the subsidy payments remain inconsistent, the centre faces closure, which would leave many children without access to essential ECD services.

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Nomafu Day Care

101. Nomafu Day Care ("Nomafu") is another centre that has suffered in the wake of ongoing irregular subsidy payments. Although the centre can accommodate 82 children, its enrolment has dropped to 49 due to the lack of funding that has led to the principal of Nomafu, Zandile Hlongwa, asking parents to pay fees, which they are unable to do. A confirmatory affidavit by Ms Hlongwa confirming the accuracy of the information herein is filed together with this affidavit.

102. The parents of the children who remain still struggle to pay fees on time because of unemployment, forcing the centre to rely on irregular day-to-day income for food purchases. This financial strain has led to the resignation of two practitioners in December 2024 and the inability to afford additional staff, such as a gardener or security guard. Currently, there is one additional staff member who works with Ms Hlongwa at the centre.

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103. The centre also has difficulty sourcing food, with bulk shopping becoming impossible. Ms Hlongwa has resorted to borrowing money from "*amashonisa*" or loan sharks in the past year to keep the centre operational. When the subsidy remained unpaid in the following months and repayment of the loan was not possible, Ms Hlongwa received threats against her safety and damage to the centre's property if she failed to repay the loans and accumulated interest. She has also personally lent money to the centre despite being a single mother who supports six minor children.

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104. The non-payment of subsidies has left Ms Hlongwa struggling to pay for her own transport to the centre and her children's school fees, adding to her personal stress. Despite these challenges, she has continued to run the centre out of respect for her late parents who opened it, but the ongoing financial issues threaten the sustainability of Nomafu and its capacity to provide quality ECD services to the community.

105. These circumstances highlight the tragic consequences of the inconsistent payment of ECD subsidies on the applicant centres and on ECD centres across the province.

106. Ultimately, I am advised that this leads to the direct contravention of the Constitution, the Children's Act, international legal instruments and the norms and standards on ECD. These contraventions are in no way in the best interests of the child, which I am advised are paramount, and results in the non-fulfilment to a child's right to ECD. These legal matters and the legal framework are fully set

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out in the affidavit of Sheniece Linderboom of the Legal Resources Centre, the attorneys for the applicants. The legal framework substantiates why the conduct of the respondents are, firstly, inconsistent with the rights in the Bill of Rights, and secondly, fail to fulfil the statutory obligations set out in the Children's Act, its norms and standards and international law. This will be canvassed during legal argument at the hearing of this matter.

Steps taken to resolve the matter

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107. The KZN ECD Alliance and FOSA have repeatedly engaged the KZNDoE on the payment issues experienced widely by their respective ECD-centre networks, confirming that the KZNDoE is aware of the non-payment of the subsidy to several ECD centres throughout the province of KZN. However, the KZNDoE is yet to acknowledge and address the impact that the non-payment has on the staff, the parents and most significantly, the young children at affected centres, or resolve the problem.

108. Representatives from KZN ECD Alliance first approached the LRC in December 2023, which was followed by further consultations to gather information from affected centres. On 1 February 2024, our attorneys wrote a letter of demand to the KZNDoE seeking compliance and clarity. No response was received. In March 2024, however, payments were made to most of the centres cited in the letter. A copy of this letter is annexed hereto as "**NS 7** ".

109. On 10 June 2024, FOSA wrote to the KZNDoE regarding the unfair practice of withholding the subsidy, noting that this was in violation of both the TPA and the Children's Act, and requested a meeting. A copy of the letter is annexed hereto

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as "**NS 8** ". The KZNDoE responded in a letter dated 28 June 2024 noting that it was planning a meeting with the KZN ECD Alliance on 5 July 2024 and invited FOSA to attend. A copy of this letter is annexed hereto as "**NS 9** ".

110. On 5 July 2024, I attended the meeting alongside FOSA and KZN ECD Alliance representatives. The issue of the non-payment of subsidies was raised and the extent of non-payments explained in detail, but no answers were provided as to the reasons for the delay.

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111. On 9 July 2024, the KZN ECD Alliance wrote to the KZNDoE noting its unhappiness with the responses received from the KZNDoE at the meeting of 5 July 2024 and requested details as to why the subsidies had not been paid, and a commitment regarding when subsidies would be paid. A copy of this letter is annexed hereto as "**NS 10** ". On 11 July 2024, the KZNDoE responded noting that the correspondence had been forwarded to the Finance Directorate for a response. A copy of the letter is annexed hereto as "**NS 11** ".

112. In an email sent on 18 July 2024, FOSA queried the issue of outstanding equitable share subsidies that, in terms of the TPAs, should have been paid on 15 June 2024. In reply, the KZNDoE informed FOSA that the matter would be referred to Finance for a response, as they did not have information on the cause of the delayed payments. A copy of the email chain is annexed hereto as "**NS 12** ".

113. On 16 August 2024, the KZNDoE responded and tendered an apology for the delayed payment. The email also stated that the KZNDoE was "*doing its utmost*

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to secure sufficient funding to cover at least May and June's equitable share by next week, while also exploring the possibility of establishing and communicating potential payment dates as requested by the ECD associations". The KZNDoE committed to providing an update on progress by 22 August 2024, including a promise to provide continued updates on the matter. A copy of this email is annexed hereto as "**NS 13** ".

114. On 11 September 2024, FOSA together with approximately 450 ECD practitioners from KwaZulu-Natal, Mpumalanga and Eastern Cape, participated in an organised gathering outside of the DBE national office in Pretoria. A memorandum was handed to Mr Elijah Mahlanga, the Chief Director of Communications. Some of the demands set out in the memorandum included:

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1. *"Promptness of subsidy payments to all ECD centres which are due, for ECD centres to be able to performs their duties effectively and efficiently.*
2. *"Clear mandate and functions of [KZN]DOE in the ECD sector to be communicated and known by all parties [i]nvolved."*

115. A copy of the memorandum is annexed hereto as "**NS 14** ".

116. On 10 October 2024, the KZNDoE sent a letter to FOSA and the KZN ECD Alliance wherein they apologised for the cancellation of a previously scheduled meeting and stated that the topic of unpaid subsidies had been added to the agenda for the Provincial Integrated ECD Committee meeting which was tentatively scheduled for 29 November 2024. A copy of this letter is annexed hereto as "**NS 15**".

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117. On 17 October 2024, FOSA sent an email to Mr Elijah Mahlangu to follow up on a response to the memorandum he accepted at the gathering on 11 September 2024. No response was received. A copy of the email is annexed hereto as "**NS16**".

118. On 29 October 2024, our attorneys wrote to the KZNDoE seeking reasons for their failure to pay the subsidies by 15 November 2024 in accordance with the transfer payment agreements, and a commitment that outstanding payment be paid by 30 November 2024. No response was received. A copy of this letter together with its annexures is annexed hereto as "**NS 17** ".

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119. On 15 November 2024, our attorneys were contacted by Mr Michael Wilter, special advisor to the Minister of Basic Education, requesting a copy of the letter of demand (dated 29 October 2024) referenced in a GroundUp article. A copy of the GroundUp article is annexed hereto as "**NS 18** ".

120. During the phone conversation our attorneys confirmed that several payment runs had been paid between the period of 29 October and 15 November, however, the KZNDoE had failed to provide a formal written response. Mr Wilter further asked that our attorneys resend the letter to the MEC for Education in KwaZulu-Natal.

121. Our attorneys resent the letter of demand as requested, and on 21 November 2024 sent an email to Mr Wilter querying why a response had not yet been received. Mr Wilter responded to the email on 25 November 2024 and advised

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that the National Department of Basic Education would engage with KZNDoE for a response and revert as soon as possible. This email chain is annexed hereto as "**NS 19** ". No response has been received to date.

122. On 16 April 2025, our attorneys again wrote to the KZNDoE reiterating our request for reasons for the failure to pay the subsidies in accordance with the agreements and requesting a commitment that outstanding payments be paid by 25 April 2025. No response was received. A copy of this letter together with its annexures is annexed hereto as "**NS 20** ".

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123. Despite being obligated to provide funding to registered ECD centres in terms of the TPAs and the Children's Act, the KZNDoE is failing to do so, which has cut off support to thousands of young children throughout the province. Although the applicants have attempted to engage the KZNDoE on this issue, there has been no justifiable reason provided for the ongoing violation that has prevented the adequate provision of ECD services.

124. The failures by the KZN Department of Education in respect of the Applicant centres have been demonstrated above and are illustrative of a broader, systemic failing.

F. FAILURE BY STATE TO FULFIL ITS OBLIGATIONS

125. At the outset, I am advised that the failure to pay subsidies timeously, or at all, is in contravention of section 172(1)(a) of the Constitution. The state has failed to fulfil its obligations in terms of the Constitution and specific rights in the Bill of

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Rights, the Children's Act, government's own policy and international law. This has been discussed in the affidavit of Sheniece Linderboom and will be dealt with further in argument at the hearing of this matter.

126. While the state recognises the right to ECD, it does not conduct itself in a manner that upholds such a right. It is therefore breaching its obligations.

127. The inconsistent and delayed payment of the grant has a direct and lasting effect on children, both directly and indirectly. The effect of non-payment means ECD practitioners not attending, schools not being maintained, and most importantly, children not being fed.

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128. It is for this reason that an interdict, in the form of a mandamus, and further relief is sought. I deal with the relief in the sections that follow.

G. THE REQUIREMENTS FOR A MANDAMUS ARE SATISFIED

129. The applicants seek mandatory final interdicts against the first to third respondents, in the form of a *mandamus*:

129.1. Directing them to pay the applicants within 5 days of the granting of the order in the following amounts:

129.1.1. R37 873 to Sakhokwethu Crèche and ECD Centre;

129.1.2. R94 120 to Phumelela Crèche ECD Centre; and

129.1.3. R79 730 to Zenzeleni Crèche.

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The applicants have a clear right

130. The applicants have a clear right to the relief sought. Not only is there a right to ECD, but there are clear rights and obligations that are set out in the Children's Act that require protection and fulfilment.

131. The KZNDoE have entered into and signed TPAs with the applicants that require the payment of the ECD subsidies. The applicants are not in breach of their respective TPAs and the KZNDoE has not communicated any breach on the part of the applicants. Therefore, they are compelled to comply with the TPAs.

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132. The affected children have clear constitutional rights to nutrition, health and education, and the state acknowledges it has a responsibility to provide support to ECD centres to ensure these rights are realised when it enters into TPAs with ECD centres.

133. Access to ECD centres in under-resourced areas serves as a vital contact point for the provision of these constitutional rights. The consequences on these rights in early childhood development not being fulfilled have far reaching impact on the child for when they reach school going age and into adulthood. For example, the prevalence of stunting is significantly lower among children who attend ECD centres. Stunting causes developmental delays impacting on the child's realisation of the right to basic education, nutrition and health.

There is a reasonable apprehension of harm

134. The rights that the applicants seek to protect are being injured or can reasonably be expected to be injured.

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135. As is demonstrated above, the KZN government's failure to make timely and consistent payments to the ECD centres is having a severe impact on the affected children's rights to nutrition, dignity, safety and security and ultimately their right to development. It is also imposing an untenable financial burden on the principals, the staff and their parents, which leads to the sacrifice of the correct provisioning of nutrition, learning supplies, safety, and a positive environment in which to develop. This violates the rights of the children to dignity, nutrition, and the right to development. This violation is detailed above and is ongoing.

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136. The timely and consistent payment of the ECD subsidy is necessary to stop the harm from continuing and to mitigate the harm already caused.

No reasonable alternative remedy

137. As is clear from above, the applicants have made every attempt to resolve the impasse and requested payment of the outstanding subsidy payments individually, through the FOSA and KZN ECD Alliance, and through our attorneys.

138. There is no other reasonable remedy available to the applicants. The Children's Act sets out that this Court is the appropriate forum in these circumstances and consequently, I am advised, that no alternative remedy exists.

139. The requirements for a mandatory interdict have been satisfied.

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H. DECLARATORY ORDER NECESSARY

140. It is necessary to declare that our law recognises ECD as a right. Notwithstanding the legal framework described in the affidavit of Sheniece Linderboom, and government's own laws and statute on this, government has not met its obligations.

141. As set out in the supporting affidavit, the legal framework sets out why a child's right to ECD is a self-standing right and the applicants therefore ask this Court to grant a declarator affirming the right to ECD.



142. At the very least, this will serve to remind government of its own statutory and constitutional commitments in this regard. Similarly, it will enable any future breaches of such right to be immediately justiciable in courts of law.

143. However, such a declarator is also a necessary requirement for granting a structural interdict, which I deal with next.

I. STRUCTURAL ORDER NECESSARY

144. The applicants also seek structural interdicts.

145. In full, the prayers seek an order directing the first to third respondents to:

145.1. Declaring and recognising that all children have a right to early childhood development.

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145.2. The first to third respondents are directed to file a searchable report, within one month of the date of the court order, under oath, of the names and addresses of all ECD centres in KZN that are recipients of the conditional grant or equitable share subsidies, setting out the total subsidy amounts that are outstanding in respect of each centre and in that report to detail how they will remediate such non-payment.

145.3. The first to third respondents are directed to file an updated version of the reports referred to in prayer 2 above, before the last day of every subsequent month until all payments are up to date and the order is fully complied with.



145.4. The applicants be granted leave thereafter, within 30 days, and before the last day of every subsequent month, to deliver an affidavit in answer to the reports and may thereafter set the matter down for further, other or alternative relief, as supported by their affidavits and this application.

145.5. The first to third respondents are directed to ensure that, within three months of the date of the court order, a signed TPA agreement is concluded with each of the ECD centres that are recipients of the conditional grant or equitable share subsidies, and that each agreement clearly sets out the terms and timeframes for the payment of the subsidy in respect of each ECD centre.

145.6. Directing those respondents who oppose this affidavit to pay the costs of this application, including the costs of two counsel, each on scale C, such costs to be paid jointly and severally amongst them.

146. I submit that the factual background in this affidavit makes clear that:

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146.1. The first to third respondents, despite being aware of the situation and the number of unpaid centres, have failed to respond appropriately, or with urgency.

146.2. The first to third respondents have reneged on their commitments to pay, communicate updates, and communicate reasons for the delay.

146.3. These delays have been consistent, sometimes months long, and resulted in a lack of confidence that payment in future will be made consistently.

146.4. The respondents are either unable or unwilling to plan, budget and implement the necessary steps to process the payments of ECD subsidies timeously.

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147. This justifies a supervisory order directing them to report regularly to court on the steps taken to remedy the breach. In fact, I am advised, when reading the supporting affidavit of Sheniece Linderboom, that the steps taken and conduct of the respondents makes a structural interdict necessary.

148. I further believe that the conduct of the respondents requires them to report back to the Court on the extent to which it has complied with the court's order. This will prevent the ongoing violations and systemic failures that the respondents have committed. Based on the above facts, the applicants have reason to believe that a structural interdict is a suitable remedy.

149. Further, this Court, as upper guardian of children, has a duty to consider the ongoing effects of the inconsistent and persistent failure by the state to provide

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funding for ECD services. I am advised that it is also within this context that this court consider the appropriateness of granting a structural interdict as a measure to ensure this vulnerable group are protected.

J. URGENCY AND EXPEDIENCY

150. The failure to pay subsidies constitutes an ongoing denial of rights to social assistance, basic nutrition, and the paramountcy of the affected children's best interests. Non-payment results in a contraction of the ECD sector and the closure of ECD centres. The urgency increases with each day that the subsidies remain unpaid.

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151. Further, each non-payment results in the violation of children's rights in terms of the Constitution, the Children's Act, international law and government policy.

152. The first five years of a child's life are crucial to their development, which is why each day of early childhood should be spent building a solid foundation for a child to rely on. The holistic services provided at sufficiently resourced ECD centres are dedicated to laying this foundation for a child's future success. Relief in the ordinary course will thus be too late.

153. Children will have been denied access to quality ECD services for months and will have fallen behind others in their age group, causing irreversible harm to their development and prospects.

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154. Attempts to engage with the Department to find a non-litigious solution have been unsuccessful. It is a convoluted process that determines which centres will be paid, in which month. The intermittent payments that have been received do not diminish the urgency of this application. ECD centres need reliable payments and cannot continue to incur debt with vendors and not pay staff. The subsidy and the minimal fees are used entirely on monthly expenditure, and ECD centres do not have savings to carry into the next month. Directing the respondents to develop a plan to establish clear timelines will assist in this regard.



155. Practically, Part A of the notice of motion seeks immediate payment, within [illegible] of the order being granted. By having the matter set down on 26 May 2025, it will allow the respondents sufficient time to deliver an answering affidavit. It will also permit the court to properly read the papers and thereafter, if granted, allow sufficient time to enforce the order and ensure the above ECD centres are paid before the next month's funds are due.

156. A letter of demand, annexure "NS 20", was sent by the applicants on 16 April 2025. To date, no response has been received.

157. I am advised that issues surrounding children are inherently urgent. It is urgent enough not to be placed on the ordinary roll. This is because:

157.1. The lack of funding by the respondent is a constitutional issue that directly infringes on children's rights. These rights include the immediately realisable rights contained in the Children's Act.

157.2. The respondents' failure to fund the ECD centres is having a real impact on children as it deprives them of sufficient nutrition, prejudices

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their access to safe facilities, and limits the availability of ECD practitioners.

157.3. The principals of these ECD centres are running out of personal savings and are resorting to means that are now placing themselves at peril.

158. If Part A is heard in the ordinary course, it will have long lasting damaging effects on these learners. For a child that is 3 to 5 years old, waiting for an ordinary hearing date means they would go without sufficient food and nutrition for months on end (if unopposed) or a year (if opposed). This translates to a large part of their crucial formative years being stunted by lack of access to obligatory government funding. There is much research that this stunting has long term implications on the development of children in all aspects of life.

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159. If this matter is opposed, then it would be in the interest of justice to have the matter judicial managed in order to regulate the further conduct of the matter. However, in relation to Part A, I ask this court to grant an order directing that the matter be heard on an urgent basis.

K. CONCLUSION

160. Considering what is set out above, I submit that the Applicants have made out a case for the relief sought. Therefore, I pray for an order as set out in the Notice of Motion.

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I hereby certify under oath that the Deponent acknowledged that he knows and understands the contents of this affidavit, that it is to the best of his knowledge both true and correct, and that he has no objection to the making of the prescribed oath which he considers to be binding on his conscience. This affidavit was signed in my presence at DURBAN on this 13TH day of May 2025 and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended, have been complied with.

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KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

COMMISSIONER OF OATHS

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

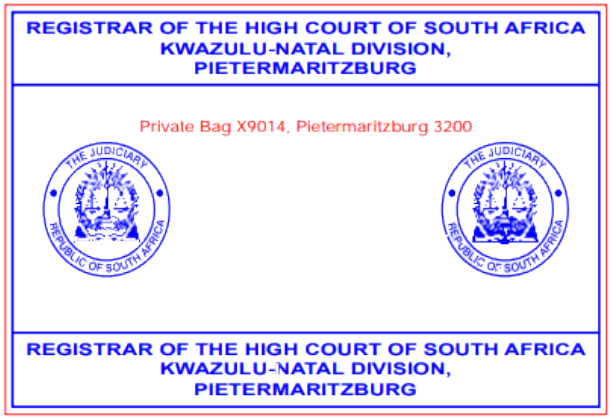
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 01

NOTE: **This document was filed electronically by the Registrar on 17/5/2025 at 12:40:24 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

RESOLUTION

I, the undersigned, MR NKOSINATHI SIBISI, the chairperson of FOSA, do hereby resolve as follows:

1. That I have been authorised to depose to any affidavit or other documents to advance the proposed litigation on behalf of the members of FOSA.
2. The proposed litigation refers to the litigation instituted on behalf of FOSA, the KZN ECD Alliance and 3 others against the KZN Department of Education and others.
3. That the Legal Resources Centre (Durban) is instructed and authorised to institute legal proceedings on behalf of the applicants.

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KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

Signed at Durban on 13th of MAY 2025.

NKOSINATHI SIBISI

CHAIRPERSON

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

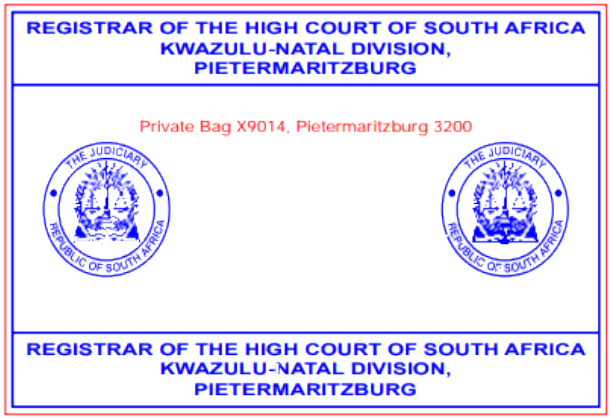
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 02

NOTE: **This document was filed electronically by the Registrar on 17/5/2025 at 12:41:24 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

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"NS 2"

FRIENDS OF SA ECD FORUM

CONSTITUTION

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG



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27 Jan 2025
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1 INTERPRETION

The following terms referred to in this Constitution shall have the following meanings:

1.1 "CONSTITUTION" shall mean this Constitution as subscribed to by the members of the Friends of SA ECD Forum.

1.2 Friends of SA ECD Forum shall mean Friends of South African ECD Forum

1.3 FOSA shall mean Friends of SA ECD Forum

1.4 "MEMBERSHIP" shall mean an Organization (NPO/NGO) /ECD Centre/ECD Practitioner/ ECD Proffectionals/ECD Activist that has been accepted as member in terms of clause 12 of this constitution and whose membership fee in terms of clause 12 of this constitution is fully paid up.

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1.5 Board shall mean President/Chairperson, Deputy President/Vice Chairperson, General Secretary/Secretary, Deputy Secretary, Treasurer, elected/appointed by members of the organization.

1.6 Board of Management shall mean the Executive Committee appointed/elected by members of the organization.

1.7 "REPRESENTATIVE OF A MEMBER" shall mean an employee or official of a member designated by such a member to represent the member in the execution of the business of the FORUM.

1.8 "WORK GROUP" shall mean a group nominated from representatives of members of the Forum to address specific topics beneficial to the Forum.

1.9 "SHUTDOWN" shall mean outage.

1.10 "AGM" shall mean Annual General Meeting

2 CAPTIONS, GENDER,SINGULAR AND PLURAL

2.1 Titles and captions used in this Constitution are for the convenience only and shall not be used in the interpretation of any terms of this Constitution.

2.2 Words reffering to the masculine gender shall also include the other genders and vice versa.

2.3 Words reffing to the singular shall also include the plural and vice versa

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3 PURPOSE

The purpose of Friends of SA ECD Forum shall be to ECD Organizations, ECD Centres, ECD Supervisors/Principals, ECD Centre founders, ECD practitioners, ECD Proffessional and ECD Activists to meet together to exchange ideas, to improve and promote the ECD programmes or service in KwaZulu Natal. To formulate policy, to consult with the authorities; and generally to make KwaZulu Natal (KZN) Province an improved and more attractive for the ECD sector, where the world class ECD programmes/services are provided for the benefit of children.

4 NAME

4.1 The organisation hereby constituted will be called Friends of SA ECD Forum

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4.2 Its shortened name will be FOSA Hereinafter referred to as the organization

5 VISION

- To be the organization of choice for the ECD Centre's in South Africa
- To advocate for the development of South African ECD facilities into world class facilities.
- To advocate for the empowerment of ECD staff and to foster good working relation between the ECD Supervisors, staff members, ECD Centre Committees and parents of children.

6 MISSION

- **(Building our future leaders)** because children are the future of the Country.
- To serve as the mouth piece of Early Childhood Centre's in South Africa.
- To adopt best business practices in the ECD Centre's

7 OBJECTIVES

7.1 To serve as a mouthpiece and provide advocacy role for the ECD's in South Africa

7.2 To Develop and update database of all ECD's in the Country funded and unfunded, registered and un-registered.

7.3 To develop a platform for ECD's to discuss their affairs

7.4 To attend to challenges of local forums, Districts and Provinces

7.6 To coordinate meetings with the Department of Education on ECD's critical matters on behalf of ECD's in the District, Province, and National

7.7 To play an oversight role on ECD's functionality in the District, Province and National

7.8 To effectively implement policies and guidelines that pertain to Department of Education and the children's act

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7.9 To facilitate the transformative path of the ECD's

7.10 To improve the level of communication and collaboration between the department of Education and the ECD sector.

8 LEGAL STATUS AND PROCEEDINGS

8.1 Friends of SA ECD Forum is a body corporate with perpetual succession

8.2 The Friends of SA ECD Forum shall be capable in law of suing and being sued, and of acquiring, holding and alienating movable and immovable property, and borrowing and of doing and performing such other acts as bodies corporate may lawfully do and perform.

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8.3 All legal proceedings and legal actions by or against the Forum shall be instituted in the name of the Forum.

8.4 The Forum fully indemnifies the Forum Executive, for all losses and expenses, they may sustain in consequence of any action or proceeding instituted by or against them when acting on behalf of the Forum.

8.5 Members of the organization do not become liable for any of the obligations and liabilities of the Organization solely by virtue of their status as members of the Organization.

9 BUSINESS FORMAT

Friends of SA ECD Forum is a Non-Profit Organization and is not a Political Party

10 NON-PROFIT ORGANIZATION

10.1 The Friends of SA ECD forum is not formed and does not exist for the purpose of carrying out any business that has the objective of making any profit for personal gain of the organization or its members.

10.2 The income and assets of Friends of SA ECD Forum shall be used solely for the investments and for the promotion of Vision, Mission and the objectives for which the organization is established for.

10.3 A friend of SA ECD Forum is not a Political party but a Non-Profit Organization.

11 INCOME AND PROPERTY

11.1 Organizations income and property are not distributable to its members or office bearers. The only time it can do this is when its pays for work that the member or office bearer has done for the organization. The payment must be reasonable amount for that has been done.

11.2 Members or office bearers have no rights in the property or other assets of the organization solely by virtue of their being members of the organization.

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11.3 Members or office bearers of the Organization do not have rights over the things that belong to the organization.

12 FORUM'S ASSETS

12.1 Members or office bearers have no rights in the property and any other assets of the organization solely by virtue of their being members or office bearers of the organization.

12.2 All Assets/Property of the organization must be bought in the name of Friends of SA ECD Forum.

12.3 A Committee together with members of the organization will determine what property, equipment, stationery and any other assets that are need in the Organization to be able to function.

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12.4 All assets of Friends of SA ECD Forum will be procured through three quotations systems were the Executive Committee will get three quotations from different suppliers or producers. After that the Executive Committee will decide which of the suppler or producer is offering good quality product or service that will benefit the Organization.

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13 SARS

13.1 The Organization must apply for section 18 (a) status with the South African Receiver of Revenue (SARS) for exemption and as a public benefit organization, at least three persons who accept fiduciary responsibility for the organization will not be connected persons in relation to each other and no single person directly or in directly control the decisions making powers relating to the organization.

13.2 No donation will be accepted which is recoverable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donations, including any misrepresentation with regards to tax deductibility thereof in terms of section 18 (a),

Provided that a donor other than donor which is approved public benefit organization or an institution, board or body which is exempt from tax in terms of section 10 (1) (i) which as its sole or principal object the carrying on of any public benefit activity, may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.

13.3 The public benefit organization will not be a party to or does not knowingly emit, or has not knowingly permitted, itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is the reduction, postponement or avoidance of liability for any tax, duty which, but such transaction, operation or scheme would have been or would become payable by an person under this act or any other act administered by the Commissioner.

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14 MEMBERSHIP OF FRIENDS OF KZN ECD FORUM

14.1 Friends of SA ECD Forum membership is open to any ECD Organization, ECD Centre's, ECD founders, ECD Principals/Supervisors, ECD Practitioners, ECD Activists, and other ECD Professionals' in the Country with an interest in supporting the aims and objectives of the Friends of KZN ECD Forum.

14.2 All members shall comply with the following membership requirements

14.3 Regularly pay affiliation fee as decided at Forums local, district, Provincial and National meetings

14.4 Conducts themselves in an exemplary manner

14.5 Subjects themselves to this Constitution of Friends of SA ECD Forum

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15 Benefits of Forum Members

15.1 Friends of SA ECD Forum values the power of networking as the most vital key to strengthen the ECD development to our young children and we invite you to grow with us

15.2 Invest in your ECD through our network of professionals, sharing your standards of excellence and success.

15.3 Access to our member's database which is a great network for hundreds of ECD Organizations, ECD Centre's, ECD practitioners' and professionals.

15.4 Extend your ECD network and advertise your ECD profile for your newly launched ECD Centre's

15.5 Engage with ECD specialist and professionals at our network events

15.6 Advance your professional and personal skills with Forum seminars and workshops

15.7 Participate in our exclusive breakfast, and luncheons honoring Government dignitaries to extend your business network.

15.8 Share your success stories and your professional knowledge with other ECD, Centre's, members of the Forum.

15.9 Participate in the formulation of ECD policies

15.10 Receive capacity building for your staff, committee members, etc.

15.11 Enjoy the legal benefits of being represented in disputes involving the running of your ECD Centre, registration of the ECD Centre, labor issues etc.

15.12 Participate in joint activities organized by the Friends of SA ECD Forum concerning the development and promotions of the ECD sector in South Africa.

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16 DISCIPLINE OF MEMBERS

16.1 Members who create or encourage dissension and strife in their own Local Forum/Association or any other part of the Forum or who continuously rail against the Constitution or of the Organizations' appointments, representatives/ officeholders or who otherwise violate the Constitution may have a complaint laid against them by another member with the Disciplinary Committee. This shall be in writing.

16.2 A member who fails to attend the meeting of the organization, or who fails to meet the obligations of the organization as provided by the Constitution for three consecutive months without adequate reasons, and having been visited by the Executive or delegated team, during the above mentioned period, shall have his/her name removed from membership roll. A letter signed by the Chairperson and Secretary informing him/her of his/her removal shall be sent electronically or sent to his/her last known address by the Secretary. A member, who was removed, will follow procedures of the Organization in order to be re-instated as a member.

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16.3 Each Local Forum/Association, District, Provincial and National structure must appoint a Disciplinary and Appeals Committee of 5 people to deal with disciplinary issues in the organization. These Committees shall meet to elect the Committee Convener amongst themselves. These Committees will serve the period of 3 Years. These members may be re-elected as long as they are needed.

16.4 Any person that is subject of a written complaint or appeal shall be notified in writing of the procedures to be followed by the relevant committee in reasonable time to prepare for any hearing.

16.5 The Disciplinary Committee shall meet within 21 Days of a complaint being lodged. Any person requested to attend a Disciplinary Committee shall be entitled to be accompanied by a friend or representative and to call witnesses. The disciplinary Committee has the power to take appropriate disciplinary action on behalf of the organization, including the termination of membership or exclusion from organization's premises.

16.6 The outcome of the disciplinary hearing shall be put in writing to the person who lodged the complaint and to the person against whom the complaint was made within 14 days following the hearing.

16.7 There shall be a right of appeal within 14 days of receipt of the disciplinary committee decision. The appeal can be lodged:

16.7.1 Against the Disciplinary committee's findings or the sanctions imposed or both

16.7.2 Against the Committee's refusal to admit a new witness

16.7.3 The appeals committee has the power to uphold or to dismiss the findings or sanctions imposed by the disciplinary committee.

16.7.4 The appeals Committee shall consider the appeal within 21 Days of the Secretary receiving the appeal. The Committee shall have the maximum of 5 members which shall not include members involved with the initial disciplinary hearing. The individual who submitted the appeal shall be entitled to be accompanied by a friend or other representative and to call witnesses. The decision of the Appeals Committee shall be final and binding on all parties.

17 GOVERNING STRUCTURE AND MECHANISM OF GOVERNANCE

17.1 The Office bearers will oversee the organization. The Office bearers will be made up of five members. They are the board of governance of the organization. However the organization may decide to elect additional members where ever the need may arise.

17.2 Term of office: Office bearers will serve for the period of three years. They can however stand for re-election for another term in office again and again after that for so long as their services are needed and they are ready to give their services.

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17.3 Vacancies: The Office bearers must, as reasonably soon as possible, appoint someone to fill in any vacancy that reduced the number of Office bearers.
17.4 Resignation: An office Bearer may resign from office in writing.
17.5 Disqualification or Removal: If an Office Bearer does not attend three meetings in a row, without having applied for and obtaining leave of absence from the Board, then the Board will find a new member to take that person's place.

17.6 Structures

Local Level
Chairperson
Deputy Chairperson
Secretary
Deputy Secretary
Treasure
Additional members not exceeding three

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District Level
Chairperson
Deputy Chairperson
Secretary
Deputy Secretary
Treasure
All Chairperson's of Local Forums/Associations within the District

Provincial level
Provincial Chairperson
Provincial Deputy Chairperson
Secretary
Deputy Secretary
Treasurer
All District Chairpersons within the Province

National level
President
Deputy President
Secretary General
Deputy Secretary General
Treasurer General
All Provincial Chairpersons

17.7 Duties of Office Bearers
17.7.1 Chairperson/President

- To be responsible for the general welfare of the organization
- Be an Executive Officer of the Organization
- See that the various systems of operation function effectively and assist where necessary

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- Chair all organizations meetings and Executive meetings
- Attend and report on meetings with stakeholders
- Together with treasure and Secretary become bank signatories
- Be the Custodian of the Vision and Mission of the Organization
- To be the ex-officio member of commissions, sub-committees, ad-hoc committees and task teams.
- To delegate any member of the Board to perform some duties and responsibilities on-behalf of Organization and for the benefit of the Organization.
- The chairperson has the privilege of the deciding vote when votes are tide

17.7.2 Deputy Chairperson/President

- To deputize the Chairperson/President and to perform delegated responsibilities as assigned to him/her by the Chairperson/President.

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17.7.3 Secretary/Secretary General

- Be the administrative officer of the Organization
- Be the head communicator and liaison officer of the organization
- Be responsible for recording and minute taking at all organizations meetings
- Together with treasure and Chairperson/President be bank signatories
- Assist the Chairperson/President with the dissemination of all necessary information to the members of Organization
- Is the point-person for the organization especially in the Coordination of projects undertaken by the Organization.

17.7.4 Deputy Secretary/Deputy Secretary General

To assist the Secretary and to perform delegated responsibilities as assigned to him/her by the Secretary

17.7.5 Treasure

- Be responsible for the financial management of the Organization
- Be responsible for working out and executing plans for fundraising, preparing annual budgets and other organizations planned financial exercises of the organization.
- Be the financial accounting Officer of the Organization
- Ensure the presentation of annual audited financial statements of the Organization

17.7.6 Additional Members

- Shall perform all such duties as delegated to them by the Executive

18 POWERS OF THE ORGANIZATION

18.1 The Board shall carry out the powers on behalf of the organization and they shall manage the affairs of the organization in accordance with the resolutions of the members as shall be taken from time to time at General Meetings/ Conferences of the organization.
18.2 The board is responsible for making decisions, and acting on such decisions, which it believes it needs to make in order to achieve the objectives of the organization as stated in point 4 of this constitution. However, such decisions and their activities may not be against the resolutions of the members or be against the law of the Republic of South Africa.
18.3 The Board shall have the general powers and authority to:
18.3.1 Raise funds or invite and receive contributions
18.3.2 Buy, hire or exchange for any property that it needs to achieve its objectives
18.3.3 Make by-laws for proper governance and management of the organization.
18.3.4 Form sub-committees as and when necessary for proper functioning of the organization.

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18.4 If the Board thinks it is necessary, then it can decide to set up one or more sub-committees. It may decide to do this to get some work done quickly. Or it may want a sub-committee to do an inquiry, for example.
18.5 The Board may delegate any of its powers or functions to a sub-committee provided that:
18.5.1 Such delegation and conditions are reflected in the minutes for a meeting.
18.5.2 At least one Office Bearer serves in the sub-committee
18.5.3 There are three or more people on a sub-committee
18.5.4 The sub-committee must regularly report back to the Board on its activities.
18.6 The Board must in advance approve all expenditure incurred by the subcommittee and may revoke the delegation or amend the conditions of the delegation.

19 MEETINGS

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19.1 Annual General Meeting (AGM)
19.1.1 Stakeholders of the organization must attend its annual general meetings.
19.1.2 The purpose of an Annual General Meeting (AGM) is to:

- Report back to stakeholders from the Office Bearers on the achievements and work of over the year.
- Propose changes to the Constitution
- Enable members to decide on the policies of the Organization

19.1.3 The Annual General Meeting must be held once every year, towards the end of the Organizations financial year.
19.1.4 The Organization should deal with the following business, amongst others, at it annual general meeting:

- Agree to the items to be discussed on the agenda
- Write down who is there and who has sent apologies because they cannot attend
- Read and confirm the previous minutes with matters arising.
- Chairpersons report
- Secretaries report
- Treasurer's report
- Propose changes to the Constitution
- Elect new office bearers
- General
- Close the meeting

19.2 Special General Meeting

19.2.1 The Special General Meeting (SGM) or any other special meeting is held outside of the normal or regular meetings.
19.2.2 Special or extraordinary meetings can take the Shape of an Annual General Meeting or any ordinary meeting of meeting of members.
19.2.3 The Board or not less than one-third of members may call a Special General Meeting of the Organization.
19.2.4 Special meetings may be called when the Board needs to mandate or to get guidance of the general members of the organization to take up issues that require attention and cannot wait until the next regular AGM or ordinary meeting.

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19.3 Ordinary Meetings

19.3.1 Ordinary members meeting are conducted to complete a standard order of business of the organization. These are held once a quarter and are attended by the Board and members of the organization.

19.3.1 The meetings of the Board will be held at least once a quarter or when a need arises from time to time to conduct the business of the Board.

19.4 Regional/District Conferences

19.4.1 The area under the jurisdiction of Conference is divided into Districts that are there in the Province

19.4.2. In each District an annual Conference shall be held, whose chief function is to provide mission leadership and to provide direction of the ECD work and inspiration for the District.

19.4.3 A Special District Conference may be called by the District Chairperson for the purpose of dealing with ECD issues/emergency situations in the District. Fourteen days notice shall be given. The membership shall be those who attended the last Annual District/Regional Conference and 80% of the membership shall constitute a quorum.

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Membership: District/Regional Conference

19.4.4 Forums/Associations' Chairpersons

19.4.5 Forums/Associations' Secretaries

19.4.6 Forum/Associations' Treasurer's

19.4.7 The minimum of 10 delegates per Forum/Association to the maximum of 20 delegates per Forum/Association.

19.4.8 The Convener of the District Disciplinary Committee

19.4.9 The District Appeals Committee Convener

19.4.10 any official of the Provincial Executive Committee residing in the District.

Powers

The following, inter alia, are the functions and duties of District/Regional Conference:

19.4.11 to provide leadership for the Districts, applying the lead provided by Provincial Conference.

19.4.12 to determine mission priorities and activities in the District;

19.4.13 to allocate resources and provide material and other assistance to the Forums/Associations

19.4.14 generally to administer the District considering and implementing matters referred to it by the Provincial Conference or Provincial Executive.

19.4.15 to appoint the District sub Committees, addhoc committees, task teams

19.4.16 to elect delegates which will represent the District in Provincial Conference

19.4.17 to elect the District Executive Committee of District Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasure.

19.5 Provincial Conference

19.5.1 Conference provides direction and inspiration for the Province and is the organization governing authority and supreme legislative body in the Province.

19.5.2 The Conference has power to propose changes in the Constitution.

19.5.3 Conference shall meet annually, or as it determines.

19.5.4 *The functions, powers and duties of Conference are to*:

19.5.4.1 To provide l leadership in the Province, this being Conference's primary function

19.5.4.2 Exercise general oversight over all matters in the Province;

19.5.4.3 Decide the general policy of the Province and direction of the Province;

19.5.4.4 Determine the policies of the organization and their interpretation;

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19.5.4.5 Delegate to the Provincial Executive the functions in any it's may deem necessary for the betterment of the organization.
19.5.4.6 Delegate whatever powers and functions it may deem necessary to districts committees, sub-committees, addhoc committees, and task teams
19.5.4.7 Elect the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer General.
19.5.4.8 Conduct any other business it deems necessary.

19.5.5 Membership of Provincial Conference
Conference comprises the following members, such members being active members of the organization for at least the past two years.
19.5.5.1 The District Chairpersons
19.5.5.2 The Districts Secretaries
19.5.5.3 The District Treasurer's
19.5.5.4 The District delegates the minimum of 10 to the maximum of 50 delegates per District
19.5.5.5 The Provincial Disciplinary Committee Convener
19.5.5.6 The Provincial Appeals Committee Convener

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19.6 National Conference

19.6.1 Conference provides direction and inspiration nationally and is the organization governing authority and supreme legislative body. National Conference is the final authority in respect of the Organizations Constitution and its interpretation.
19.6.2 The Conference has power to alter its Constitution, to make Rules and regulations for the good governance of the organization and for the due and proper exercise of its jurisdiction and to do all such acts, matters and things, as are expedient and necessary for the maintenance, advancement and benefit of the organization and its objects.
19.6.3 Conference shall meet annually, or as it determines.
19.6.4 *The functions, powers and duties of Conference are to*:
19.6.4.1 To provide l leadership nationally, this being Conference's primary function
19.6.4.2 Exercise general oversight over all ECD matters nationally
19.6.4.3 Decide the general policy and direction of the organization;
19.6.4.4 Determine the policies of the organization and their interpretation;
19.6.4.5 Delegate to the National Executive the functions it's may deem necessary for the betterment of the organization.
19.6.4.6 Delegate whatever powers and functions it may deem necessary to Provincial committees, sub-committees, addhoc committees, and task teams
.19.6.4.7 elect the President, Deputy President, General Secretary, Deputy Secretary General and Treasurer General.
19.6.4.8 Conduct any other business it deems necessary.

19.6.1 Membership of National Conference

Conference comprises the following members, such members being active members of the organization for at least the past two years.
19.6.1.1 The Provincial Chairpersons
19.6.1.2 The Provincial Secretaries
19.6.1.3 The Provincial Treasurers
19.6.1.4 The District delegates the minimum of 10 to the maximum of 100 delegates per Province

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19.6.1.5 The National Disciplinary Committee Convener
19.6.1.6 The National Appeals Committee Convener

19.7 Notices of Meeting

19.7.1 The Chairperson/President of the Board shall convene meetings. The Secretary must let all Board members know the date of the proposed meeting within reasonable time, but not less than seven (7) days, before it is due to take place.
19.7.2 However, when convening an AGM, or Special General Meeting, all members of the organization must be informed of the meeting no less than fourteen (14) days before such meeting.
19.7.3 Notices for all meetings provided for in this Constitution must be given to relevant members in writing, either personally, by post or electronic communication or whichever manner it is convenient, to the address or similar particulars provided by the members.
19.7.4 The notices for all meetings must indicate the reasons for the meeting and the matters that will be discussed in the meeting.
19.7.5 For confirmation of delivery, all notices sent to members at the latest known contact details shall be deemed to have been duly served on members, unless it can be proven otherwise.
19.7.6 All members present in person at any meeting shall be deemed to have received notice of such meeting.

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19.8 Quorums

19.8.1 Quorums for all meetings/conferences of the organization shall be a simple majority 51% of relevant members who are expected to attend.
19.8.2 However, for the purpose of considering changes to this Constitution, or the dissolution of the organization, then a two thirds (2/3) of the members shall be present at Provincial Conference to make a quorum before a decision to change the constitution or to dissolve the organization is taken.
19.8.3 All meetings/conferences must reach a quorum before they can start.
19.8.4 If however a quorum is not present within fifteen minutes of the appointed time of the meeting, the meeting must be adjourned or postponed to another date, within fourteen days thereafter.
19.8.5 If no quorum is present at the reconvened meeting within fifteen minutes of the appointed time, the members present shall be regarded to make up a quorum for that meeting and the meeting will continue as if a quorum is present.

19.9 Procedures at Meetings

19.9.1 The Board may regulate the meetings of the organization and proceedings as it deems fit, subject to the following:

- That the Chairperson/President shall chair all meetings of the organization, including that of the Board.
- That if the Chairperson/President is not present, Deputy Chairperson/President shall chair such meeting. In the event both are absent the Secretary/Secretary General shall chair that meeting.

19.10 Making decisions in meetings

19.10.1 Where possible, the decisions of the organization shall be taken by consensus. However, when there is no consensus, then members will discuss options for a while and then call for a vote.
19.10.2 All votes shall be counted and the majority votes on an issue shall be regarded as decisions of the meeting.
19.10.3 However, if opposing votes are equal on an issue, then the Chairperson/President in that meeting has either a second or deciding vote.
19.10.4 All members must abide by the majority decision.

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19.10.5 Decisions concerning changes to this constitution, or of dissolution and closing down of the organization, shall only be dealt with in terms of clauses 17 and 18 of this constitution.

19.11 Records of meetings

19.11.1 Proper minutes and attendance records must be kept for all meeting of the organization.
19.11.2 The minutes shall be confirmed as a true record of proceedings by the next meeting of the Board, or general members as the case may be, and shall thereafter be signed by the chairperson/President.
19.11.3 Minutes shall thereafter be kept safe and always be on hand for the members to consult.

19.12 Rules of debate

Much of the business of the organization is conducted in the form of Conversation. Therefore the Rules of Debate should be applied only when necessary, and then in such a way as not to impair the spirit of the meeting. The following Rules of Debate, while primarily of application to Conference, may be applied to all formal organizations meetings.

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1. Any Member wishing to address Conference shall rise and address the President and shall not proceed until called on.
2. All speeches shall be directed to the President.
3. No Member shall remain standing during a discussion except the Member recognized by the President
4. No Member shall speak more than once on the same matter without the leave of Conference, except that the proposer of a resolution has the right to speak last, in reply to the debate. The seconder of a motion may speak in support when seconding or reserve the right to speak later.
5. The President shall rule out of order any Member who violates the rules of debate or the regulations of Conference.
6. Where the formal business is not conducted by answer to Questions, it proceeds, by way of proposing or moving a resolution which is then seconded, debated and voted upon. Only one motion shall be before Conference at a time.
7. No major matter may be brought before a meeting unless due notice has been given to the members, by including it in the notice of the meeting. In Conference notice of motion shall be given at the commencement of the meeting or, if the meeting agrees, one days notice shall be required. Notice is not required for matters introduced by any task team or Committee when dealing with its business. Where there are several notices of motion dealing with the same subject, Conference may draw them those together in a single motion which seeks to capture the spirit of all the notices of motion.
8. No proposal shall be considered which is in conflict with an existing regulation or previous decision unless the existing regulation or previous decision is first considered and amended or rescinded.
9. Once a resolution has been moved and seconded it shall not be withdrawn without the consent of Conference.
10. The report of a Committee is received without motion but its adoption shall be moved and seconded
11. During the debate, any Member may move an amendment to the motion. The amendment should not simply be a negative of the motion. When an amendment has been proposed and seconded, debate on the substantive motion ceases in favor of debate on the amended motion. The President should ensure that Conference understands the entire motion, as amended, before debate on the amended motion begins.
12. The President should not allow more than one amendment to be before Conference at a time
13. If the amended motion is not agreed to by Conference, debate resumes on the original motion. If the amended motion is agreed to by Conference it becomes the substantive motion and may be

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further amended. If there is no further amendment or debate the amended motion, which is now the the substantive motion is voted on again.
14. A Member may ask a question at the conclusion of any speech, thereby interrupting proceedings.
15. A Member may interrupt the proceedings at any time by raising a Point of Order, which means that the Member believes that the rules of debate or the regulations of Conference have been violated. The Member who was addressing Conference shall be seated until the President has decided the Point of Order.
16. At any time between speeches, a Member may propose closure of the debate. This shall be put to Conference without debate and if it is carried by a majority of two-thirds the President shall allow the Member to speak who has the right of reply and shall then immediately put the motion to Conference.
17. At any point between speeches, a Member may propose that 'the motion be not put. If this is carried by Conference, with or without debate, the motion or amendment before Conference cann[illegible] and Conference proceeds to the next item of business.
18. The President may decide when to close the debate, and unless Conference decides otherwise the vote shall then be taken. At the close of the debate (and after the proposer has had the right of reply) the motion or the motion as amended shall be read to Conference and vote taken. No one should thereafter speak on the motion.
19. Voting may be by voice, show of hands, or ballot. If, after a vote by voice, the President declares the result and no one challenges the decision then the result becomes final.
20. Members may abstain from voting but should do so only for good reason and not simply to avoid the duty to make a decision.
21. Reports submitted to Conference may be adopted if Conference approves them, or received if Conference wishes to include them in its records without approving or rejecting them, or merely noted when no further action is taken.
22. The proposer of a resolution or, where it is amended, the proposer of an amendment should, reduce the notice of motion to writing and submit it to the Secretary.
23. Conference may appoint Committees to deal with matters brought before it. Conference should decide the members of the Committee, its convener, powers of co-option if any, terms of reference and power to act. Committees shall report as required by Conference.
24. When an election is made, except where otherwise provided, each nominee should be nominated and seconded before the next nomination is taken. Before voting takes place the President should announce the position to be filled, the names of the persons nominated and the number of votes each Member has (when more than one position has to be filled from the same list of nominations) After the vote the President shall announce the result.
25. Unless otherwise specified, a quorum for any meeting is one more than half the members. Decisions taken at a meeting when no quorum is present could be set aside if challenged in a court of law.
26. Conference may resolve 'to meet in Committee' whereupon only members of Conference may be present. Conference shall resume after adoption of the motion that Conference now resumes, and the acts and decisions of Conference in Committee be the acts and decisions of Conference.

20 VOTE OF NO CONFIDENCE

20.1 A vote of no confidence on the Executive Committee or member of the Executive Committee will be brought by a member or members of the organization through the resolution in any meeting of the organization.
20.2 A vote of no confidence will be done with a simple majority in favor for it.
20.3 A vote of no confidence in the organization shall be done via secret ballot or by the show of hands.

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20.4 When the Executive or member of Executives loose' the vote of no Confidence that Executive Committee or Executive member must vacate the office immediately. The interim Executive Committee will be appointed by members of the organization.
20.5 If the Executive Committee or member of the Executives wins the Vote of no Confidence, the Executive Committee or Executive member will remain in office.

21 ELECTIONS
21.1 The power to vote shall be restricted to members of the organization.
21.2 The elections of the organization shall be by means of the secret ballot or by the show of hands
21.3 Election results shall be determined by simple majority.
21.4 The elections at Local level shall be officiated by the District executive committee or the District executive committee member delegated by the District Executive Committee.
21.5 The elections at District level shall be officiated by the Provincial executive committee or the Provincial executive committee member delegated by the Provincial Executive Committee.
21.6 The elections at a Provincial level will be officiated by the National Executive Committee or the National Executive Committee member delegated by the National Executive Committee.
21.7 The National Elections will be officiated by the National Elections Committee appointed by National Conference to run and manage the election. The number of people in this committee will be determined by the National Conference.

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22 ELECTIONS DISPUTES
22.1 Members of the organization have the right to lodge the elections dispute with the relevant Executive Committee.
22.2 All elections disputes shall be submitted to the Secretary/Secretary General in writing in 14 days after the elections as taken place **(No late submissions will be accepted).**
22.3 The Secretary after receiving the dispute must inform the Executive Committee of the dispute.
20.4 Secretary shall inform the members who were elected of the dispute that was lodged.
22.5 The Executive shall call a meeting with members who lodged the Dispute to get their side of the story.
22.6 The Executive shall also call the meeting with the members who were elected into the Committee that is being disputed to get their side of the story.
22.7 After meeting with both sides the Executive shall call an emergency meeting /conference were the members of the meeting/Conference will be informed about the dispute that was lodged.
22.8 The meeting shall proceed to vote in favor of the dispute or against the dispute. If the meeting/conference votes in favor of the dispute there will be re-elections done. If the meeting/conference votes against the dispute there will be not re-elections done, the elected committee will continue with it work.
22.9 Local Disputes shall be sent to the District Secretary.
22.10 District Disputes shall be sent to the Provincial Secretary.
22.11 Provincial Disputes will be sent to the National Secretary.
22.12 National Disputes will be sent to the National Elections Committee appointed by National Conference.

23 FINANCES AND REPORTS
23.1 Bank Account: The must open a bank account in the name of Friends of SA ECD Forum with a registered bank.
23.2 Signing: Bank Account documents and other documents requiring signature on behalf of the organization shall be signed by the treasure, secretary, and chairperson/president.

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Whenever funds are taken out of the bank account, the Chairperson/President and at least Secretary must get bank notifications of the withdrawal of funds.

23.3 Financial year end: The financial year end of the organization shall be the end of the last day of March of each year.

23.4 Financial Report: The Board must ensure that proper records and books of account which reflects the affairs of the organization are kept, and within twelve months of its financial year a report is compiled by an independent registered Accounting Officer stating whether or not the financial statements of the organization are consistent with its accounting policies and practices of the organization.

23.5 The treasurer is responsible for making sure that the money of the organization is safe and is accounted for.

23.6 The treasurer must also make regular reports to the Board on the finances of the organization which should include all incomes, expenditures and balances that remain according to accounting practices of the organization.

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23.7 If the organization has funds that can be invested, the funds may only be invested with registered financial institutions such as banks. These institutions are listed in Section 1 of the Financial Institutions (Investment of funds) Act, 1984, or as shall be amended. Or the Organization can get securities that are listed on a, licensed stock exchange as set out in the Stock Exchange Control Act, 1985 as amended. The organization can go to different banks to seek advice on the best way to look after the funds.

24 AMENDMENTS TO THE CONSTITUTION

24.1 The constitution can only be changed by a resolution. The resolution has to be agreed upon and passed by not less than two thirds 2/3 (or at least 67%) of the members who are at Annual National Conference or Special Conference. Members must vote at this meeting to change the constitution.

24.2 For the purpose of considering changes to this constitution a two thirds 2/3 of the members shall be present at a National Conference to make a quorum before a decision to change the constitution is taken.

24.3 AS provided for in clause 13.6.3 written notices must go out to members at the reasonable time before the National Conference commence. The notice must indicate the proposed changes to the constitution that will be discussed at the National Conference.

25 DISSOLUTION/CLOSING DOWN

25.1 The organization may dissolve or close down if at least two thirds (2/3) of the members present and voting at a National Conference convened for the purpose of considering such matter, are in favor of closing down.

25.2 When the organization closes down it has to pay all its debts. After doing this, if there is property or money left over it should not be paid or given to members of the organization. It should be given in some way to another nonprofit organization that has similar objectives. The organization's Provincial Conference can decide what organization this should be.

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This Constitution was approved and accepted by members of FRIENDS OF KZN ECD FORUM
At a Special Provincial Conference held on 31 MARCH 2022

President
Nkosikayikhethi Sibisi
Signature

Secretary General
Sibusiso Tembe
Signature

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Deputy President

Lawrence Mngomezulu
Signature

Deputy Secretary General

Mduduzi Sibisi

Signature

Treasure General

Sinikiwe Nsthangase

Signature

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

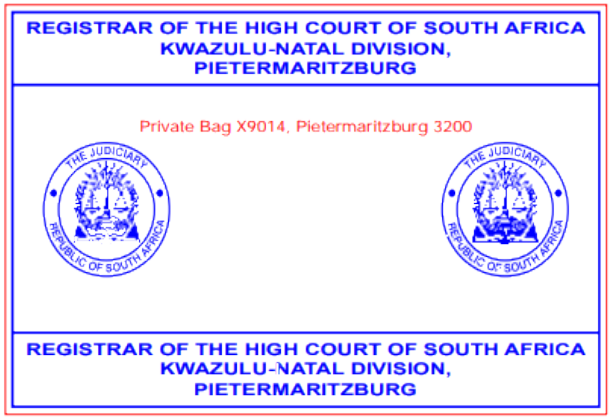
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 03

NOTE: **This document was filed electronically by the Registrar on 17/5/2025 at 12:42:13 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



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Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

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"NS3"

Friends of SA ECD Forum

NPO number: 199-522

Email: friendsofsaecdforum2017@gmail.com

Address: M318 Mnyovu Road KwaMashu 4359



Total Breakdown of ECD Centres Per District

District	Number of ECD Centres
Uthukela District	78
Umgungundlovu District	21
Pinetown District	95
Umlazi District	12
Harry Gwala District	14
Umzinyathi District	25
Amajuba District	12
King Cetshwayo District	23
UGU District	11
Zululand District	79
Umkhanyakude District	66
ILembe District	86
TOTAL	**522**

ECD Centres Per District

Uthukela District		
Number	**Name of ECD Centre**	**NPO Number**
1	Masihlangane Creche	370-110
2	Sibonokuhle Creche	077-471
3	Phindangene Creche	064-141

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4	Bambanani Creche	064-028
5	Impokophelo Day Care Centre	095-352
6	Zamokuhle Creche	
7	IcebolikaJehova Creche	040-248
8	Impumelelo Yabantwana Creche	125-538
9	Icebo likaJEHOVA Creche	064-246
10	Impumelelo Yabantwana	095-352
11	Fundakahle Creche	133-623
12	Sicelukuphila Creche	
13	Jelly Tots	076-344
14	Nthathakusa	057-158
15	Ukukhanya	089-833
16	Phumelela Creche	
17	Phakamani Creche	
18	Ndabayethu Crcehe	034-337
19	Sizanani Creche	
20	Little Lollies Creche	130-429
21	Siyathokoza Creche	039-775
22	Cool Kids	
23	Lwazi Creche	
24	Sithabile Creche	
25	Ekukhuliseni PreSchool	076-176
26	Cabangokuhle Creche	
27	Ensindisweni Creche	
28	Sekusile Creche	
29	Siyakhula Creche	148-716
30	Vulingqondo Creche	
31	Siyathanda Creche	040-597
32	Thuthuka Creche	
33	Sbongukukhanya Creche	034-120
34	Siyathuthuka Creche	029-911
35	Zamokuhle Creche	101-531
36	Siyazama Matiwane Creche	069-453
37	Lethabo Day Care & After Care	040-248
38	Masihlangane Creche	043-793
39	Thembalethu Creche	
40	Siyakhulisa Pre-School	168-463
41	Mnkendisi Day Care	
42	Enkazimulweni Creche	
43	Sekusile Creche	076-163
44	Sikhulile Creche	042-182

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45	Qalokuhle Creche and Pre-School	141-330
46	Siyathuthuka Creche	104-443
47	Siyethemba Creche	158-565
48	Thukela Creche	030-936
49	Sikhona Creche	
50	Sibonokuhle Creche	021-244
51	Lethabo Creche	
52	Sizanani Creche	032-845
53	Siyakhulisa Creche	045-884
54	Cabangokuhle Creche	
55	Cebolethu Creche	
56	Siyaphambili Creche	
57	Sicelukuphila Creche	
58	Hlahlindlela Creche	
59	Jabulani Creche	
60	Sikhula Kahle Creche	
61	Mcedisi Creche	
62	Feel at Home Creche	
63	Vulinqondo Creche	
64	Mzingeli Creche	
65	Sibongukukhanya	
66	Lime Hill Creche	
67	Celokuhle	
68	Zamokuhle Creche	
69	Woodford	
70	Lunga	
71	Cebelihle	
72	Sinemfundo	
73	Phindangene	064-029
74	Impokophelo	064-145
75	Isiqalo Esihle	209-412
76	Kuhlukuthula	199-073
77	Snethemba	093-991
78	Bambanani	064-141
79		
80		180-799
81		047-001
82		202-591
83		064-028
84		064-246

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Umgungundlovu District		
Number	**Name of ECD Centre**	**NPO Number**
1	Khulani B Creche	136-302
2	Chibini Creche	198-572
3	Siyathuthuka Creche	049-232
4	Clearance Creche	124-831
5	Sthokozile Creche	070-186
6	Vezokuhle Creche	064-342
7	Siphesihle Creche	084-035
8	Sinenjabulo Creche	064-319
9	Thandanani Creche	048-343
10	Siyakhula Creche	035-626
11	Mthokozisi Creche	048-343
12	Siyamukela Creche	048-510
13	Siphesihle Creche	084-035
14	Kuyasa Creche	084-188
15	Entuthukweni Creche	646-722
16	Bonokuhle Creche	064-133
17	Madlokovu Creche	047-148
18	Mahlutshini Creche	048-780
19	SA Junior	051-698
20	Thandokuhle Creche	051-693
21	Bonokuhle Creche	064-051

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Pinetown District		
Number	**Name of ECD Centre**	**NPO Number**
1	Tholulwazi Creche and Pre-school	056-343
2	Siyathuthuka Creche	016-221
3	IHlombe ECD Centre	024-517
4	Inkululeko Organization	034-918/009-034
5	Jabula Daycare	007-966
6	Masibambisane Creche and Pre-School	059-854
7	Makwande educare Centre	008-806
8	Luthando Pre-School	029-748
9	Othandweni Day Care	
10	Buyezubuhle Creche and Pre-School	037-966/029-079

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11	Velesmeni Creche	008-946
12	Mzamo Creche	
13	Inkanyiso Creche and Pre-School	030-915/008-777
14	Masibonisane Creche	
15	Sandile Creche and Pre-School	028-093
16	Sawelamakhosazane Creche and Pre-School	043-473/028-998
17	Sinamuva Creche and Pre-School	009-087
18	Siphokuhle Creche and Pre-School	044-545
19	Sivelile Creche and Pre-School	037-851
20	Siyathuthuka Creche and Pre-School	009-530
21	Sizanani Creche and Pre-School	031-319
22	Thandokuhle Creche and Pre-School	036-839
23	Tholithemba E.C.D Centre	030-725/142-034
24	Jubilee Creche and Pre-School	032-472/03[illegible]
25	Sizakancane Pre-School	144-935
26	Khulanathi Creche	105-972
27	Zuzokuhle E.C.D Centre	120-702
28	AJ Mnguni Creche	105-610
29	Nhlelozande Creche	
30	Qalakahle Creche and Pre-School	009-988/158-715
31	Sizanani Creche	054-485
32	Seh's Little Ducks Place of Care	064-214
33	Bhekameva Creche and Pre-School	061-591
34	Zamani Educare Centre	049-177
35	Ingcebo Children's Home	061-371/028759
36	Qalokusha Creche	
37	Zamani Creche	005-953
38	Qoqisizwe Creche	
39	Zamokuhle Creche	013-297
40	Siyakhula Pre-School and Creche	020-458
41	Bhekimpilo Creche	020-637
42	Mouth Moriah Creche	
43	Senzokuhle Day Care Centre	061-999
44	Shayamoya Community Creche and Pre-School	076-529/028-737/006-181
45	Ekuphileni Educare Centre	046-272/028-068
46	Gozololo Centre for Needy Children	144-875
47	Zamani Creche and Pre-School	076-898
48	Ekujabuleni Nursery School	009-258/055-211
49	Sbanesihle Creche	
50	Sibusisiwe No2 Creche	158-703/029-107
51	Full Gospel Creche	

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52	Izenzo Health Care Centre	051-117/036-106
53	First Love Christian Educare Centre	062-027
54	Ebuhleni Creche and Preschool	104-905
55	Nhlosokuhle Creche	082-479
56	K Educare	
57	Lindokuhle Nursery and Pre-School	047-146
58	Smanethemba Creche	180-479
59	Mbalenhle Creche and Pre-School	002-487
60	Phaphamani Creche and Pre-School	039-419
61	Bundle of Joy Creche	
62	Imbaliyethu Creche and Pre-School	009-525/064-967
63	Musawenkosi Daycare Centre	141-154
64	Swelihle Creche and Pre-School	037-383
65	Tholulwazi Creche and Pre-School	046-173
66	Zamimfundo Daycare Centre	144-778
67	Thokozani Creche and Pre-School	030-662
68	Cebelihle Creche and Pre-School	177-739
69	Ithembalesizwe	033-068
70	Macedonia Creche and Pre-School	041-742
71	Siqalimfundo Educare Centre	041-742
72	Nhlakanipho ECD Centre	198-018
73	Inqanawe Creche and Pre-School	
74	Entokozweni Creche and Pre-School	139-312/165-553
75	Velabahleke Educare Centre	221-818
76	Bongisipho Educare Centre	142-228
77	Sidlubhedu Creche and Pre-School	039-698
78	Sobahle Creche and Pre-School	098-862
79	Skhethokuhle Creche and Pre-School	009-184
80	Sbusisiwe Creche and Pre-School	017-229
81	Khethukwazi Creche and Orphanage	144-863
82	Sibongile Day Care	028-848
83	Ziphozonke Creche and Pre-School	144-890/102-502
84	Ikusaselihle Educare Centre	035-686
85	Siyajabula Creche and Pre-School	
86	Sbonelo Creche and Pre-School	
87	Akanani Day Care	
88	Khulakahle Creche	
89	Vezukukhanya Creche and Pre-School	
90	Thembalethu Pre-School	
91	Thembalethu Pre-School	
92	Ikhwezi Creche and Pre-School	

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93	Bhekisisa Creche Preschool	
94	Oka-Mepho Pre Creche	
95	Sthandokuhle ECD Centre	
96		

Umlazi District		
Number	Name of ECD Centre	NPO Number
1	Ekuthuleni Educare Centre	031-311/042-010
2	Sondelani Educare Centre	064-488
3	Bhekithemba ECD Centre	039-757
4	Siceluthando Educare Centre	042-501
5	Silindokuhle Educare Centre	079-162
6	Bright Future Preschool and Day Care	118-167/045-553
7	Khulakahle Creche and Pre-School	060-544/098-447
8	Sawpits Day Care	044-053
9	Golden Future Pre-School	
10	Bazamile Preschool	
11	Enjabulweni Creche	
12	Cato Crest PreSchool	

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Harry Gwala District		
Number	**Name of ECD Centre**	**NPO Number**
1	Fundulwazi Creche	070-430
2	Ndlelanhle Creche	070-463
3	Asanda Creche	142-104
4	St Martin Creche	057-886
5	Siyathuthuka Creche	070-426
6	Vulingqondo Creche	070-452
7	Siyethema Creche Madzikane	070-333
8	Siyazama M ECD	070-398
9	Siphamandla Pre-School	074-061/153-210
10	Siyanakekela ECD	059-582
11	Siyaciciyela Creche	152-805
12	Isambulo Creche	221-337
13	Othandweni Creche	141-267
14	Zuza Creche	

Umzinyathi District		
Number	**Name of ECD Centre**	**NPO number**
1	Vezokuhle Creche	046-121
2	Sakhisizwe Creche	069-197
3	Gcinukuthula Creche	076-746
4	Silethuthando Creche	083-777
5	Siphuthando Creche	150-341
6	Vukuzenzele Crech Glencoe	197-553
7	Zinikeleni Creche	069-167
8	Eveln's Day Care	201-204
9	Othandweni Creche	082-219
10	Zenzeleni Creche	142-842
11	Inhlonipho Creche	120-680
12	Siphesihle Creche	120-997
13	Vukuzakhe Creche	043-660
14	Little People Flowers Creche	208-797
15	Sibusisiwe Creche	197-578
16	Mnqobi Creche	123-100
17	Simunye Creche	223-970
18	Emsizi Creche	142-983
19	Ikusasalethu Creche	114-114
20	Sunrise Creche	192-444
21	Talana Creche	082-212
22	Okuhle Creche	197-573
23	Vukuzenzele Creche	120-944
24	Bathobile Creche	197-572
25	Little Dolphin	116-296

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
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Amajuba District		
Number	**Name of ECD Centre**	**NPO Number**
1	Mlondolozi Creche	073-094
2	Charity Creche and Pre-School	148-487
3	Ekuthuleni Creche and Pre-School	
4	Emgazini Creche	073-003

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5	Thulanathi Day Centre	190-714/217-532
6	Siyakhula Creche	097-730
7	Thembalethu Creche	055-340
8	Siphukuthula Creche	219-786
9	Smilekids Day Care Centre	163-259/139-946
10	Ntuthuko Day Care	
11	Charlestown Country kids Day Care	148-506
12	Kwanda Early Childhood Development Centre	

King Cetshwayo District		
Number	**Name of ECD**	**NPO Number**
1	Manzini Creche	054-758
2	Qhubekani Creche	007-421
3	Ongoye Community Centre	034-406
4	Portdunford Creche	058-691
5	Khayalethu Creche	063-941
6	Sakhisizwe Creche	121-356
7	Vumukukhanya Creche	117-144/207-344
8	Isiyazama Creche	055-785
9	Vukani B Creche	079-959
10	Thulasizwe Creche	140-089
11	Ubambisswayo Creche	078-218/120-728
12	Sphephelo Creche	064-975
13	Busy Bee's Creche	079-915
14	Bhekisizwe Creche	030-940
15	Siyazama Creche	090-751
16	Esikhawini Creche	064-241
17	Zicabangele Creche	056-576
18	Zanele Creche	039-034
19	Nogweleza Day Care	037-004
20	Nkanyezi Creche	090-635
21	Ngiba Creche	072-950
22	Iselesele Creche	
23	Hemfane Creche	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
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UGU District

Number	Name of ECD	NPO Number
1	Ekubusisweni Crehe	
2	Entokozweni Creche	
3	Ekukhanyeni Creche	
4	Echibini Creche	
5	Masizakhe Creche	
6	Masilondoloze Creche	
7	Ekujabuleni Creche	
8	Siyajabula Creche	
9	Little Pony Crche	
10	Siyathuthuka Creche	
11	Goat oxland & Shepwalk Creche	



Zululand District		
Number	**Name of ECD Centre**	**NPO Number**
1	Fundisa Community Creche	242-865
2	Senamile Creche	090-773
3	Imbuthuma Creche	063-291
4	Bambanani Creche	054-677
5	Sbongokuhle Creche	053-717
6	Sondelani Creche	068-051
7	Siphakama Creche	158-508
8	Qhubekani Creche	102-737
9	Masakhane Creche	103-004
10	Thuthukani Creche	083-925
11	Siyaphambili Creche	073-079
12	Qhubekani Creche	102-737
13	Slindokuhle Creche	053-896
14	Zizameleni Creche	063-852
15	Ntandoyesizwe Creche	079-827/055-510
16	Dumbe Creche	057-264
17	Thubelihle Creche	079-908
18	Isidubelo Creche	117-085
19	Ekukhanyeni Creche	117-332
20	Fisokuhle Creche	079-714
21	Dabulisizwe Creche	118-035
22	Mbalenhle Creche	068-050/101-286

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23	Sicelimpumelelo Creche	064-449
24	Kusukela Abakusasa Creche	084-124/167-467
25	Sincengimpilo Creche	066-525
26	Isibanisezwe Creche	049-343
27	Khanyisa Creche	046-511
28	Khayalempilo Creche	041-951
29	Fundekhaya Creche	084-104
30	Indumiso Creche	106-314
31	Kwa-Funulwazi Creche	071-314
32	Zamokuhle Creche	040-533
33	Njablo Creche	057-579
34	Cathulani Community Creche	066-356/064-370
35	Msasaneni Creche	066-343
36	Sithokozile Creche	042-627
37	Jabulani Creche	040-097
38	Sovasha Creche	040-707
39	Thembela Creche	
40	Mthabeleni Creche	063-864
41	Sikhulasonke Creche	
42	Incathu Development Project Creche	102-839/094-022
43	Ekuthuleni Creche	040-186/090-733
44	Qhubekani Creche	
45	Ebuhleni Creche	106-687
46	Sinethemba Creche	
47	Njoko Creche	043-267
48	Ndongande	062-194
49	Siyathuthuka nsimbi Creche	053-725
50	Silindokuhle Creche	083-197
51	Sinenhlanhla Creche	069-131
52	Kadekusilesisebenza Creche	066-345/060-208
53	Siyaphambili Day Care	053-735
54	Lethukukhanya Creche	056-185/071-429
55	Esikhandweni Creche	045-772
56	KwaShoba Community Creche	085-959
57	Zamokuhle No2 Creche	073-109/168-812
58	Zimele Creche	095-565
59	Isiphakamiso Creche	193-803
60	Thandanani Mazulu Creche	048-413/101-385
61	Vukuzame Creche	053-734
62	Rainbow Creche	083-133
63	Isizwe Creche	047-258

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64	Sikhula Ngolwazi Creche	069-134/139-336
65	Siyanqoba Creche	128-158
66	Qhubekani Creche No1	090-723/049-135
67	Thembalethu Creche	172-783
68	Zamokuhle No1 Crech	057-113/158-592
69	Sinenhlanhla Day Care	072-019
70	Zizodela Creche	
71	Siwela Creche	
72	Thandukukhanya Creche	
73	Mpakama Creche	
74	Asiphelimandla Creche	
75	Siyathokoza Creche	
76	Thembukukhanya Creche	
77	Good Hope Creche	
78	Mkhwakhweni Creche	
79	Sibusisweni Creche	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,

Umkhanyakude District		
Number	**Name of ECD**	**NPO Number**
1	Macebo Creche	055-108
2	Vulindondo Creche	070-433
3	Ziqalele Creche	066-481
4	Simunye Creche	066-502
5	Mxoshwa Creche	066-443
6	Nhlabathi Creche	070-058
7	Sibonokuhle Creche	066-516
8	Phakathi Creche	073-125
9	Siyakhula Creche	068-440
10	Thuthukani Creche	
11	Sunshine Creche	068-906
12	Vumelani creche	066-420
13	Ndabenhle crèche	063-912
14	Swelihle creche	063-880
15	Impumelelo Creche	066-337
16	Buhle Bemfundo Creche	066-530
17	Sbongile creche	057-159
18	Masibambisane Creche	029-950/102-490
19	Izithelozemfundo Creche	059-778

20	Qhubeka Crevhe and PreScool	063-956
21	Nqolobane crèche	070-030
22	Phindokuhle Creche	031-561
23	Imbewu enhle Creche	049-019
24	Sibongile Creche	070-065
25	Isikhiyesempilo creche	030-632
26	WELANI CRECHE	076-503/039-599
27	Nhlahlenhle crèche	
28	Little Bird Creche	046-511/061-548
29	Indumiso crèche	062-687
30	NGOQONGO CRECHE	069-249/090-778
31	Siyazama Creche	136-651
32	Bongani Creche	136-320
33	Vukani creche	102-839
34	Velaphi Creche.	056-272
35	Granny's Care Centre	
36	Ebuhleni crèche	124-993
37	InkanyeziYokusa Creche	126-278/128-820
38	PHELELANI CRECHE	042-344/120-352
39	Bazaneni Creche	122-723
40	Sibusisiwe Creche	055-208
41	Nkululeko Creche	063-878
42	Melisizwe crèche	
43	ESIXENI CRECHE	
44	Nomaphenduka Creche	
45	ISIPHUMELELE CRECHE	
46	Mfulawezwe Creche	
47	Hlomula Creche	
48	Manguzi Creche	
49	Salema Creche	
50	Bhekisisa Creche	
51	Mandande Creche	
52	Eyethu Creche	
53	Goege Creche	
54	Fakubheka Creche	
55	Icebolenkosi Creche	
56	Khanyisa Creche	
57	Nsukumbili Creche	
58	St Joseph Creche	
59	Restoration Creche	
60	Simunye Creche	

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
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KWAZULU-NATAL DIVISION,

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61	Siyakhanyisa Creche	
62	Siyasebenza Creche	
63	Thembalethu Creche	
64	Ngondiyane Creche	
65	Khulangemfundo Creche	
66	Dumolwakhe Creche	

iLembe District		
Number	**Name of ECD**	**NPO Number**
1	Sizamimfundo	032-535
2	Mini Day-Care Centers	151-548/162-011
3	Sinothando	121-076
4	Sakhokwethu	201-203
5	Magwaza	211-911
6	Vukuzakhe	044-328
7	Masibumbane	161-931
8	Mandlakapheli	064-103
9	Amandlendlovu	041-084
10	Lihlithemba	053-395
11	Cathulani	120-580
12	Nsuze	120-897
13	Nkivane	078-008
14	Deda	038-46
15	Ukukhanya	099-498
16	Bhungeni	123-010
17	Chibini	129-027
18	Syaphambili	122-657
19	Sunshine	083-181
20	Thokozani	
21	Thembalethu	123-586
22	Esdumbini	120-765
23	Lindelani Creche and Pre-school	161-865/082-560
24	Msiz'ozayo Creche	048-894
25	Enhlanhleni Creche	101-826
26	Vukuzenzele Creche	028-475
27	Siyanamukela Creche	028-879
28	Siyakhula Creche	
29	Sithokozise Educare Centre	161-299
30	Sinothando Creche & Pre-school	121-730/095-480

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KWAZULU-NATAL DIVISION
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31	Ithemba Labasha Creche	056-089
32	Siphiwo Creche and Pre-school	029-993/172-174
33	Charlotte Grout Creche	173-121/161-919
34	Vulingqondo Creche	042-356
35	Unothando Creche	129-052
36	C'melokuhle Creche	017-398
37	Ntokozweni Creche	
38	Ekusizakaleni Creche	032-640
39	Asifunde Creche	034-443
40	Zizameleni Pre-school & Creche	187-236/041-577
41	Sibongiseni Creche	
42	Nokukhanya Creche	032-784
43	Khulakahle Creche	038-583
44	Siyathokoza Creche & Pre-school	161-939
45	Isiphumelelo Creche	191-460
46	Love In Action Creche	
47	Siyakhulasonke Early Childhood Development	064-217/106-164
48	Imfundoyethu Creche & Pre-school	076-952
49	MCSA Iusizo Day Care Centre	125-192/207-313
50	Isiphephelo Creche	071-486
51	Thembalihle Creche & Pre-school	163-319/099-374
52	Isiphiwe Edu care Centre	104-844/144-169
53	Nonoti Creche	139-305
54	Masithandane Creche	073-895
55	Phembisizwe Creche	163-319
56	Ukuqakaza Kwedendethu	046-358/205-597
57	Siyasiza Day Care Centre	047-209
58	Bahlebonke Creche	156-832
59	Luvuyo Educare Centre	236-304/117-479
60	Sanele Creche	068-517
61	Phembisizwe Creche	161-215
62	Siyazama Creche	186-927
63	Khuladado Daycare Centre	035-719
64	Inhlansi Yolwazi Creche	194-579/087-025
65	Nkululeko Daycare Centre	096-385
66	Malusi Omuhle Creche	187-350
67	Intando Daycare Centre	236-561/137-607
68	Buhlebesizwe Creche	092-397
69	Sisibekelwe Creche	
70	Khayalentuthuko Creche	105-459
71	Buhlebezwe Creche & Pre-School	030-528

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72	Islulekesihle Samapholoba	163-988/090-986
73	Siyakhulisa Daycare Centre	038-550/126-649
74	Makhwanini Creche& Pre-School	148-085
75	Gugulethu Creche	101-846
76	Sakhisizwe ECD Centre	
77	Emmanuel Creche	
78	Sthandimfundo ECD Centre	
79	Kuhlekonke Daycare Centre	
80	Thandanani Creche	
81	Iqhawe Daycare Centre	
82	Yenzokuhle Creche	
83	Intobeko Creche	
84	Zavutha Creche	
85	Fundisa Daycare Centre	
86	Othandweni Daycare Centre	

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

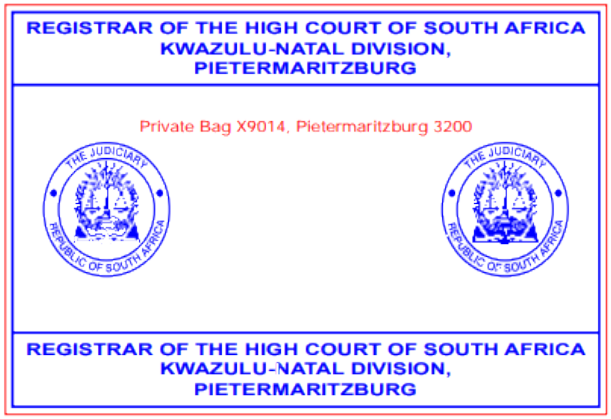
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 04

NOTE: **This document was filed electronically by the Registrar on 17/5/2025 at 12:42:43 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



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Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

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TERMS OF REFERENCE FOR THE ECD ALLIANCE

1. Background

The problems which confront the ECD Sector are such that they need joint efforts in order that they can be solved. In KZN there are four (4) main organizations which support the ECD Sector. Realizing that the KZN Department of Education is not keen to listen to them when they approach it individually, these organizations decided to cooperate and work together in the initiatives which are aimed at solving some of challenges and problems.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
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2. Purpose

The ECD Alliance (Alliance) was established on 13 October 2023 by representatives of the South African ECD Agency (SAECDA), South African Congress For Early Childhood Development (SA Congress), Friends Of South Africa ECD Forum (FOSA) and South African Association for Early Childhood Development (SAAECD). The purpose of the ECD Alliance is for these organizations to collaborate in joint initiatives for addressing challenges and problems which face the ECD Sector.

3. Membership

Membership to the Alliance shall be open to the Executive (EXCO) members of SAECDA, SA Congress, FOSA, SAAECD and any other organization, which works in the ECD Sector, which shall be approved by the Alliance.

The term of membership of a member shall be determined by his/her organization.

4. Accountability

All members of the Alliance shall be accountable to the membership of their organizations. They are therefore tasked with the responsibility of reporting the activities of the Alliance back to their mother organizations. Where necessary, members of the Alliance shall be afforded the opportunity to consult the membership of their organizations before decisions are made.

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5. Review

The Alliance shall review the relevance and the value of these terms of reference annually.

6. Working methods

6.1 There shall be no wearing of uniform by the Alliance members during meetings.

6.2 The Alliance shall have the chairperson and the secretary, whose term of office shall be 12 months. The term of office for these positions shall be on rotational basis among participating organisations.

6.3 Member organizations shall cooperate with one another in planning, implementation and review of activities.

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6.4 Members and their organizations shall be treated equally within the Alliance

6.5 No one organization shall strive to impose its will upon others. The chairperson shall quickly, without fear or favour, deal with this situation as soon as it manifests itself. Should the chairperson fail to do so, any member of the Alliance shall have the right to bring this to the attention of the Alliance.

6.6 The working committee (WC) shall be responsible for performing all tasks which shall be assigned to it by the Alliance.

6.7 Performance of tasks by any individual member shall be sanctioned by the WC. Where a member performs a duty without it being sanctioned by the WC, what has been done shall be subject to review by it.

6.8 Sub-committees shall be composed of representatives from different organizations.

6.9 The WC shall intervene in case of disputes among members of the Alliance and among member organisations.

7. Meetings

7.1 Quarterly meetings shall be convened by the

chairperson.

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7.2 Special meetings shall be held physically or virtually whenever there is a need for the Alliance to meet.

7.3 The chairperson shall have a casting vote in case of a tie in the voting result.

8. Sharing of information and resources

Member organizations shall share information and resources among themselves. This sharing shall be done in the interest of providing support to the entire ECD Sector. The organizations will have a right to withhold whatever information which they deem exclusive to only their members.



9. Code of conduct

9.1 Members shall address one another in a respectful manner.

9.2 Members shall attend all meetings diligently.

9.3 The use of vulgar and obscene language is prohibited. Members shall behave in a professional manner at all times.

9.4 All members shall keep in confidence all declared secretes of the Alliance.

9.5 The Alliance reserves the right to dismiss a member that conducts itself in an unacceptable manner. A motion for dismissal shall be made in the meeting by any member. It will be seconded and then cast to a vote. Voting shall be done secretly. A 50 plus 1 percent vote shall confirm the dismissal. All this will be done after the misbehaving member has been given 2 (two) warnings about his/her transgression.

10. Approval

MARGARET VILAKAZI

(Name) mvilakazi

South African Congress for ECD

12 May 2025

Date

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23/01/2024

Solomon Gumede

Date

South African ECD Agency

TERMS OF REFERENCE FOR THE ECD ALLIANCE

13th of MAY 2025.

(Name)

Date

Friends Of South Africa ECD Forum

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

23/01/2024

(Name)

Date

South African Association for ECD

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

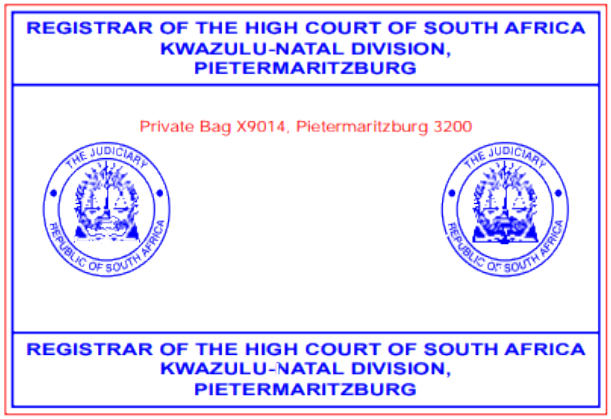
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 05

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Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

Outstanding Equitable Share Payments

Number	District	ECD School Name	Type of Payment (Conditional or Equitable)	NPO Number	Number of Months Owed	Amount Per Month	Total Amount Owed
1	Umgungundlovu	Sizamokuhle Creche	Equitable Share Payment	033-004	4	R10 821,00	R43 284,00
2	Umgungundlovu	Sakhokwethu Creche	Equitable Share Payment	032-433	5	7119 X 3 : 8258 X 2	R37,873.00
3	Umgungundlovu	Sindisiwe Educare Centre	Equitable Share Payment	057-927	5	R17 655,00	R88 275,00
4	Umgungundlovu	Phumelela Creche	Equitable Share Payment	047-572	4	R12 814,00	R51 256,00
5	Umgungundlovu	Zenzeleni Creche	Equitable Share Payment	032-848	4	R15 946,00	R63 784,00
6	Umgungundlovu	Duduzile Creche	Equitable Share Payment	308-859	5	R12 000,00	R60 000,00
7	King Cetshwayo	Simukumuku Creche	Equitable Share Payment	066-371	4	R9 600,00	R38 400,00
8	King Cetshwayo	Lindokuhle Creche	Equitable Share Payment	070-089	3	R28 475,00	R85 425,00
9	Umgungundlovu	Thuthuka Pre-School	Equitable Share Payment	032-607	2	R19 980,00	R39 960,00
10	Harry Gwala	Luncedo Pre-School	Equitable Share Payment	064-219	2	R7 404,00	R14 808,00
11	Harry Gwala	Nzululwazi Pre-School	Equitable Share Payment	066-575	1	R15 661,00	R15 661,00
12	Umgungundlovu	Isu Elihle Creche	Equitable Share Payment	032-853	2	R17 000,00	R34 000,00
13	Pinetown	Sithokozile Play Group	Equitable Share Payment	123-766	1	R28 050,00	R28 050,00
14	Harry Gwala	Sanelisa Maqawe Day Care	Equitable Share Payment	143-271	1	R17 085,00	R17 085,00
15	Zululand	Silindokuhle Creche	Equitable Share Payment	066-431	1	R19 932,50	R19 932,50
16	Zululand	Vukuzakhe Creche	Equitable Share Payment	071-067	2	R7 973,00	R15 946,00
17	Harry Gwala	Sayalakha Educare	Equitable Share Payment	054-031			
18	Pinetown	Siyathuthuka Child Educare	Equitable Share Payment	028-880	1	R40 392,00	R40 392,00
19	Umgungundlovu	Ithembalomtwana Pre-School	Equitable Share Payment	211-640	2	R18 546,00	R37 092,00
20	Harry Gwala	Zamkela Zonke Educare Centre	Equitable Share Payment	028-454	2	R12 780,00	R25 560,00
21	Umgungundlovu	Siyajabula Educare Centre	Equitable Share Payment	059-791	1	R18 509,00	R18 509,00
22	Umgungundlovu	Tholulwazi Creche and Pre-School	Equitable Share Payment	033-576	1	R8 258,00	R8 258,00
23	Harry Gwala	Zanokhanyo Pre-School	Equitable Share Payment	053-929	2	R12 244,00	R24 488,00
24	King Cetshwayo	Nhlakanipho Creche	Equitable Share Payment	070-401	2	R9 900,00	R19 800,00
25	King Cetshwayo	Thubelihle Creche	Equitable Share Payment	070-285	1	R8 551,00	R8 551,00
26	King Cetshwayo	Sikhulakahle Creche	Equitable Share Payment	047-739	1	R45 560,00	R45 560,00
27	King Cetshwayo	Impumelelo Creche	Equitable Share Payment	062-110	1	R49 600,00	R49 600,00
28	King Cetshwayo	Thema Creche	Equitable Share Payment	057-823	1	R11 960,00	R11 960,00
29	King Cetshwayo	Manzamnyama Creche	Equitable Share Payment	043-79	4	R13 953,00	R55 812,00
30	Umgungundlovu	Buthokuhle	Equitable Share Payment	076-346	1	R13 600,00	R13 600,00
31	Umgungundlovu	Zamimpilo ECD Centre and Community Home	Equitable Share Payment	048-549	4	R12 000,00	R48 000,00
32	Umgungundlovu	Zuzulwazi Creche	Equitable Share Payment	070-448	2	R6 834,00	R13 668,00
33	Harry Gwala	Ulwazi Pre-Primary School	Equitable Share Payment	055-547	1	R5 600,00	R5 600,00
34	Harry Gwala	Siyavuya Day Care	Equitable Share Payment	065-509	1	R42 636,00	R42 636,00
35	Harry Gwala		Equitable Share Payment	227-767	1	R14 237,50	R14 237,50
36	Umlazi	Sewula ECD Centre	Equitable Share Payment	224-081	1	R14 807,00	R14 807,00
37	Umgungundlovu		Equitable Share Payment	064-015	4	R12 244,00	R48 976,00
38	Umgungundlovu	Ekujabuleni Day Care	Equitable Share Payment	076-410	1	R16 800,00	R16 800,00
39	Pinetown	Sibahle Creche	Equitable Share Payment	029-981	3	R9 222,00	R27 666,00
40	Ugu	Sinothando Creche	Equitable Share Payment	070-418	4	R10 693,00	R42 772,00
41	Ugu	Sozabe Creche	Equitable Share Payment	070-131	4	R10 000,00	R40 000,00
42	Ugu	Qhubekani Creche	Equitable Share Payment	048-024	3	R12 000,00	R36 000,00
43	Ugu	Cakeza	Equitable Share Payment	048-120	4	R18 785,00	R75 140,00
44	Ugu	Khanyisani Creche	Equitable Share Payment	063-91	4	R12 139,00	R48 556,00
45	Ugu	Thembinkosi Creche	Equitable Share Payment	049-6	4	R10 111,00	R40 444,00
46	Ugu	Ekukhanyeni Creche	Equitable Share Payment	048-029	5	R12 422,00	R62 110,00
47	Ugu	Bongumusa Creche	Equitable Share Payment	048-106	4	R11 550,00	R46 200,00
48	Ugu	Gugulabasha Creche	Equitable Share Payment	049-592	4	R23 120,00	R92 480,00
49	Ugu	Phitani Creche	Equitable Share Payment	049-532			

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50	Ugu	Winterton Creche	Equitable Share Payment	049-530	4	R9 200,00	R36 800,00
51	Ugu	Vulindlela Creche	Equitable Share Payment	048-138	3	R11 849,00	R35 547,00
52	Ugu	Buhlebuyeza Creche	Equitable Share Payment	049-606	4	R8 670,00	R34 680,00
53	Ugu	Gugulethu Creche	Equitable Share Payment	064-053	4	R13 005,00	R52 020,00
54	Ugu	Sithokozile Creche	Equitable Share Payment	048-025	4	R10 800,00	R43 200,00
55	Ugu	Zenokuhle Creche	Equitable Share Payment	049-590	4	R9 537,00	R38 148,00
56	Ugu	Khayalethu No1 Creche	Equitable Share Payment	893-204	4	R8 760,00	R35 040,00
57	Ugu	Ezemfundo Creche	Equitable Share Payment	049-557	3	R11 000,00	R33 000,00
58	Ugu	Zimelani Creche	Equitable Share Payment	070-152	3	R12 138,00	R36 414,00
59	Ugu	Thandanani No1 Creche	Equitable Share Payment	051-075			
60	Ugu	Magwaza Creche	Equitable Share Payment	049-532	3	R11 500,00	R34 500,00
61	Zululand	Imbalenhle Creche	Equitable Share Payment	062-136	4		R44 420,00
62	Zululand	Vukuzakhe Creche	Equitable Share Payment	071-067	4		R90 840,00
63	Zululand	Phembisizwe Creche	Equitable Share Payment	121-151	4		R27 336,00
64	Zululand	Okhaleveni Creche	Equitable Share Payment	055-427	4		R91 545,00
65	Zululand	Xolo Creche	Equitable Share Payment	060-693	4		R55 250,00
66	Zululand	Asiphile Creche	Equitable Share Payment	174-318	6	R33660.00	R201 960.00
67	Zululand	Sivananda Nomponjwana	Equitable Share Payment	152-348	6	R9 724,00	R29 172.00
68	Zululand	Ewela Creche	Equitable Share Payment	081-577	4		R942 486,00
69	Zululand	Empilweni Creche	Equitable Share Payment	062-378	4		R52 392,00
70	Zululand	Mbalenhle Creche	Equitable Share Payment	101-327	6	R6 902,00	R41 414,00
71	Zululand	Muziwokukhanya	Equitable Share Payment	063-926	4		
72	Zululand	Inkanyezi yokusa	Equitable Share Payment	063-851	4		R20 706,00
73	Zululand	Vukuzenzele	Equitable Share Payment	062-663	4		R89 076,00
74	Zululand	Emseni Creche	Equitable Share Payment	052-595	3		R64 782,00
75	Zululand	Singenimfundo	Equitable Share Payment	170-508	4		R38 146,00
76	Zululand	Silindokuhle	Equitable Share Payment	066-431	4		R68 561,00
77	Zululand	Ingqayi Zovela	Equitable Share Payment	098-081	4		R11 390,00
78	Zululand	Nqabayokuphila	Equitable Share Payment	079-898	6		R187 620.00
79	Zululand	Egugwini Creche	Equitable Share Payment	069-316	4		R94 536,00
80	Zululand	Phatheyethu	Equitable Share Payment	122-065	4		R64 000,00
							R43 243,00
82	Zululand	Inhlonipho Creche	Equitable Share Payment	123-419	4		R138000.00
83	Zululand	Ntukwini Creche	Equitable Share Payment	080-009	6		R45 560,00
84	Zululand	Siyazama Creche	Equitable Share Payment	084-103	4		
85	Zululand	Ntokozo Creche	Equitable Share Payment	123-278	6		R85 000,00
86	Zululand	Thandukukhanya	Equitable Share Payment	063-899	4		R21 327,00
87		Zakheni Creche	Equitable Share Payment	084-122			R22 780,00
88		Mehlokazulu Creche	Equitable Share Payment	035-389			R43 280,00
89		Kopanang Little Flowers	Equitable Share Payment	031-978			R22 790,00
90		Ndlelenhle Creche	Equitable Share Payment	090-731			R36 480,00
91		Sakhisizwe Creche	Equitable Share Payment	032-368			R22 000,00
92		Zamani Creche	Equitable Share Payment	031-902			R50 116,00
93		Zakheleni Creche	Equitable Share Payment	070-983			R17 940,00
94		Sifisokuhle Creche	Equitable Share Payment	032-113			R50 400,00
95		Silondokuhle Creche	Equitable Share Payment	070-986			R27 200,00
96		Khulani Creche	Equitable Share Payment	116-201			R45 560,00
97		Sbahle Creche	Equitable Share Payment	090-681			R45 900,00
98		Mahlungu Creche	Equitable Share Payment	090-076			R33 315,00
99		Vukukhanye Creche	Equitable Share Payment	090-088			R59 791,50
100		Sizanani Creche	Equitable Share Payment	090-016			R23 919,00
101		Sithandokuhle Creche	Equitable Share Payment	090-761			

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102	Ntandoyesizwe Creche	Equitable Share Payment	070-964		R34 140,00
103	Bambuhlanga Creche	Equitable Share Payment	084-013		R41 004,00
104	Fahlaza Creche	Equitable Share Payment	083-996		R20 502,00
105	Buhlebuyeza Pre Creche	Equitable Share Payment	068-144		R46 500,00
106	Ntshisekelo Creche	Equitable Share Payment	097-059		R76 312,00
107	Mseni Creche	Equitable Share Payment	079-743		R18 694,00
108	Isibusisiwe Creche	Equitable Share Payment	032-358		R34 170,00
109	Ntethelelo Creche	Equitable Share Payment	084-027		
110	Nkanyisweni Creche	Equitable Share Payment	034-952		
111	Siyazama Creche	Equitable Share Payment	117-799		
112	Zamani Creche	Equitable Share Payment	032-989		
113	Sizakancane Creche	Equitable Share Payment	031-992		R25 640,50
114	Mafitleng Creche	Equitable Share Payment	057-640		
115	Khulakahle Creche	Equitable Share Payment	117-719		R22 200,00
116	Mqeqeshwa Creche	Equitable Share Payment	034-265		R34 170,00
117	Little Teddy Bear Creche	Equitable Share Payment	088-896		R17 086,00
118	Thandanani Creche	Equitable Share Payment	046-506		R75 174,00
119	Isibanisethu Pre	Equitable Share Payment	031-789		R24 000,00
120	Hluzinqondo Creche	Equitable Share Payment	032-195		R25 300,00
121	Khulakancane Creche	Equitable Share Payment	117-919		R15 661,00
122	Ntuzuma Creche	Equitable Share Payment	094-008		R28 108,00
123	Ikusasa Elihle Creche	Equitable Share Payment	035-573		R14 000,00
124	Khuthala Creche	Equitable Share Payment	032-359		R13 098,00
125	Siyathuthuka Creche	Equitable Share Payment	033-742		R19 647,00
126	Phembisizwe Creche	Equitable Share Payment	032-097		R33 660,00
127	Sibongokuhle Creche	Equitable Share Payment	136-443		R19 269,00
128	Kayelihle Creche	Equitable Share Payment	036-348		R18 795,00
129	Lamula Creche	Equitable Share Payment	090-388		R13 668,00
130	Umusawenkosi Creche	Equitable Share Payment	074-902		R33 660,00
131	Phakamani Creche	Equitable Share Payment	122-526		
132 Pongola	Asiphelimandla Creche	Equitable Share Payment	090-723	3	
133 Pongola	Good Hope Creche	Equitable Share Payment	057-113	4	
134 Pongola	Kadekusilesisebenza Creche	Equitable Share Payment	053-725	6	
135 Pongola	Senzokuhle Creche	Equitable Share Payment	158-597	9	
136 Pongola	Rainbow Creche	Equitable Share Payment	073-109	6	
137 Pongola	Siyathokoza Creche	Equitable Share Payment	049-135	2	
138 Pongola	Siwela Creche	Equitable Share Payment	069-134	6	
139 Pongola	Ithembalethu Creche	Equitable Share Payment	101-385	6	
140 Pongola	Esikhandweni Creche	Equitable Share Payment	066-345	6	
141 Pongola	Siyaphambili Day Care	Equitable Share Payment	083-197	2	
142 Pongola	Inkosiyethi Creche	Equitable Share Payment	047-889	2	
143 Pongola	Bonakusile Creche	Equitable Share Payment	115-980	6	
144 Pongola	Sinenhlanhla Creche	Equitable Share Payment	062-194	5	
145 Pongola	Sithembiso Creche	Equitable Share Payment	053-732	6	
146 Pongola	KwaShoba Creche	Equitable Share Payment	060-208	6	
147 Pongola	Mpakama Creche	Equitable Share Payment	128-658	6	
148 Pongola	Sidakeni Creche	Equitable Share Payment	087-053	5	
149 Pongola	Thandukukhanya Creche	Equitable Share Payment	139-036	6	
150 Pongola	Amanzabomvu Creche	Equitable Share Payment	083-050	6	
151 Pongola	Zimele Creche	Equitable Share Payment	053-185	3	
152 Pongola	Phakamani Creche	Equitable Share Payment	053-526	8	
153 Pongola	Qophumlando	Equitable Share Payment	070-640	4	

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154	Pongola	Zamokuhle No2	Equitable Share Payment	053-735	4			
155	Pongola	Sikhulakahle Creche	Equitable Share Payment	045-773	6			
156	Pongola	Qhubekani No-1	Equitable Share Payment	048-413	3			
157	Pongola	Umngomane Creche	Equitable Share Payment	163-630	7			
158	Pongola	Emkhwakhweni Pre-School	Equitable Share Payment	158-592	4			
159	Pongola	Siyanqoba Creche	Equitable Share Payment	139-803	3			
160	Pongola	Zamukuzakha Creche	Equitable Share Payment	053-736	4			
161	Pongola	Buhlebemvelo Creche	Equitable Share Payment	047-364	3			
162	Pongola	Sibusisweni Creche	Equitable Share Payment	072-019	5			
163	Pongola	Lethukukhanya Creche	Equitable Share Payment	069-131	3			
164	Pongola	Ithembalethu Creche No-1	Equitable Share Payment	095-474	3			
165	Pongola	Kulungile Nkomfe Creche	Equitable Share Payment	104-923	7			
166	Pongola	Tholukukhanya Creche	Equitable Share Payment	172-783	6			
167	Pongola	Isiphakamiso Creche	Equitable Share Payment	071-429	6			
168	Pongola	Sizodela Creche	Equitable Share Payment	047-258	6			
169	Pongola	Sinenhlanhla Day Care	Equitable Share Payment	083-133	3			
170	Pongola	Qhubekani Creche No2	Equitable Share Payment	047-461	3			
171	Pongola	Thandanani Mazulu Creche	Equitable Share Payment	045-772	5			
172	Harry Gwala	Lingomso Day Care and Pre-School	Conditional Grant Payment	141-510	3	R3 132,00	R9 396,00	
173	Harry Gwala	Ebubeleni Day Care Centre	Conditional Grant Payment	223-429	1	R30 294,00	R30 294,00	
174	Harry Gwala	Kusaselihle Seven Day Care	Conditional Grant Payment	224-349	1	R5 600,00	R5 600,00	
175	Harry Gwala	Simnikuthando Nursery and Day Care	Conditional Grant Payment	127-774	1	R46 002,00	R46 002,00	
176	Harry Gwala		Conditional Grant Payment	183-133	1	R19 074,00	R19 074,00	
177	Harry Gwala		Conditional Grant Payment	182-915	1	R49 368,00	R49 368,00	
178	King Cetshwayo	Siyaphambili Creche	Conditional Grant Payment	083-953	2	R25 806,00	R51 612,00	
179	King Cetshwayo	Sizoluhle Creche	Conditional Grant Payment	137-861	1	R57 222,00	R57 222,00	
180	King Cetshwayo	Hlakaniphani Creche	Conditional Grant Payment	084-126	1	R35 904,00	R35 904,00	
181	King Cetshwayo	Qaphelani Creche	Conditional Grant Payment	097-896	1	R26 630,00	R26 630,00	
182	King Cetshwayo	Phansi Kwezinyawo Creche	Conditional Grant Payment	070-372	1	R45 000,00	R45 000,00	
183	King Cetshwayo	Zwelisha Creche	Conditional Grant Payment	103-083	1	R22 440,00	R22 440,00	
184	Pinetown	Lilly and Jerry Day Care	Conditional Grant Payment	187-743	2	R45 000,00	R90 000,00	
185	Pinetown	Uthandolwabantwana Creche and Pre-School	Conditional Grant Payment	094-892	2	R89 750,00	R179 500,00	
186	Pinetown	Growing-up Kiddies Creche	Conditional Grant Payment	248-942	2	R16 500,00	R33 000,00	
187	Pinetown	Lion King	Conditional Grant Payment	226-581	2	R44 875,00	R89 750,00	
188	Pinetown	Sithokozile Play Group	Conditional Grant Payment	123-766	1	R28 050,00	R28 050,00	
189	Pinetown	Siqalokusha Creche	Conditional Grant Payment	120-308	1	R15 661,25	R15 661,25	
190	Pinetown	Ngqawuzaba Creche and Pre-School	Conditional Grant Payment	130-968	1	R34 782,00	R34 782,00	
191	Pinetown	Bhekinkosi Creche	Conditional Grant Payment	136-613	1	R16 830,00	R16 830,00	
192	Pinetown	Sigcawu Creche	Conditional Grant Payment	051-583	1	R134 640,00	R134 640,00	
193	Ugu	Bashaweni Creche	Conditional Grant Payment	095-455	3	R19448.00	R58 344,00	
194	Ugu	Siqhitini Creche	Conditional Grant Payment	115-044	3	R65 076.00	R32 538,00	
195	Ugu	Siwelihle Creche	Conditional Grant Payment	093-086	3			
196	Ugu	Siyathuthuka Creche	Conditional Grant Payment	146-146	3	R14960. 00	R44 880,00	
197	Ugu	Oiwazini Creche	Conditional Grant Payment	122-312			R72 930,00	
198	Ugu	Xambu Creche	Conditional Grant Payment	184-944	3	R9 000.00	R27 000.00	
199	Ugu	Gcinokuhle Creche	Conditional Grant Payment	067-646			R13 000,00	
200	Ugu	Lindokuhle Creche	Conditional Grant Payment	135-95[illegible]			R40 392,00	
201	Ugu	Sizanani Machi Creche	Conditional Grant Payment	045-535	3	R24 684.00	R74 052,00	
202	Ugu	Lindokuhle No1 Creche	Conditional Grant Payment	048-625	3	R14960. 00	R44880. 00	
203	Ugu	Sithandokuhle Creche	Conditional Grant Payment	132-097			R29 950,00	
204	Ugu		Conditional Grant Payment	05[illegible]-805			R26 950,00	
205	Ugu	Thubelihle Creche	Conditional Grant Payment	138-644			R51 612,00	

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206	Umlazi		Conditional Grant Payment	118-167					
207		Vezubuhle Creche	Conditional Grant Payment	164-558					
208		Sibongukuhle Creche	Conditional Grant Payment	136-443					
209		Sinothando Creche	Conditional Grant Payment	177-919					
210		Siyathuthuka (Isandlwane)	Conditional Grant Payment	031-806					
211		Sakhile Creche	Conditional Grant Payment	131-346					
212		Bulelani Creche	Conditional Grant Payment	090-712					
213	Ilembe	Thokozani creche	Equitable Share Payment	028-568	5	1	R63 000,00	R63 000,00	
214	Ilembe	Hlalanathi creche	Equitable Share Payment	053-825	1			R20 196,00	
215	Ilembe	Iqhugwana leAfrica	Conditional Grant Payment	133-144	3			R33 660,00	
216	Ilembe	Siyacathula creche	Conditional Grant Payment	064-021	6			R39 270,00	
217	Ugu	Twostick	Conditional Grant Payment	225-584	3	1			
218	Ugu	Siyaqhubeka creche Conditional 068- 877 03 R46000	Conditional Grant Payment	068-877	3			R36 000,00	
219	Umlazi	Jabulani Daycare	Equitable Share Payment	060-08	2			R17 000,00	
220	Umlazi	Ukukhanya kwezwe Creche	Equitable Share Payment	042-004	2		R22 787	R113 935	
221	Umlazi	House-Kids Educare Centre	Equitable Share Payment	082-904	2		R36 732-75	R36 732-75	
222	Umlazi	Little flower creche	Equitable Share Payment	033- 646	1		R12 716	R38 148	
223	Umlazi	Jabuslzabantu educare centre	Equitable Share Payment	014- 849	1		R5 610	R 33 660	
224	Umlazi	Khanyisani day care centre &pre school	Equitable Share Payment	024-051	1		R33 660,00	R100 980,00	
225	Umlazi	Daluxolo day care centre	Equitable Share Payment	025-002	1		R46 000,00	R138 000,00	
226	Umlazi	Isandlasosizo creche	Equitable Share Payment	029-180	1		(R14237. 50 + April - R16320)	R30 557.50	
227	Umlazi	Tholimfundo ecd	Equitable Share Payment	072-178	1		(R30468. 25 + R51360)	R81 828.25	
228	Umlazi	Dondos creche	Equitable Share Payment	041-106	1		(R79445. 25 + R117600)	R197 045.25	
229	Umgungundlovu	Sunshine Creche And Pre-School	Equitable Share Payment	069-156		4	R11390-00	R11390-00	
230	Umgungundlovu	Qalokuhle Creche	Equitable Share Payment	093-393		3	R7000-00	R7000-00	
231	Umgungundlovu	Inkanyiso Creche	Equitable Share Payment	067-829		2	R9681-50	R9681-50	
232	Umgungundlovu	Shayamoya Mbubu Creche	Equitable Share Payment	189-064		2	R27052-00	R27052,-00	
233	Umgungundlovu	Khanya Day Care Center	Equitable Share Payment	093-456		6	R11390-00	R11390-00	
234	Umgungundlovu	Sbukosezwe	Equitable Share Payment	076-377		12	R30183-33	R30183-33	
235	Umgungundlovu	Siyathuthuka Creche	Equitable Share Payment	045-697		2	R6834-00	R6834-00	
236	Umgungundlovu	Dadedi Creche	Equitable Share Payment	031-553		6	R6 549,00	R26 196,00	
237	Zululand	Ekwandeni ECD center	Equitable Share Payment	079-341		6	R14 232,00	R42 696,00	
238	Zululand	Siyakhula creche	Conditional Grant Payment	063-036		6	R1 139,00	R2 278,00	
239	Zululand	Mhlalini asethembe creche	Conditional Grant Payment	106-186		6	R6 700,00	R13 400,00	
240	Zululand	Tholukukhanya	Equitable Share Payment	092-375		6	R13 000,00	R78 000,00	
241	Zululand	Vukuzenzele	Equitable Share Payment	062-663		6	R33 000,00	R396 000,00	
243	Zululand	Ingqayizovela	Equitable Share Payment	098-051		6	R9 112,00	R18 224,00	
245	Zululand	Indumiso	Equitable Share Payment	072-944		6	R8 543,00	R51 258,00	
246	Zululand	Mphendu center	Equitable Share Payment	083-974		6	R23 000,00	R138 000,00	
247	Zululand	Sgodo community service center	Equitable Share Payment	122-981		6	R21 925,00	R131 554,00	
248	Zululand	Manekwane	Conditional Grant Payment	056-127		6	R6 902,00	R41 414,00	
249	Zululand	Ewela	Conditional Grant Payment	031-577		6	R22 000,00	R67 000,00	
250	Pinetown	Thandanani Day Care Centre	Equitable Share Payment	063-996		1	21925,75	R131 554,00	
251	Ugu-Umuziwabantu	Boom street Creche and pre-school	Conditional Grant Payment	070-241		3	R11 300,00	R67 800,00	
252	Ugu-Umuziwabantu	Olwazini creche	Conditional Grant Payment	122-312		3	R33 660,00	R67 320,00	
253	Ugu-Umuziwabantu	Kuzukukhanya Creche	Conditional Grant Payment	123-878		3	R22 000,00	R67 000,00	
254	Ugu-Umuziwabantu	Zizamele Creche	Conditional Grant Payment	146-179		3	R22 000,00	R67 000,00	
255	Ugu-Umuziwabantu	Siqithini Creche & pre-school	Conditional Grant Payment	147-044		3	R5 980,00	R31 720,00	
256	Ugu-Umuziwabantu	Gcinokuhle Creche	Conditional Grant Payment	046-835		3	R15 708,00	R94 248,00	
257	Ugu-Umuziwabantu	Ntokozweni Creche	Conditional Grant Payment	049-321		3	R8 827,25	R8 827,25	
258	Ugu-Umuziwabantu	Tholimfundo creche	Conditional Grant Payment	049-918		3	R14 960,00	R44 880,00	
259	Ugu-Umuziwabantu	Purpose Creche	Conditional Grant Payment	147-147		3	R24310. 00	R72930. 00	
							R14960. 00	R44880. 00	
							R18400. 00	R55200. 00	
							R65076. 00	R32538. 00	
							R13090. 00	R39270. 00	
							R7466. 00	R22400. 00	
							R24684. 00	R74 052,00	
							R19074. 00	R57222. 00	

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260	Ugu-Umuziwabantu	Sweet harmony creche	Conditional Grant Payment	061-650	3	R13090. 00	R39270. 00
261	Ugu-Umuziwabantu	Siqhubekanokuhle Creche	Conditional Grant Payment	114-245	3	R11220. 00	R33660. 00
262	Ugu-Umuziwabantu	Sphephile creche	Conditional Grant Payment	134-981	3	R10941. 00	R32823. 00
263	Umlazi	Melody ECD Centre	Equitable Share Payment	118-727	1	R 26 1G7.00	R 26 1G7.00
264	Umlazi	Ekuthobeka Educare Centre	Equitable Share Payment	010-577	1	R 25 627.00	R 25 627.00
265	Umlazi	Silindokuhle Creche s Pre-School	Equitable Share Payment	042-520	1	R 41 004.00	R 41 004.00
266	Umlazi	Othandweni ECD Centre	Equitable Share Payment	060-52G	1	R 22 780.00	R 22 780.00
267	Umlazi	Khulakahle Day Care Centre	Equitable Share Payment	011-082	2	R 25 627.50	R 51 254.00
268	Umlazi	Imfume Zakhele Creche	Equitable Share Payment	041-168	1	R 35 30G.00	R 35 30G.00
269	Umlazi	Magabheni Pre- primary school	Equitable Share Payment	032-611	1	R 43 282.00	R 43 282.00
270	Umlazi	Intuthuko Day Care Centre	Equitable Share Payment	02G-500	1	R 27 051.25	R 27 051.25
271	Umlazi	Uthando Child Care Centre	Equitable Share Payment	023-323	1	R 13 0G8.00	R 13 0G8.00
272	Umlazi	Nomafu ECD Centre	Equitable Share Payment	002-445	1	R 14 522.25	R 14 522.25
273	Umgungundlovu	Sinothando Creche and Day Care	Equitable Share Payment	161-481	3	R14,238.00	R42 714.00
274	Umgungundlovu	Masajabule Creche	Equitable Share Payment	045-810	1	R9,966.00	R9,966.00
275	Umgungundlovu	Vulamehlo Creche and preschool	Equitable Share Payment	043-359	5	R24,489.00	R122 445.00

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

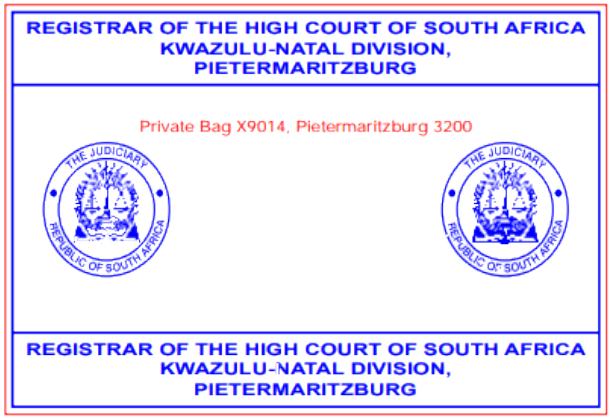
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 06

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3. Menus and standardised recipes

3.1 Menus

The **menu** is a detailed list of foods to be served in a single meal, or all meals over one or more days. The menu may list items in a mixed dish and it may indicate the cooking method and/or fillings or sauces that are served. Each meal will have foods from a number of food groups. A meal (with the exception of vegetables) will not usually include more than one food from the same food groups, e.g. potatoes and rice are not to be served in the same meal.

- Breakfast should be provided for all children since not all the children will not have been given this meal at home if the programme opens before 7:00.
- The number of meals depends on the hour spent at the programme.
- If children spend **five to eight hours: a morning snacks, lunch and afternoon snack must be served.**
- If children spend less than **five hours, a mid-morning snack and lunch must be served.**

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Table 3.1 and Table 3.2 are the suggested menus for ECD programmes with serving sizes for different age groups. It should be noted locally available consumed food can be used to replace other items such as pounded Mopani worms (meat dish), indigenous leafy vegetables and amadumbe (starchy foods). To ensure variety, a two week menu cycle is recommended.

3.2 Foods that are not recommended

- Instant porridges or cereals that are high in sugar and salt.
- Honey should not to be used before 12 months of age. There is a risk of transmission of botulism, which is why it is not recommended before 12 months. Honey is a type of sugar, and like sugar, it is not necessary to add it to the complementary diet.
- **Processed meat products** such as polony, vienna, crumbed fish, chicken nuggets, beef patties or sausages. These may contain a little meat, are high in added fat, preservatives and salt.
- **Dairy that is raw and/or sweetened.** Raw milk, that is milk from a cow or goat that has not been boiled, pasteurised or heat treated; this is because heating removes the risk of disease transmission from the cow / goat, and because the heat treatment makes the protein digestible. Some yoghurt and some drinking milks are sweetened, rather give plain yoghurt and add fresh fruits.
- **Tea and coffee creamers, condensed milk or milk blends.** These products either contain none of the important nutrients from milk (protein, calcium, riboflavin), or do not have much of them. They are not designed for feeding

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infants and young children; they MUST NOT BE USED in place of breast milk or cow's milk.

- **Cold drinks, fruit juice, squashes, tea, coffee**. Fruit juice is high in sugar and does not contain the fibre that fresh fruit does. Fruit juice can lead to tooth decay, especially when it is used between meals. These drinks have a very low nutrient value. They may also take away their appetite, and then they will not eat enough food at meals.
- **Commercial snack foods** that have a low nutrient value, and possible high sugar, fat and salt content e.g. potato chips, maize chips, commercial popcorns, sweets, chocolate, biscuits, cake, rusks and biscuits.
- **Condiments/seasonings** that are high in salt such as stock cubes, spices, soup packets. Rather use flour or corn flour to thicken sauces and add herbs to flavour food.

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Lunch Meat dish	3tbs- ¼ cup Pureed/ mashed/ blended	¼ cup	½ cup	Beef stew	Chicken livers in sauce	Bean and lentil stew	Pilchard fish	Macaroni and cheese
Starch dish		¼ cup	½ cup	Rice	Pap	Mealie rice	Mashed potatoes	
Vegetables		½ cup	1 cup	Cooked cabbage	Cooked morogo/spinach	Cucumber and tomato slices	Cooked carrots	Beetroot
Beverage	½ cup	As much as the child wants but not less than ½ cup	As much as the child wants but not less than 1 cup	Water	Water	Water	Water	Water
Afternoon snack	Soft/mashed/pureed ¼ fruit	Cut into pieces ½ -whole fruit	Cut into pieces ½ -whole fruit	Fruit	Fruit	Fruit	Fruit	Fruit

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3.3 Grocery list to purchase for two weeks menu

- **Starch:** Maize meal, rice, mabele (sorghum), oats, samp, potatoes, macaroni, spaghetti, brown bread
- **Meats:** Beef stew meat, beef mince, chicken livers, chicken
- **Other proteins:** Beans, lentils, soy mince, pilchard fish, eggs, milk, cheese, peanut butter
- **Vegetables:** Morogo/ spinach, green beans, cabbage, beetroot, carrots, tomatoes, onions, cucumber, pumpkin, sweet potatoes,
- **Fruits:** Variety of fresh fruit in season
- **Fats / oils:** Margarine, cooking oil
- **Other:** Salt, herbs

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3.4 Standardised recipes

A standardised recipe is a recipe that has been tried, tested and adapted for use in a food service. Standardised recipes should be used for preparing food. However, a lot of cooks in the ECD do not use standardised recipes, as they have cooked the same foods many times before. Standardised recipes, for all the dishes on the menu, are very useful to the person who has to work out the food budget and/or the shopping list. The standardised recipes are also useful if the regular cook is absent from work.

When recipes are used as stated the results will be ensured with regard to amount of food produced, and the quality of the food and minimising wastage. The standardised recipes used in this guidelines, provides list of ingredients, information on amount of ingredients and the method to follow to prepare the dish. Standardised recipes can be adapted to suit the needs of the facility, by adjusting preparation methods, ingredients or cooking times. Standardised recipes must be adapted for each programme, based on the number and ages of children that are served and depending on the cooking equipment available.

***Annexure C** provides a set of standardised recipes to be followed when preparing meals in ECD programmes.*

3.5 Purchasing procedures for groceries

The first step in the process of purchasing (buying) food is to work out **what you need and how much you need** of each item and this informed by the menu and the ingredient list on the recipes. Your shopping pattern will depend on where you get your food and how often you go for shopping.

It is best to work out a standard grocery list, based on your menu and quantities needed; and then to use this as a basis each week / month. **Adjustments** must be made to the grocery list where needed; some weeks you may need less food if there is a public holiday, or you may need less of one ingredient if you had a food donation.

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You may substitute a menu item with another food from that food group, e.g. use cabbage when beetroot is not available or is too expensive.
The food that is bought must be good quality, so it is important that the person who goes to do the shopping knows how to check the quality of foods before buying.

3.6 Preparation tips

3.6.1 Meat, fish, chicken, liver, eggs

- Cheaper cuts of meat or packages of chicken may not be good value for money if they have a lot of bones and fat.
- When cooking meat choose a cooking method that is suited to the cut of meat, those that are likely to be tough should be cooked with a moist heat method.
- When meat and chicken are prepared ensure that they are cooked thoroughly to make sure that all the micro-organisms (bacteria) that may be present are destroyed.

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3.6.2 Vegetables

- Prepare vegetables just before cooking; this will preserve taste and nutritional value.
- Do not leave vegetables to soak in water longer than needed, especially if they have already been peeled and cut. This is to prevent the nutrients from the vegetables leaking into the water.
- Scrape or peel very thinly, carrots, potatoes and sweet potatoes only if needed.
- Cut into equal sizes (blocks, circles, etc) to ensure even cooking and easy serving.
- When cooking vegetables only use a small amount of water. Allow the water to come to the boil before adding the vegetables. Bring to the boil again quickly, so as to keep the cooking time as short as possible.
- Do not add salt to the water before cooking has started. Only add near the end of the cooking time, and use very little salt.
- Do not use bicarbonate of soda in vegetables as it destroys vitamin C.
- Keep the lid on when boiling vegetables, this will help to keep the cooking time as short as possible.
- Boil vegetables until they are just tender.
- If frozen vegetables are used they must not be defrosted before cooking. Place them in boiling water and cook as fresh vegetables.
- Some vegetables may be baked in the oven. Butternut and pumpkin may be baked in their skin. Cut into convenient sizes slices when needed.
- Serve vegetables as soon as possible after they are cooked.

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3.6.3 Salads

- Ingredients should be cold and fresh.
- Wash vegetables and fruit well. Shake vegetable leaves to dry them.
- Salad dressing is usually added just before serving, unless stated otherwise in the recipe.
- Salads can be garnished (decorated) to make them look appetizing; e.g. this can be done with carrot curls, cucumber cones or slices, or tomato slices.

3.7 Cooking facilities

An ECD programme should have all the essential equipment that are needed for the storage, preparation, and serving of meals according to the menu; and to clean up after preparation and serving. The staff must be aware of the importance of avoiding cross contamination and legislation that controls food and the standards for hygiene. **Annexure D** depicts proposed equipment to be used in the ECD for meal preparation.

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

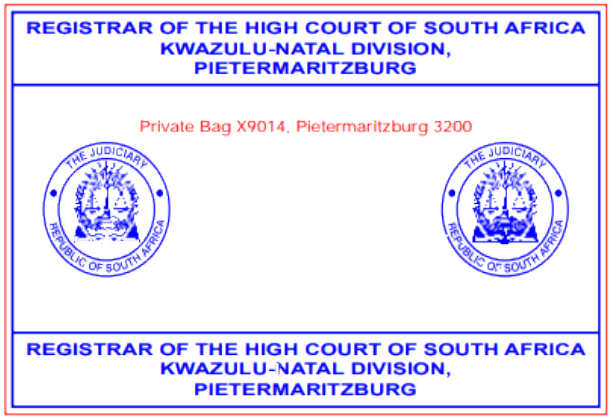
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 07

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LEGAL RESOURCES CENTRE

DURBAN OFFICE
11th Floor, Aquasky Towers,
275 Anton Lembede Street,
Durban, 4001
Tel: +27 31 301 7572
Fax: +27 31 304 2823
info@lrc.org.za

1 February 2024

TO: **MEMBER OF EXECUTIVE COUNCIL**
KZN DEPARTMENT OF EDUCATION
Ms Mbalenhle Frazer
Email: Zama.Mchunu2@kzndoe.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

AND TO: **HEAD OF DEPARTMENT**
KZN DEPARTMENT OF EDUCATION
Mr Nkosinathi Ngcobo
Email: Nkosinathi.Ngcobo@kzndoe.gov.za

AND TO: **DIRECTOR OF EARLY CHILDHOOD DEVELOPMENT**
KZN DEPARTMENT OF EDUCATION
Ms Thokozile Vilakazi
Email: Thokozile.vilakazi@kzndoe.gov.za

PER EMAIL

Dear Sirs/Mesdames,

RE: THE FAILURE TO MAKE ECD CONDITIONAL GRANT AND EQUITABLE SHARE PAYMENTS

N.S

1. We write on behalf of the KwaZulu Natal (KZN) ECD Alliance, an organisation representing approximately 150 ECD centres. The KZN ECD Alliance has approached our offices for legal assistance in respect of unpaid stipends to several ECD centres from the KZN Provincial Education Department (KZN PED).

2. We are advised that several members of the KZN ECD Alliance have between the period from August 2023 to date, either not received any, or only received part of, their ECD conditional grant payments. We are advised further that the KZN ECD alliance has communicated the non-payment to the KZN PED, who a) acknowledges instances of non-payment; b) has attempted to provide reasons for said non-payment; and c) in some cases, has committed to payment of the stipends, often however with no specific date.

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3. We are advised further that payments of the outstanding amounts have been in part and intermittently. Some of the affected ECD centres received payment as recent as yesterday, 31 January 2024.

4. We have reviewed the Service Level Agreements (SLAs) of the some of the affected ECD centres and in terms of clause 5, the actions of the KZN PED in failing to issue Conditional Grant and Equitable Share payments to beneficiaries in respect of subsidisation of ECD programmes is in contravention of the SLA.

5. In addition to contravening the SLAs entered into between the affected ECD providers, the non-payment has an adverse impact on the rights of the ECD practitioners, the children and their parents. The very purpose of the stipend is to provide the necessary financial support to ECD providers that are serving the impoverished communities. It is unacceptable that the affected ECD centres have gone several months unable to pay staff, provide nutrition to the children and maintain the ECD centres.

6. The 2021 ECD census confirms that the ECD sector employs just under 200 000 people nationwide, 91% of whom are women, who form part of the

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economically vulnerable communities they serve. The impact of non-payment is detrimental to the dedicated women at the forefront of providing ECD services. Additionally, and of significant concern, is the impact felt by the children who may not be receiving nutrition. Section 28(2) of the Constitution provides: "A child's best interests are of paramount importance in every matter concerning the child." For children who are reliant on ECD centres for nutrition, the payment of subsidies must be prioritised with the intention of fortifying their best interests.

7. We accordingly **urgently** request:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
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7.1. Payment of any and all outstanding monies due to the affected ECD centres in accordance with their respective SLAs **within 14 days, (i.e. on or before 21 February 2024)** accompanied by the requisite proof of payment, and

7.2. A list of the affected ECD centres that have not been paid in accordance with their SLAs within **7 days (i.e. on or before 12 February 2024).**

8. While we hope the issue will be resolved speedily and amicably, we hold instructions to approach the High Court for appropriate relief if our client's demands are not met.

Yours Faithfully,

SHENIECE LINDERBOOM
shenieece@lrc.org.za

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

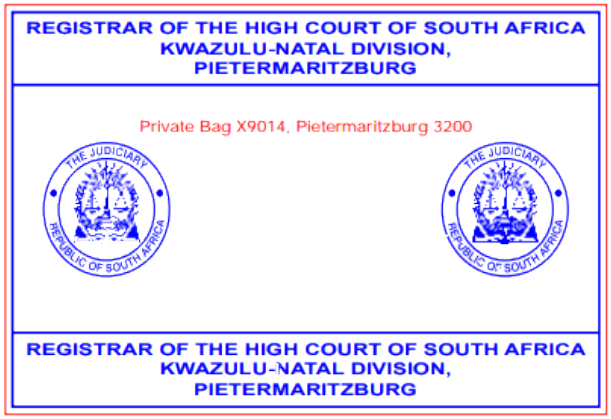
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 08

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FRIENDS OF SA ECD FORUM

NPO 199-522

P O Box 481724

Qualbert

4078

10 June 2024

Nkosinathi.sibisi@durban.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

Attention:

Mrs K Mathe

228 Pietermaritz street

Pietermaritzburg

3201

Unfair Subsidy Practice

An Objection is hereby lodged with regards the above matter. As stipulated in Service Level Agreement and subject to Sections 78 and 93 of the Children's Act, 2005.

The above stated unfair practices and gross violations which are irregular and contra Bonos to the law, we plea that the process be held in abeyance with immediate effect because of the following reasons;

1. Funding Mechanism Criteria implemented is Ambiguous
2. No Comprehensive Consultation established with Stakeholders
3. Subsidy cuts without consultations

Notwithstanding FOSA Exco appeal for a round table meeting to discuss this thorny matter in Harmony and come up with collective enhancing solution.

Yours In Community Development

N Sibisi .....

10/06/2024

Executive Members President Mr N Sibisi 083 509 6864 Deputy President Mr Lawrence Mngomezulu 074 654 6135 Secretary SB Tembe 079 155 8382 Deputy Secretary Mr M Sibisi 074 409 4500 Treasure Ms SE Ntshangase 073 847 7202 Add members MrsT Zakwe 063 043 6110 Ms Z Ntuli 073 419 2520 Z Duma 073 526 8054 Coordinator Mr VC Gumede 082 810 7355

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

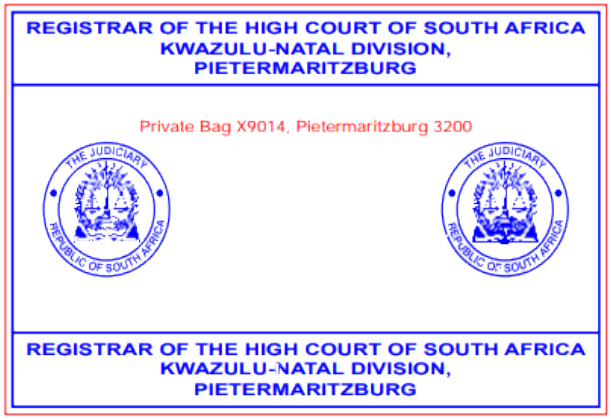
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
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MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 09

NOTE: **This document was filed electronically by the Registrar on 18/5/2025 at 12:58:29 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



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KWAZULU-NATAL PROVINCE
EDUCATION
REPUBLIC OF SOUTH AFRICA

DIRECTORATE: EARLY CHILDHOOD DEVELOPMENT

Private Bag X9137, PIETERMARITZBURG, 3200
Ex NED Building, 228 Pietermaritz Street, Pietermaritzburg 3200
Tel: 033 846 5204

Enquires: Nontobeko Zuma
Email: Nontobeko.Zuma@kzndoe.gov.za

Dear Mr Sibisi

President:

Friends of SA ECD Forum

RE: Unfair Subsidy Practice

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG
Private Bag X9014, Pietermaritzburg 3200
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

1. Receipt of your correspondence regarding the ECD subsidy practice is acknowledged.
2. Please note that the Department of Education is currently planning to hold a meeting with the KZN ECD Alliance as a follow up to the meeting that took place in October 2023 as per the Alliance's request to the Head of Department.
3. The status of ECD and other developments will be discussed with stakeholders at the meeting.
4. The Meeting is scheduled as follows;
   a. Date : 05 July 2024
   b. Venue : Virtual Meeting (Teams Meeting ID wil be shared by the 2nd of July 2024)
   c. Time : 15h00
5. Kindly receive this communication as an extension of the meeting so that all ECD matters can be discussed in unison.

Kind regards

Mrs S.C. Zakuza – Njakazi
Chief Director: Curriculum Management

Date: 28/06/2024

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

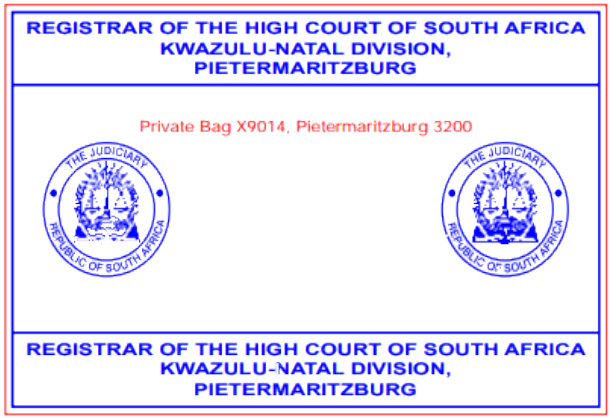
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Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
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Annexure 10

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KZN ECD ALLIANCE
UNITED FOR CHILD'S SAKE

OFFICE OF THE SECRETARY

AA28 Mugabe Road,Umlazi. C: 0655732396. E: sphehhadebe@gmail.com

09 July 2024

Chief Director

KZN Department of Education

Feedback from the Alliance on the Grievances Meeting

Dear Mrs. Njakazi

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

The KZN ECD Alliance expresses its gratitude for the meeting held on our request. However, after consulting with our members and stakeholders, we must inform you of our feedback and outline the action plan we intend to undertake.

The Alliance is dissatisfied with the conduct of the meeting and has noted several breaches by the Department. One significant issue was the inclusion of members from FOSA without prior consultation with us, despite our long-standing request for this meeting.

While we acknowledge that both our organizations are affected by the conduct of the KZN DOE and share mutual goals, the Department should have consulted and informed us about FOSA's participation. The meeting ultimately appeared to position the FOSA President as the representative of our organization, undermining our Chairperson, who received little acknowledgment from the Chair of the meeting.

Nevertheless, our primary concern lies elsewhere.

After consulting with our lawyers from the LRC and reviewing the meeting minutes, we hereby reject the meeting held on Friday, July 5th, as it failed to achieve its intended goals. We have the following specific points of contention:

1. While we acknowledge points C1 to C4, we strongly object to point C5 and condemn the unprofessional tone used by Mr. Ntanda, the Finance Director. This issue will be addressed in further detail later in this letter.

2. Mr. Ntanda's behavior demonstrated a lack of respect from the Department of Education KZN towards ECD Practitioners. It is particularly egregious that in the 30th year of our democracy, such disrespect comes from a black professional.

3. The Department's failure to provide an exact date for payment undermines ECD Practitioners in our province. It appears that only the ECD sector suffers due to financial constraints.

N-S
NOM

KZN ECD ALLIANCE
UNITED FOR CHILD'S SAKE

OFFICE OF THE SECRETARY

AA28 Mugabe Road,Umlazi. C: 0655732396. E: sphehhadebe@gmail.com

4. Although Mrs. Ntokozo Mlaba, Chief Director of Finance, indicated that schools also face financial challenges, school teachers have never missed a monthly payment. While financial constraints may impact nutrition and maintenance, salaries are consistently paid on time.

5. Following the meeting, a senior manager from the KZN DOE Head Office provided us with documents showing the Department's misuse of funds. This evidence, now in the hands of our lawyers, supports our claims.

6. The KZN DOE's mismanagement has led to a debt-ridden situation where funds from other services are used to cover debts, resulting in the suffering of the ECD sector. Despite this, district and head office officials receive their salaries on time.



7. We have attached this evidence to our submission to the MEC of Finance, Mr. Francois Rodgers, and will use it to strengthen our case. We also intend to notify the Premier while consulting with political parties in the Legislature.

8. We are planning a mass protest march and are finalizing whether it will be directed to the KZN DOE Head Office, the Premier, or the Legislature. We have noted the Deputy Minister of Education's swift response to the Nutrition protests and plan to follow protocol in our actions.

9. The Department of Education KZN has violated constitutional laws by failing to pay ECD workers their salaries. According to the Service Level Agreement, Clause 4 and 5, payments must be made within 30 days of claim submission and approval. If there are delays, communication in writing is required. Mr. Ntanda's actions during the meeting contradicted this clause, as he rudely objected to communicating with the Alliance as the Union.

10. We believe that the Head Office can issue a circular to the Districts while attaching it to the Unions. As leaders of the KZN ECD Workforce, communication with us is vital.

ECD Practitioners are currently considering downing tools and protesting, which will impact the economy. No one should be expected to work without pay.

We request a response from the Department within two days.

Sincerely

Sphesihle Hadebe

Secretary

N.S
NOM

KZN ECD ALLIANCE
UNITED FOR CHILD'S SAKE

OFFICE OF THE SECRETARY

AA28 Mugabe Road,Umlazi. C: 0655732396. E: sphehhadebe@gmail.com

KZN ECD ALLIANCE

DATE SIGNED 09/07/2024

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

N. 3
NDM

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

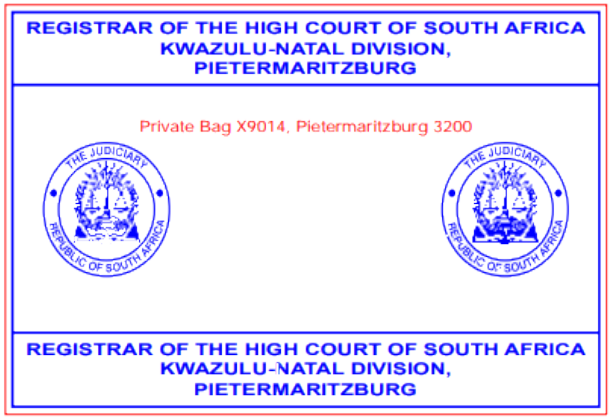
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 11

NOTE: **This document was filed electronically by the Registrar on 18/5/2025 at 1:00:38 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

18/5/2025-1:00:38 PM

"NS 11"

KWAZULU-NATAL PROVINCE
EDUCATION
REPUBLIC OF SOUTH AFRICA

CHIEF DIRECTORATE: CURRICULUM MANAGEMENT

Private Bag X9137, PIETERMARITZBURG, 3200
Room 325 Ex NED Building, 228 Pietermaritz Street, Pietermaritzburg, 3201
Tel: 033 846 5130/45

Chief Directorate: Curriculum Management
Enquiries: SC. Zakuza-Njakazi
Email: szakuza@gmail.com / beryl.khama@kzndoe.gov.za

TO : KZN ECD ALLIANCE

FROM : MRS SC ZAKUZA-NJAKAZI
CHIEF DIRECTOR: CURRICULUM MANAGEMENT

RE : FEEDBACK FROM THE ALLIANCE ON THE GRIEVANCE MEETING

1. The above matter has reference.
2. The chief Directorate acknowledges receipt of your letter.
3. The Chief Directorate apologizes for the oversight done by the administration team in extending an invite to FOSA, this was done as explained during the meeting to assist in the issue of time and due to matters of discussion being similar. This is part of the departments wish to have open communication with external stakeholders.
4. The issues raised as points of contention are noted and have been forwarded to finance for response. The Chief Directorate commits to working with ECD for the benefit of Quality Education for our children, as agreed in the meeting, the doors are open for addressing issues that may arise in the process of mitigating the challenges faced by the ECD sector.
5. Also as per the agreement during the meeting that consultation with specialist such as finance may be sort on other issues which curriculum is unable to assist with, therefore please allow for Finance Directorate time to respond to the matters raised.
6. We again are apologetic for further grievances.

Regards

Mrs SC Zakuza-Njakazi
Chief Directorate: Curriculum Management
Date: 11 July 2024

NS
NOM

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

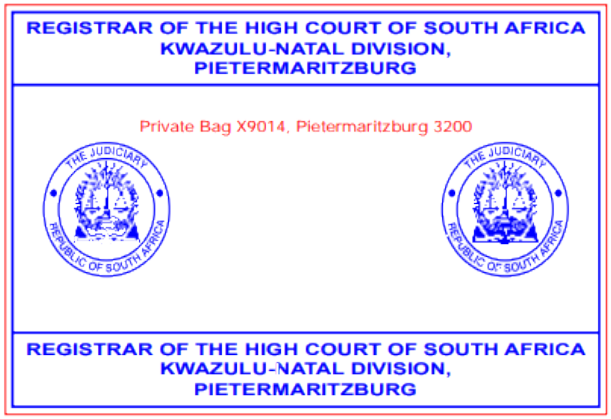
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 12

NOTE: **This document was filed electronically by the Registrar on 18/5/2025 at 1:01:08 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



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Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

I hope will receive a palatable Nuance.

Regards
Fosa President.
N Sibisi

From: Nkosinathi Sibisi
Sent: Monday, 22 July 2024 07:16
To: 'Sindi Zakuza' <Sindi.Zakuza@kzndoe.gov.za>; 'Nkosinathi Ngcobo' <Nkosinathi.Ngcobo@kzndoe.gov.za>; 'Lalsingh Rambaran' <Lalsingh.Rambaran@kzndoe.gov.za>; 'Niroshni Moonsamy' <Niroshni.Moonsamy@kzndoe.gov.za>
Cc: 'Ntokozo Gumede' <Ntokozo.Gumede@kzndoe.gov.za>; 'Mr Vela Cecil Gumede' <sawelamakhosazana333@gmail.com>; 'Nontobeko Zuma' <Nontobeko.Zuma@kzndoe.gov.za>; 'Yolande Mtshali' <Yolande.Mtshali@kzndoe.gov.za>; 'Thami Ntanda' <Thami.Ntanda@kzndoe.gov.za>
Subject: subsidy Disbursement dates

Good Morning Colleagues

Kindly find the attachments attesting disbursement dates thus we cannot stay composed, nevertheless it will moreover dispel a myth pertaining our disagreements.

Regards
Fosa President
N Sibisi

From: Nkosinathi Sibisi
Sent: Friday, 19 July 2024 07:50
To: Sindi Zakuza <Sindi.Zakuza@kzndoe.gov.za>; Nkosinathi Ngcobo <Nkosinathi.Ngcobo@kzndoe.gov.za>; Lalsingh Rambaran <Lalsingh.Rambaran@kzndoe.gov.za>; Niroshni Moonsamy <Niroshni.Moonsamy@kzndoe.gov.za>
Cc: Ntokozo Gumede <Ntokozo.Gumede@kzndoe.gov.za>; Mr Vela Cecil Gumede <sawelamakhosazana333@gmail.com>; Nontobeko Zuma <Nontobeko.Zuma@kzndoe.gov.za>; Yolande Mtshali <Yolande.Mtshali@kzndoe.gov.za>; Thami Ntanda <Thami.Ntanda@kzndoe.gov.za>
Subject: RE: Equitable share for June 2024

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION

Morning Lalsingh

Hereunder trailing mail refers your swift attention,

Nontobeko your correspondence is noted in Mrs Zakuza-Njakazi's absentia, I will however scan an email the S.L.A indicating disbursement dates, [redacted] and equitable share.

Regards
N Sibisi

From: Nontobeko Zuma <Nontobeko.Zuma@kzndoe.gov.za> **On Behalf Of** Sindi Zakuza
Sent: Thursday, 18 July 2024 15:49
To: Nkosinathi Sibisi <NKOSIKAYIKHETHI.Sibisi@durban.gov.za>; Sindi Zakuza <Sindi.Zakuza@kzndoe.gov.za>; Nkosinathi Ngcobo <Nkosinathi.Ngcobo@kzndoe.gov.za>
Cc: Ntokozo Gumede <Ntokozo.Gumede@kzndoe.gov.za>; Mr Vela Cecil Gumede <sawelamakhosazana333@gmail.com>; Nontobeko Zuma <Nontobeko.Zuma@kzndoe.gov.za>; Yolande Mtshali <Yolande.Mtshali@kzndoe.gov.za>; Thami Ntanda <Thami.Ntanda@kzndoe.gov.za>
Subject: RE: Equitable share for June 2024

Good day Sibisi

Can we refer the matter to Finance and allow them time to respond on the matter, as ECD does not have the said information at their disposal at this moment.

Regards
Nontobeko Zuma

Sent on behalf of Ms SC Zakuza-Njakazi

From: Nkosinathi Sibisi <NKOSIKAYIKHETHI.Sibisi@durban.gov.za>
Sent: Thursday, 18 July 2024 09:30
To: Sindi Zakuza <Sindi.Zakuza@kzndoe.gov.za>; Nkosinathi Ngcobo <Nkosinathi.Ngcobo@kzndoe.gov.za>
Cc: Ntokozo Gumede <Ntokozo.Gumede@kzndoe.gov.za>; Mr Vela Cecil Gumede <sawelamakhosazana333@gmail.com>
Subject: Equitable share for June 2024

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning Mrs Zakuza-Njakazi

I am just doing a follow-up regarding the above subject, I however comprehend your swamped schedule. If I stimulate my memory, all equitable share Ecds were supposed to receive their subsidies on the 15th of June 2024, as significantly stipulated and prescriptive according to the service level agreement circulated to us.

Regards
N Sibisi
Fosa President

Please read this confidentiality disclaimer:

N.S NJOM

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

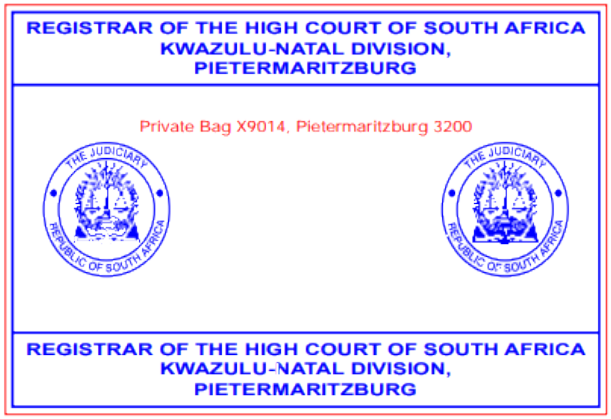
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 13

NOTE: **This document was filed electronically by the Registrar on 18/5/2025 at 1:01:36 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

Outlook

FW: subsidy

From Nkosinathi Sibisi <NKOSIKAYIKHETHI.Sibisi@durban.gov.za>
Date Wed 21 Aug 2024 08:41
To Sheniece Linderboom <sheniece@lrc.org.za>
Cc Kiara Govender <Kiara@lrc.org.za>

Morning Colleagues

Kindly find the below response from Doe.

Regards
N Sibisi



From: Thami Ntanda <Thami.Ntanda@kzndoe.gov.za>
Sent: Friday, 16 August 2024 23:13
To: Nkosinathi Sibisi <NKOSIKAYIKHETHI.Sibisi@durban.gov.za>
Subject: Re: subsidy

Dear President

I acknowledge receipt of your below email.
We sincerely apologise for the delay in the timely release of ECD payments.
The department is doing its utmost to secure sufficient funding to cover at least May and June's equitable share by next week, while also exploring the possibility of establishing and communicating potential payment dates as requested by the ECD associations.
I will update you by Thursday, Aug 22, on the progress in this regard, indicating the category of payment we will be able to release by then. I would kindly request that this be treated as just the update exclusively meant for the consumption of leadership for now, as it is still speculative, and only be shared with the general membership by Thursday once confirmed and becomes more credible.
I will ensure that regular updates, are provided on this matter going forward so that the leadership knows in advance what is going to happen with regard to payments more especially during this difficult phase the department is going through.
I trust that you will find this in order.

Best Regards,
Thami Ntanda

N.S
DDM

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

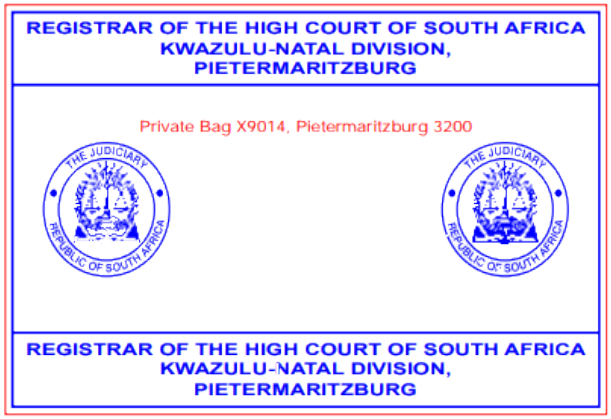
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 14

NOTE: **This document was filed electronically by the Registrar on 22/5/2025 at 4:34:41 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

MEMORANDUM OF DEMANDS FROM ECD CENTRES

FROM	TO
FRIENDS OF SA ECD FORUM	DEPARTMENT OF BASIC EDUCATION



N.S
NDM

NOTE

WE DEMAND THAT OUR DEMANDS BE ESCALETED TO THE HIGHEST ACCOUNTING OFFICER AND POLITICIANS FOR THIS MESS IN THE ECD SECTOR, **AS FROM THE 1ST OF APRIL 2022 WHEN DEPARTMENT OF EDUCATION TOOK OVER FROM DEPARTMENT OF SOCIAL DEVELOPMENT.**

PREAMBLE

Children's charter is clear on the following

Children's rights and responsibilities

In any society, it is very important that children are protected and cared for. Children are vulnerable members of society. South African Bill of rights states that children have special rights which include the right to "special care and assistance".

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

The United Nations drew up the Convention of the rights of the child so South Africa is not alone in recognising that children's right must be protected. South Africa and further 191 countries have signed this document.

All children are created equal and are entitled to basic human rights and freedom and that all children deserve respect and special care and protection as they develop and grow.

But we are still noting with contempt that

Within South Africa, children have not been treated with respect and dignity, but as a direct result of Apartheid have been subjected to discrimination, violence and racism that has destroyed families and communities and has disrupted education and social relationships hence the difference of treatment amongst children of different races and their **Basic Education Especially in the ECD Sector.**

South African constitution is also clear on the following

Education rights are contained in section 29 of the South African Constitution. In terms of section 29 **everyone has the right to a basic education, including adult basic education; (1)** and to further education, which the state, through reasonable measures, must make progressively available and accessible.

The Provision of the Right to Basic Education

In understanding the provision of the right to basic education, we should be guided by the preamble of the Constitution, which gives purpose and meaning to the Constitution. It states that the task ahead is to.

Heal the division of the past and establish a society based on democratic values, social justice and fundamental rights and improve the quality of life of all citizens and free the potential of each person.

Also important in defining the meaning of the rights to education is the international Covenant on Economic, Social and Cultural rights (ICESCR). This is arguably the most significant international convention, which recognises the right of everyone to education. Although not ratified by South Africa, it can be used to guide South Africa's relatively young socio-economic rights jurisprudence.

N.S
NOM

General Comment No 13 published by the Committee on Social, Economic and Cultural rights (CESCR) States that while the exact standard protected by the right may vary according to conditions prevailing in a particular State, education in all its forms and at all levels shall exhibit the following interrelated and essential features: availability, accessibility, acceptability and adaptability.

Availability- functioning educational institution must be available to all leaners. This entails the provision of buildings, sanitation facilities for both sexes, teaching material, libraries, computer facilities and access to the internet

Accessibility- has three overlapping dimensions: non-discrimination. Physical accessibility and economic accessibility; meaning education must be affordable, within safe physical reach, and must be grated on a non-discriminative basis.

Acceptability- the form and substance of education, including curricula and teaching methods have to be acceptable. This refers to the relevance appropriateness and quality of education, subject to educational objectives required.

Adaptability- education has to be flexible so it can adapt to societal changes and respond to the needs of learners within their diverse social and cultural settings.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

On the basis of the preamble above as The South African ECD Sector we therefore demand the following.

1 Promptness of subsidy payments to all ECD Centre's which are due, for ECD Centre's to be able to perform their duties effectively and efficiently.

2 Clear mandate and functions of DOE in the ECD Sector to be communicated and known by all parties envolved.

3 Speedy funds transfer to Equitable Share ECD Centre's

4 Speedy registration of ECD Centre's for Partial Care and Programme Certificates. **These are South African children in those centres and are the custodians/beneficiaries of Children's right as per South African Constitution.**

5 Primary school's need to stop this illegal practices of enrolling children who are 3-4 Years into Primary School, since these school are not built to accommodate these children, and the teachers are not trained to handle the children of this age.

6 Registered but not funded ECD Centre's to receive the funding speedily, for ECD Centre's to be able to perform their duties effectively and efficiently.

7 All children are equal in the eyes of the State, therefore all ECD Practitioners have to be at the same level of imparting education to all children in front of them, so training of all Practitioners is imperative and urgent.

8 Communication with the ECD Centre's through circulars and HRM's is very important, as a standard measure of communication, which keeps everyone up to date with information.

9 We demand the review of stipends and to be in accordance with National minimum wage of R23.19 per hour therefore R3500

N.S
NNM

Email: nkosinathi.sibisi@durban.gov.za

Signature

Received By: ELIJAH MHLANGA
BASIC EDUCATION, PRETORIA
Department of ~~Education Zululand District~~

1 Name/Surname: MHLANGA
Portfolio CHIEF DIRECTOR PGK COMMUNICATIONS
Contact number 0835808275
Email Mhlangae@pdbe.gov.za
Signature

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

2 Name/Surname

Portfolio

Contact number

Email

Signature

NS
NNM

10 ECD Centre workers deserve better working conditions and benefits since they are doing an important service in the Country by educating and looking after children. The ECD Sector staff demand the following benefits;

- UIF
- Provident fund
- Compensation fund

11 School and other centres of learning are built by DOE, why the ECD Centre's have to go through such an agonizing and expensive process trying to make centre's to comply? Should it not be the same Department which does that? We need clear answers!

12 DOE from National, Provincial, District, Circuit level need to create a platform where all matters affecting the Sector are discussed and solved there.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

13 The ECD sector and its workers should be involved in the 2030 Strategic plan that is already in place, because the ECD Sector is not involved and there were no engagements with the sector or consultations with the Sector, **We have a slogan nothing for us without us.**

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

14 The Department of Basic Education should differentiate between the Pre Grade R and Grade R on the budget and Pre Grade R should be considered on the allocation of budget and be specific to Pre Grade R.

15 Department of Basic Education at all levels should employ staff in the ECD Directorate, who knows and understand the ECD Sector and to provide them with working resources like office computers, laptops, phones, vehicles etc.

16 We demand consistency in funding, No discrimination according to what powers that see it fit. Number of subsidy days be 264 days in all ECD Centre's

Issued By:

Friends of SA ECD Forum

1 Name/Surname: Sibusiso Tembe

Portfolio: Protest March Convener

Contact number 079 155 8382

Email: sibusisotembe0720@gmail.com

Signature:

2 Name/Surname: Nkosikayikhethi Sibisi

Portfolio: Protest March Deputy Convener

Contact number 066 078 4740/ 083 509 6864

N.S
NNM

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

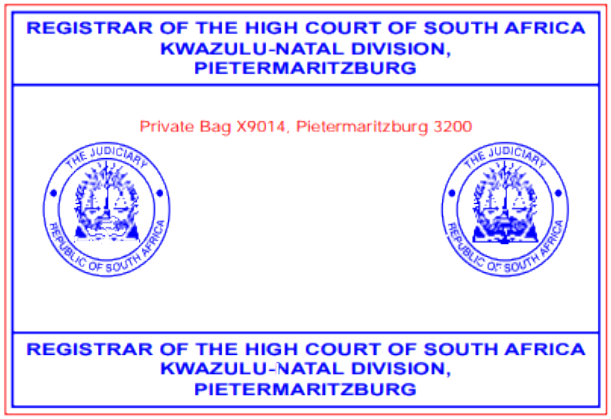
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and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 15

NOTE: **This document was filed electronically by the Registrar on 18/5/2025 at 1:04:09 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

KWAZULU-NATAL PROVINCE
EDUCATION
REPUBLIC OF SOUTH AFRICA

CHIEF DIRECTORATE: CM

Private Bag X9137, PIETERMARITZBURG, 3200
Room 325 Ex NED Building, 228 Pietermaritz Street, Pietermaritzburg, 3201
Tel: 033 846 5130/45

Chief Directorate: Curriculum Management
Enquiries: SC. Zakuza-Njakazi
Email: szakuza@gmail.com /
beryl.khama@kzndoe.gov.za

TO : **KZN ECD ALLIANCE**

: **FOSA**

SUBJECT: QUARTERLY MEETINGS-PROVINCIAL INTERGRATED ECD COMMITTEE

1. Firstly, I would like to apologize for the cancellation of the previously scheduled meeting.
2. Your attention is being brought to the meetings already in standing that are held on a quarterly basis, the meeting being referred to is that of the Provincial Intergrated ECD Committee Meeting.
3. The challenge with having one on one meetings is that it can lead to duplication of discussion of issues that are also discussed at Provincial Integrated ECD Committee Meeting that can be assisted by having all stakeholders on board.
4. The next meeting is tentatively scheduled for 29th of November 2024.
5. The advantage of the meeting with all stakeholders is that issues that cut across Departments/Municipalities are then handled with quicker responses.
6. The meeting consists of Departments such as Health and other authorities which assists with issues of registration,such as Social Development ,Department of Agriculture,Sport and Arts & culture as well all ECD sector members.
7. The steering committee is mandated by the KwaZulu Natal Cabinet.
8. The Provincial Intergrated ECD Committee services shall be convened on a quarterly basis.
9. All stakeholders are requested to refer to the terms of reference for the provincial Intergrated ECD Committee for further details.
10. Your co-operation in having the Provincial Intergrated Committee being priority will be highly appreciated.

Mrs SC Zakuza-Njakazi
CD:Curriculum Management
Date : 10 October 2024

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

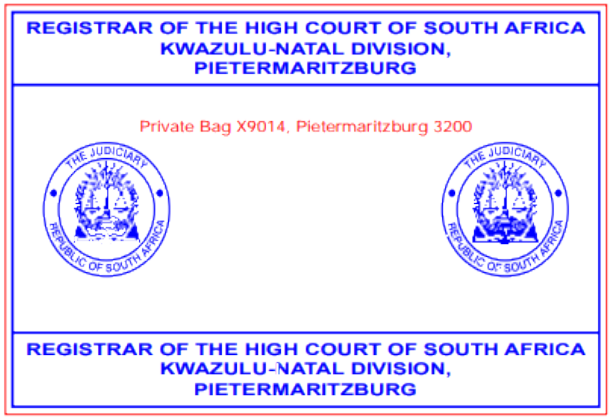
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

---

Annexure 16 and More

NOTE: **This document was filed electronically by the Registrar on 18/5/2025 at 1:05:03 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

Shenieceˍ Linderboom

From: Nkosinathi Sibisi <NKOSIKAYIKHETHI.Sibisi@durban.gov.za>
Sent: Thursday, 17 October 2024 14:56
To: Shenieceˍ Linderboom
Cc: Kiara Govender
Subject: FW: COURTESY LETTER AND NATIONAL Doe

Good Day Colleagues

For your information.

Regards
N Sibisi

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

Private Bag X9014, Pietermaritzburg 3200

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

From: Nkosinathi Sibisi
Sent: Thursday, 17 October 2024 14:38
To: mhlanga.e@dbe.gov.za
Cc: Mr Vela Cecil Gumede <sawelamakhosazana333@gmail.com>; khubaluthuli@gmail.com
Subject: COURTESY LETTER AND NATIONAL Doe

HONOURABLE Mr Elijah Mhlanga

I hope this mail will find you in good health.

We as FOSA Exco members, submitted memorandum on the 11th of September 2024, where we prescriptively registered our dissatisfaction pertaining the functionality of your ministry.

Therefore, We are doing a follow-up, since you have acknowledged receipt of our memorandum and proclaimed that, matters raised will be attended within 14 working days.

Furthermore 14 days has lapsed, in addition Exco members collectively agreed to write the courtesy letter in order to maintain and demonstrate professionalism, henceforth there is no communique between your ministry and FOSA

Regards
N Sibisi
FOSA President
083 509 6864

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COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

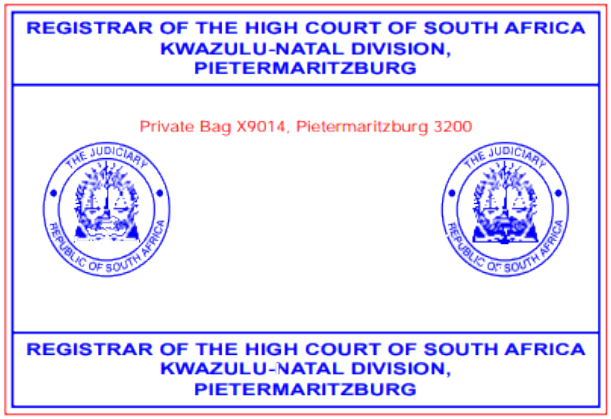
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 16 and More

NOTE: **This document was filed electronically by the Registrar on 22/5/2025 at 4:35:20 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

LRC
LEGAL RESOURCES CENTRE

DURBAN OFFICE
1st Floor, CBI Building,
635 Peter Mokaba Road,
Overport, Durban, 4001

Tel: +27 31 301 7572
Fax: +27 31 304 2823

info@lrc.org.za

29 October 2024

Mr Sipho Emmanuel Hlomuka

KwaZulu Natal Department of Basic Education: MEC

By Email:

nonkuleleko.nembula@kzndoe.gov.za



Dr Nkosinathi Ngcobo

KwaZulu Natal Department of Basic Education: HOD

By Email:

nkosinathi.ncgobo@kzndoe.gov.za

Mrs T Vilakazi

KwaZulu Natal Department of Basic Education: Director of Early Childhood Development

By Email:

thokozile.vilakazi@kzndoe.gov.za

ntokozo.gumede@kzndoe.gov.za

Honourable Siviwe Gwarube

Minister of Basic Education

By Email:

sgwarube@parliament.gov.za

Dr Duncan Pieterse

Director-General: National Treasury.

By Email:

duncan.pieterse@treasury.gov.za

lindiwe.mnisi@treasury.gov.za

Ms Carol Coetzee

KwaZulu Natal Treasury

By Email:

carol.coetzee@kzntreasury.gov.za

thulile.ndlovu@kzntreasury.gov.za



Dear Sirs/Mesdames,

RE: IRREGULAR PAYMENT PRACTICES FOR EARLY CHILDHOOD DEVELOPMENT (ECD) EQUITABLE SHARE AND CONDITIONAL GRANT SUBSIDIES

1. We act for the Friends of South Africa ECD Forum (FOSA) and the KwaZulu-Natal (KZN) ECD Alliance, organisations that represent approximately 500 and 600 ECD centres in KZN, respectively.

2. Both organisations have independently approached our offices for legal assistance in respect of irregular payment practices by the KZN Provincial Education Department (KZNDoE), in the context of ECD equitable share and conditional grant payments.

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3. We are advised that approximately 130 ECD centres represented by our clients have between the period from August 2023 to date, received irregular or inconsistent monthly payments, and currently have outstanding payments owed to them.

4. The South African government has committed to supporting ECD through various policies and frameworks, such as the National Development Plan 2030, where government has committed to providing universal access to ECD by 2030 and the National Integrated Early Childhood Development Policy of 2015 (NIECDP), where ECD is recognised as a fundamental and universal human right that all young children are entitled to without discrimination. The NIECDP further emphasises that ECD is central to achieving broader societal benefits such as reducing poverty and inequality, and that government is mandated and obligated to ensure the provision of ECD services.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

5. We are further advised that both organisations have communicated these irregularities to the KZNDoE on numerous occasions, which in turn has:

   5.1. Acknowledged instances of non-payment;

   5.2. Not provided clear, substantiated or rational reasons for the non-payment; or

   5.3. Committed to the payment of outstanding stipends — often on an unspecified date.

6. The centres expect and require payment of stipends on a specified date in accordance with the Transfer Payment Agreements (TPAs) entered into between

the KZNDoE and the beneficiary centre. Should these dates elapse without the requisite payments, our clients immediately call for payment due to the urgency created in centres as a result of insufficient funds.

7. Examples of the enquiries with the KZNDoE include:

7.1. On 1 February 2024, the LRC wrote on behalf of the KZN ECD Alliance to request payment of the outstanding monies and details of the ECD centres affected. No response was received. A copy of the letter is attached as **Annexure A**.

7.2. On 10 June 2024, FOSA wrote to the KZNDoE noting the unfair stipend practice, this being in violation of both TPA and the Children's Act and requested a meeting. A copy of the letter is attached as **Annexure B**. The KZNDoE responded in a letter dated 28 June 2024 noting that it was planning a meeting with the KZN ECD Alliance on 5 July 2024 and inviting FOSA to attend. A copy of this letter is attached as **Annexure C**.

7.3. On 9 July 2024 the KZN ECD Alliance wrote to the KZNDoE noting its dissatisfaction with the responses received from the KZNDoE officials at the meeting of 5 July 2024, which included a refusal to provide a deadline for the payment of outstanding monies and an attempt to justify the non-payment by citing similar financial constraints that are prevalent in schools. KZN ECD Alliance further requested details on why the stipends had not been paid and when the stipends would be paid. A copy of this letter is attached as **Annexure D**. On 11 July 2024, the KZNDoE responded noting that the correspondence had been forwarded to the Finance Directorate for a response. A copy of the letter is attached as **Annexure E**.

7.4. In an email sent on 18 July 2024, FOSA queried the issue of outstanding equitable share subsidies that, in terms of the TPAs, should have been paid on 15 June 2024. In reply, the KZNDoE informed FOSA that the matter would be referred to Finance for a response, as they did not have information on the cause of the delayed payments. A copy of the email is attached as **Annexure F**.

7.5. On 16 August 2024 the KZNDoE responded wherein an apology was tendered for the delayed payment. The email also stated that the KZNDoE was "*doing its utmost to secure sufficient funding to cover at least May and June's equitable share by next week, while also exploring the possibility of establishing and communicating potential payment dates as requested by the ECD associations*". The KZNDoE committed to providing an update on progress by 22 August 2022, including a promise of continued updates on the matter. A copy of this email is attached as **Annexure G**.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

7.6. Despite promises to provide updates, to date, none have been provided. There are still several ECD centres that have not been paid in full.

7.7. Most recently, on 11 September 2024, FOSA together with approximately 450 ECD practitioners from Kwa-Zulu Natal, Mpumalanga and Eastern Cape, participated in an organised gathering outside of the Department of Basic Education office in Pretoria. A memorandum was handed to Mr Elijah Mahlanga, the Chief Director of Communications. A copy of the memorandum is attached as **Annexure H**.

8. The impact of non-payment of the stipends on the ECD centres is dire. We have been advised that circumstances have caused tension within the communities

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where the ECD centres are based and the following incidents have been reported, including but not limited to:

8.1. Threats to the principals of the ECD centres from staff where the principals are unable to pay staff their monthly salaries.

8.2. Principals taking personal loans to buy food to provide children with their meals.

8.3. Principals asking the parents to send food to the centres for the children. In cases where the parents are unemployed and living on social grants this is often not feasible, leaving many children to go hungry.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

9. Most importantly, the failure to pay or the inconsistency of payment, has a detrimental effect on the long-term development of children whose rights ultimately fail to be realised.

10. The exchange of correspondence demonstrates that the KZNDoE is aware that ECD centres are operating without receiving the stipends that are due to them. Despite this, the KZNDoE has failed to offer substantiated reasons for the non-payment.

11. We reiterate that the non-payment of the stipends is not only a contravention of the signed TPAs, but that it also has a significant adverse impact on the ECD centres that the stipend is intended to support. This in turn impacts the most vulnerable members of society — women and children.

12. We have thus been instructed to demand, as we hereby do:

12.1. A list of all ECD centres in KZN that have not received their full stipend, reflecting the names of the centre, the location of the centre, the last known payment made to the centre, and the total outstanding amount owing to each ECD centre.

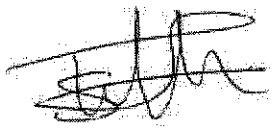
12.2. Written confirmation, **on or before 15 November 2024**, that payment of any and all outstanding monies due to the affected ECD centres in accordance with their respective TPAs, insofar as the KZNDoE is required to make these payments, will be made **on or before 29 November 2024**.

12.3. Written reasons, **on or before 15 November 2024**, why the stipends were not paid, and the steps that will be taken to ensure that the non-payment of stipends does not recur.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

13. While we hope the issue will be resolved speedily and amicably, we hold instructions to approach the High Court for appropriate relief if our clients' demands are not met.

Yours Faithfully,



SHENIECE LINDERBOOM

sheniece@lrc.org.za / 031 301 7572

LRC
LEGAL RESOURCES CENTRE

DURBAN OFFICE
11th Floor, Aquasky Towers,
275 Anton Lembede Street,
Durban, 4001
Tel: +27 31 301 7572
Fax: +27 31 304 2823
info@lrc.org.za

Annexure A

1 February 2024

TO: **MEMBER OF EXECUTIVE COUNCIL**
KZN DEPARTMENT OF EDUCATION
Ms Mbalenhle Frazer
Email: Zama.Mchunu2@kzndoe.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

AND TO: **HEAD OF DEPARTMENT**
KZN DEPARTMENT OF EDUCATION
Mr Nkosinathi Ngcobo
Email: Nkosinathi.Ngcobo@kzndoe.gov.za

AND TO: **DIRECTOR OF EARLY CHILDHOOD DEVELOPMENT**
KZN DEPARTMENT OF EDUCATION
Ms Thokozile Vilakazi
Email: Thokozile.vilakazi@kzndoe.gov.za

PER EMAIL

Dear Sirs/Mesdames,

RE: THE FAILURE TO MAKE ECD CONDITIONAL GRANT AND EQUITABLE SHARE PAYMENTS

NOM

1. We write on behalf of the KwaZulu Natal (KZN) ECD Alliance, an organisation representing approximately 150 ECD centres. The KZN ECD Alliance has approached our offices for legal assistance in respect of unpaid stipends to several ECD centres from the KZN Provincial Education Department (KZN PED).

2. We are advised that several members of the KZN ECD Alliance have between the period from August 2023 to date, either not received any, or only received part of, their ECD conditional grant payments. We are advised further that the KZN ECD alliance has communicated the non-payment to the KZN PED, who a) acknowledges instances of non-payment; b) has attempted to provide reasons for said non-payment; and c) in some cases, has committed to payment of the stipends, often however with no specific date.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

3. We are advised further that payments of the outstanding amounts have been in part and intermittently. Some of the affected ECD centres received payment as recent as yesterday, 31 January 2024.

4. We have reviewed the Service Level Agreements (SLAs) of the some of the affected ECD centres and in terms of clause 5, the actions of the KZN PED in failing to issue Conditional Grant and Equitable Share payments to beneficiaries in respect of subsidisation of ECD programmes is in contravention of the SLA.

5. In addition to contravening the SLAs entered into between the affected ECD providers, the non-payment has an adverse impact on the rights of the ECD practitioners, the children and their parents. The very purpose of the stipend is to provide the necessary financial support to ECD providers that are serving the impoverished communities. It is unacceptable that the affected ECD centres have gone several months unable to pay staff, provide nutrition to the children and maintain the ECD centres.

6. The 2021 ECD census confirms that the ECD sector employs just under 200 000 people nationwide, 91% of whom are women, who form part of the

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economically vulnerable communities they serve. The impact of non-payment is detrimental to the dedicated women at the forefront of providing ECD services. Additionally, and of significant concern, is the impact felt by the children who may not be receiving nutrition. Section 28(2) of the Constitution provides: "A child's best interests are of paramount importance in every matter concerning the child." For children who are reliant on ECD centres for nutrition, the payment of subsidies must be prioritised with the intention of fortifying their best interests.

7. We accordingly **urgently** request:

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

7.1. Payment of any and all outstanding monies due to the affected ECD centres in accordance with their respective SLAs **within 14 days**, **(i.e. on or before 21 February 2024)** accompanied by the requisite proof of payment; and

7.2. A list of the affected ECD centres that have not been paid in accordance with their SLAs within **7 days (i.e. on or before 12 February 2024).**

8. While we hope the issue will be resolved speedily and amicably, we hold instructions to approach the High Court for appropriate relief if our client's demands are not met.

Yours Faithfully,

SHENIECE LINDERBOOM
sheniece@lrc.org.za

FRIENDS OF SA ECD FORUM

NPO 199-522

P O Box 481724

Qualbert

4078

10 June 2024

Nkosinathi.sibisi@durban.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

Attention:

Mrs K Mathe

228 Pietermaritz street

Pietermaritzburg

3201

Unfair Subsidy Practice

An Objection is hereby lodged with regards the above matter. As stipulated in Service Level Agreement and subject to Sections 78 and 93 of the Children's Act, 2005.

The above stated unfair practices and gross violations which are irregular and contra Bonos to the law, we plea that the process be held in abeyance with immediate effect because of the following reasons;

1. Funding Mechanism Criteria implemented is Ambiguous
2. No Comprehensive Consultation established with Stakeholders
3. Subsidy cuts without consultations

Notwithstanding FOSA Exco appeal for a round table meeting to discuss this thorny matter in Harmony and come up with collective enhancing solution.

Yours In Community Development

N Sibisi .....

10/06/2024

Executive Members President Mr N Sibisi 083 509 6864 Deputy President Mr Lawrence Mngomezulu 074 654 6135 Secretary SB Tembe 079 155 8382 Deputy Secretary Mr M Sibisi 074 409 4500 Treasure Ms SE Ntshangase 073 847 7202 Add members MrsT Zakwe 063 043 6110 Ms Z Ntuli 073 419 2520 Z Duma 073 526 8054 Coordinator Mr VC Gumede 082 810 7355

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NOM

Annexure C

KWAZULU-NATAL PROVINCE
EDUCATION
REPUBLIC OF SOUTH AFRICA

DIRECTORATE: EARLY CHILDHOOD DEVELOPMENT

Private Bag X9137, PIETERMARITZBURG, 3200
Ex NED Building, 228 Pietermaritz Street, Pietermaritzburg 3200
Tel: 033 846 5204

Enquires: Nontobeko Zuma
Email: Nontobeko.Zuma@kzndoe.gov.za

Dear Mr Sibisi

President:

Friends of SA ECD Forum

RE: Unfair Subsidy Practice

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

1. Receipt of your correspondence regarding the ECD subsidy practice is acknowledged.
2. Please note that the Department of Education is currently planning to hold a meeting with the KZN ECD Alliance as a follow up to the meeting that took place in October 2023 as per the Alliance's request to the Head of Department.
3. The status of ECD and other developments will be discussed with stakeholders at the meeting.
4. The Meeting is scheduled as follows;
   a. Date : 05 July 2024
   b. Venue : Virtual Meeting (Teams Meeting ID wil be shared by the 2nd of July 2024)
   c. Time : 15h00
5. Kindly receive this communication as an extension of the meeting so that all ECD matters can be discussed in unison.

Kind regards

Mrs S.C. Zakuza – Njakazi
Chief Director: Curriculum Management

Date: 28/06/2024

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Annexure D

KZN ECD ALLIANCE
UNITED FOR CHILD'S SAKE

OFFICE OF THE SECRETARY

AA28 Mugabe Road,Umlazi. C: 0655732396. E: sphehhadebe@gmail.com

09 July 2024

Chief Director

KZN Department of Education

Feedback from the Alliance on the Grievances Meeting

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

Dear Mrs. Njakazi

The KZN ECD Alliance expresses its gratitude for the meeting held on our request. However, after consulting with our members and stakeholders, we must inform you of our feedback and outline the action plan we intend to undertake.

The Alliance is dissatisfied with the conduct of the meeting and has noted several breaches by the Department. One significant issue was the inclusion of members from FOSA without prior consultation with us, despite our long-standing request for this meeting.

While we acknowledge that both our organizations are affected by the conduct of the KZN DOE and share mutual goals, the Department should have consulted and informed us about FOSA's participation. The meeting ultimately appeared to position the FOSA President as the representative of our organization, undermining our Chairperson, who received little acknowledgment from the Chair of the meeting.

Nevertheless, our primary concern lies elsewhere.

After consulting with our lawyers from the LRC and reviewing the meeting minutes, we hereby reject the meeting held on Friday, July 5th, as it failed to achieve its intended goals. We have the following specific points of contention:

1. While we acknowledge points C1 to C4, we strongly object to point C5 and condemn the unprofessional tone used by Mr. Ntanda, the Finance Director. This issue will be addressed in further detail later in this letter.

2. Mr. Ntanda's behavior demonstrated a lack of respect from the Department of Education KZN towards ECD Practitioners. It is particularly egregious that in the 30th year of our democracy, such disrespect comes from a black professional.

3. The Department's failure to provide an exact date for payment undermines ECD Practitioners in our province. It appears that only the ECD sector suffers due to financial constraints.

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KZN ECD ALLIANCE
UNITED FOR CHILD'S SAKE

OFFICE OF THE SECRETARY

AA28 Mugabe Road,Umlazi. C: 0655732396. E: sphehhadebe@gmail.com

4. Although Mrs. Ntokozo Mlaba, Chief Director of Finance, indicated that schools also face financial challenges, school teachers have never missed a monthly payment. While financial constraints may impact nutrition and maintenance, salaries are consistently paid on time.

5. Following the meeting, a senior manager from the KZN DOE Head Office provided us with documents showing the Department's misuse of funds. This evidence, now in the hands of our lawyers, supports our claims.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

6. The KZN DOE's mismanagement has led to a debt-ridden situation where funds from other resources are used to cover debts, resulting in the suffering of the ECD sector. Despite this, district and head office officials receive their salaries on time.

7. We have attached this evidence to our submission to the MEC of Finance, Mr. Francois Rodgers, and will use it to strengthen our case. We also intend to notify the Premier while consulting with political parties in the Legislature.

8. We are planning a mass protest march and are finalizing whether it will be directed to the KZN DOE Head Office, the Premier, or the Legislature. We have noted the Deputy Minister of Education's swift response to the Nutrition protests and plan to follow protocol in our actions.

9. The Department of Education KZN has violated constitutional laws by failing to pay ECD workers their salaries. According to the Service Level Agreement, Clause 4 and 5, payments must be made within 30 days of claim submission and approval. If there are delays, communication in writing is required. Mr. Ntanda's actions during the meeting contradicted this clause, as he rudely objected to communicating with the Alliance as the Union.

10. We believe that the Head Office can issue a circular to the Districts while attaching it to the Unions. As leaders of the KZN ECD Workforce, communication with us is vital.

ECD Practitioners are currently considering downing tools and protesting, which will impact the economy. No one should be expected to work without pay.

We request a response from the Department within two days.

Sincerely

Sphesihle Hadebe

Secretary

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UNM

KZN ECD ALLIANCE
UNITED FOR CHILD'S SAKE

OFFICE OF THE SECRETARY

AA28 Mugabe Road,Umlazi. C: 0655732396. E: sphehhadebe@gmail.com

KZN ECD ALLIANCE

DATE SIGNED 09/07/2024

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

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KWAZULU-NATAL PROVINCE
EDUCATION
REPUBLIC OF SOUTH AFRICA

Annexure E

CHIEF DIRECTORATE: CURRICULUM MANAGEMENT

Private Bag X9137, PIETERMARITZBURG, 3200
Room 325 Ex NED Building, 228 Pietermaritz Street, Pietermaritzburg, 3201
Tel: 033 846 5130/45

Chief Directorate: Curriculum Management
Enquiries: SC. Zakuza-Njakazi
Email: szakuza@gmail.com /
beryl.khama@kzndoe.gov.za

TO : KZN ECD ALLIANCE

FROM : MRS SC ZAKUZA-NJAKAZI
CHIEF DIRECTOR: CURRICULUM MANAGEMENT

RE : FEEDBACK FROM THE ALLIANCE ON THE GRIEVANCE MEETING

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

1. The above matter has reference.
2. The chief Directorate acknowledges receipt of your letter.
3. The Chief Directorate apologizes for the oversight done by the admin team in extending an invite to FOSA, this was done as explained during the meeting to assist in the issue of time and due to matters of discussion being similar. This is part of the departments wish to have open communication with external stakeholders.
4. The issues raised as points of contention are noted and have been forwarded to finance for response. The Chief Directorate commits to working with ECD for the benefit of Quality Education for our children, as agreed in the meeting, the doors are open for addressing issues that may arise in the process of mitigating the challenges faced by the ECD sector.
5. Also as per the agreement during the meeting that consultation with specialist such as finance may be sort on other issues which curriculum is unable to assist with, therefore please allow for Finance Directorate time to respond to the matters raised.
6. We again are apologetic for further grievances.

Regards

Mrs SC Zakuza-Njakazi
Chief Directorate: Curriculum Management
Date: 11 July 2024

Annexure F

I hope will receive a palatable Nuance.

Regards
Fosa President.
N Sibisi

From: Nkosinathi Sibisi
Sent: Monday, 22 July 2024 07:16
To: 'Sindi Zakuza' <Sindi.Zakuza@kzndoe.gov.za>; 'Nkosinathi Ngcobo' <Nkosinathi.Ngcobo@kzndoe.gov.za>; 'Lalsingh Rambaran' <Lalsingh.Rambaran@kzndoe.gov.za>; 'Niroshni Moonsamy' <Niroshni.Moonsamy@kzndoe.gov.za>
Cc: 'Ntokozo Gumede' <Ntokozo.Gumede@kzndoe.gov.za>; 'Mr Vela Cecil Gumede' <sawelamakhosazana333@gmail.com>; 'Nontobeko Zuma' <Nontobeko.Zuma@kzndoe.gov.za>; 'Yolande Mtshali' <Yolande.Mtshali@kzndoe.gov.za>; 'Thami Ntanda' <Thami.Ntanda@kzndoe.gov.za>
Subject: subsidy Disbursement dates

Good Morning Colleagues

Kindly find the attachments attesting disbursement dates thus we cannot stay composed, nevertheless it will moreover dispel a myth pertaining our disagreements.

Regards
Fosa President
N Sibisi

From: Nkosinathi Sibisi
Sent: Friday, 19 July 2024 07:50
To: Sindi Zakuza <Sindi.Zakuza@kzndoe.gov.za>; Nkosinathi Ngcobo <Nkosinathi.Ngcobo@kzndoe.gov.za>; Lalsingh Rambaran <Lalsingh.Rambaran@kzndoe.gov.za>; Niroshni Moonsamy <Niroshni.Moonsamy@kzndoe.gov.za>
Cc: Ntokozo Gumede <Ntokozo.Gumede@kzndoe.gov.za>; Mr Vela Cecil Gumede <sawelamakhosazana333@gmail.com>; Nontobeko Zuma <Nontobeko.Zuma@kzndoe.gov.za>; Yolande Mtshali <Yolande.Mtshali@kzndoe.gov.za>; Thami Ntanda <Thami.Ntanda@kzndoe.gov.za>
Subject: RE: Equitable share for June 2024

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

Morning Lalsingh

Hereunder trailing mail refers your swift attention,

Nontobeko your correspondence is noted in Mrs Zakuza-Njakazi's absentia, I will however scan an email the S.L.A indicating disbursement dates, both conditional grant and equitable share.

Regards
N Sibisi

From: Nontobeko Zuma <Nontobeko.Zuma@kzndoe.gov.za> **On Behalf Of** Sindi Zakuza
Sent: Thursday, 18 July 2024 15:49
To: Nkosinathi Sibisi <NKOSIKAYIKHETHI.Sibisi@durban.gov.za>; Sindi Zakuza <Sindi.Zakuza@kzndoe.gov.za>; Nkosinathi Ngcobo <Nkosinathi.Ngcobo@kzndoe.gov.za>
Cc: Ntokozo Gumede <Ntokozo.Gumede@kzndoe.gov.za>; Mr Vela Cecil Gumede <sawelamakhosazana333@gmail.com>; Nontobeko Zuma <Nontobeko.Zuma@kzndoe.gov.za>; Yolande Mtshali <Yolande.Mtshali@kzndoe.gov.za>; Thami Ntanda <Thami.Ntanda@kzndoe.gov.za>
Subject: RE: Equitable share for June 2024

Good day Sibisi

Can we refer the matter to Finance and allow them time to respond on the matter, as ECD does not have the said information at their disposal at this moment.

Regards
Nontobeko Zuma

Sent on behalf of Ms SC Zakuza-Njakazi

From: Nkosinathi Sibisi <NKOSIKAYIKHETHI.Sibisi@durban.gov.za>
Sent: Thursday, 18 July 2024 09:30
To: Sindi Zakuza <Sindi.Zakuza@kzndoe.gov.za>; Nkosinathi Ngcobo <Nkosinathi.Ngcobo@kzndoe.gov.za>
Cc: Ntokozo Gumede <Ntokozo.Gumede@kzndoe.gov.za>; Mr Vela Cecil Gumede <sawelamakhosazana333@gmail.com>
Subject: Equitable share for June 2024

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Good Morning Mrs Zakuza-Njakazi

I am just doing a follow-up regarding the above subject, I however comprehend your swamped schedule. If I stimulate my memory, all equitable share Ecds were supposed to receive their subsidies on the 15th of June 2024, as significantly stipulated and prescriptive according to the service level agreement circulated to us.

Regards
N Sibisi
Fosa President

Please read this confidentiality disclaimer:

N.S
NN

Outlook

Annexure G

FW: subsidy

From Nkosinathi Sibisi <NKOSIKAYIKHETHI.Sibisi@durban.gov.za>
Date Wed 21 Aug 2024 08:41
To Sheniece Linderboom <sheniece@lrc.org.za>
Cc Kiara Govender <Kiara@lrc.org.za>

Morning Colleagues

Kindly find the below response from Doe.

Regards
N Sibisi



From: Thami Ntanda <Thami.Ntanda@kzndoe.gov.za>
Sent: Friday, 16 August 2024 23:13
To: Nkosinathi Sibisi <NKOSIKAYIKHETHI.Sibisi@durban.gov.za>
Subject: Re: subsidy

Dear President

I acknowledge receipt of your below email.
We sincerely apologise for the delay in the timely release of ECD payments.
The department is doing its utmost to secure sufficient funding to cover at least May and June's equitable share by next week, while also exploring the possibility of establishing and communicating potential payment dates as requested by the ECD associations.
I will update you by Thursday, Aug 22, on the progress in this regard, indicating the category of payment we will be able to release by then. I would kindly request that this be treated as just the update exclusively meant for the consumption of leadership for now, as it is still speculative, and only be shared with the general membership by Thursday once confirmed and becomes more credible.
I will ensure that regular updates, are provided on this matter going forward so that the leadership knows in advance what is going to happen with regard to payments more especially during this difficult phase the department is going through.
I trust that you will find this in order.

Best Regards,
Thami Ntanda

N.S
NNM

22/5/2025-4:35:20 PM

Annexure H

MEMORANDUM OF DEMANDS FROM ECD CENTRES

FROM	TO
FRIENDS OF SA ECD FORUM	DEPARTMENT OF BASIC EDUCATION



NOTE

WE DEMAND THAT OUR DEMANDS BE ESCALETED TO THE HIGHEST ACCOUNTING OFFICER AND POLITICIANS FOR THIS MESS IN THE ECD SECTOR, **AS FROM THE 1ST OF APRIL 2022 WHEN DEPARTMENT OF EDUCATION TOOK OVER FROM DEPARTMENT OF SOCIAL DEVELOPMENT.**

PREAMBLE

Children's charter is clear on the following

Children's rights and responsibilities

In any society, it is very important that children are protected and cared for. Children are vulnerable members of society. South African Bill of rights states that children have special rights which include the right to "special care and assistance".

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The United Nations drew up the Convention of the rights of the child so South Africa is not alone in recognising that children's right must be protected. South Africa and further 191 countries have signed this document.

All children are created equal and are entitled to basic human rights and freedom and that all children deserve respect and special care and protection as they develop and grow.

But we are still noting with contempt that

Within South Africa, children have not been treated with respect and dignity, but as a direct result of Apartheid have been subjected to discrimination, violence and racism that has destroyed families and communities and has disrupted education and social relationships hence the difference of treatment amongst children of different races and their **Basic Education Especially in the ECD Sector.**

South African constitution is also clear on the following

Education rights are contained in section 29 of the South African Constitution. In terms of section 29 **everyone has the right to a basic education, including adult basic education; (1)** and to further education, which the state, through reasonable measures, must make progressively available and accessible.

The Provision of the Right to Basic Education

In understanding the provision of the right to basic education, we should be guided by the preamble of the Constitution, which gives purpose and meaning to the Constitution. It states that the task ahead is to.

Heal the division of the past and establish a society based on democratic values, social justice and fundamental rights and improve the quality of life of all citizens and free the potential of each person.

Also important in defining the meaning of the rights to education is the international Covenant on Economic, Social and Cultural rights (ICESCR). This is arguably the most significant international convention, which recognises the right of everyone to education. Although not ratified by South Africa, it can be used to guide South Africa's relatively young socio-economic rights jurisprudence.

N.S
NNM

General Comment No 13 published by the Committee on Social, Economic and Cultural rights (CESCR) States that while the exact standard protected by the right may vary according to conditions prevailing in a particular State, education in all its forms and at all levels shall exhibit the following interrelated and essential features: availability, accessibility, acceptability and adaptability.

Availability- functioning educational institution must be available to all leaners. This entails the provision of buildings, sanitation facilities for both sexes, teaching material, libraries, computer facilities and access to the internet

Accessibility- has three overlapping dimensions: non-discrimination. Physical accessibility and economic accessibility; meaning education must be affordable, within safe physical reach, and must be grated on a non-discriminative basis.

Acceptability- the form and substance of education, including curricula and teaching methods have to be acceptable. This refers to the relevance appropriateness and quality of education, subject to educational objectives required.

Adaptability- education has to be flexible so it can adapt to societal changes and respond to the needs of learners within their diverse social and cultural settings.

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REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

On the basis of the preamble above as The South African ECD Sector we therefore demand the following.

1 Promptness of subsidy payments to all ECD Centre's which are due, for ECD Centre's to be able to perform their duties effectively and efficiently.

2 Clear mandate and functions of DOE in the ECD Sector to be communicated and known by all parties envolved.

3 Speedy funds transfer to Equitable Share ECD Centre's

4 Speedy registration of ECD Centre's for Partial Care and Programme Certificates. **These are South African children in those centres and are the custodians/beneficiaries of Children's right as per South African Constitution.**

5 Primary school's need to stop this illegal practices of enrolling children who are 3-4 Years into Primary School, since these school are not built to accommodate these children, and the teachers are not trained to handle the children of this age.

6 Registered but not funded ECD Centre's to receive the funding speedily, for ECD Centre's to be able to perform their duties effectively and efficiently.

7 All children are equal in the eyes of the State, therefore all ECD Practitioners have to be at the same level of imparting education to all children in front of them, so training of all Practitioners is imperative and urgent.

8 Communication with the ECD Centre's through circulars and HRM's is very important, as a standard measure of communication, which keeps everyone up to date with information.

9 We demand the review of stipends and to be in accordance with National minimum wage of R23.19 per hour therefore R3500

10 ECD Centre workers deserve better working conditions and benefits since they are doing an important service in the Country by educating and looking after children. The ECD Sector staff demand the following benefits;

- UIF
- Provident fund
- Compensation fund

11 School and other centres of learning are built by DOE, why the ECD Centre's have to go through such an agonizing and expensive process trying to make centre's to comply? Should it not be the same Department which does that? We need clear answers!

12 DOE from National, Provincial, District, Circuit level need to create a platform where all matters affecting the Sector are discussed and solved there.

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REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
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PIETERMARITZBURG

13 The ECD sector and its workers should be involved in the 2030 Strategic plan that is already in place, because the ECD Sector is not involved and there were no engagements with the sector or consultations with the Sector, **We have a slogan nothing for us without us.**

14 The Department of Basic Education should differentiate between the Pre Grade R and Grade R on the budget and Pre Grade R should be considered on the allocation of budget and be specific to Pre Grade R.

15 Department of Basic Education at all levels should employ staff in the ECD Directorate, who knows and understand the ECD Sector and to provide them with working resources like office computers, laptops, phones, vehicles etc.

16 We demand consistency in funding, No discrimination according to what powers that see it fit. Number of subsidy days be 264 days in all ECD Centre's

Issued By:

Friends of SA ECD Forum

1 Name/Surname: Sibusiso Tembe

Portfolio: Protest March Convener

Contact number 079 155 8382

Email: sibusisotembe0720@gmail.com

Signature:

2 Name/Surname: Nkosikayikhethi Sibisi

Portfolio: Protest March Deputy Convener

Contact number 066 078 4740/ 083 509 6864

N.S NKM

Email: nkosinathi.sibisi@durban.gov.za

Signature

Received By: ELIJAH MHLANGA
BASIC EDUCATION, PRETORIA
Department of ~~Education Zululand District~~

1 Name/Surname: MHLANGA

Portfolio CHIEF DIRECTOR FOR COMMUNICATIONS

Contact number 0837808275

Email Mhlangae@dbe.gov.za

Signature

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

Private Bag X9014, Pietermaritzburg 3200

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

2 Name/Surname

Portfolio

Contact number

Email

Signature

NJS
NDM

KZN ECD ALLIANCE
UNITED FOR CHILD'S SAKE

OFFICE OF THE SECRETARY

AA28 Mugabe Road,Umlazi. C: 0655732396. E: sphehhadebe@gmail.com

KZN ECD ALLIANCE

DATE SIGNED 09/07/2024

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

NS
NNM

KWAZULU-NATAL PROVINCE
EDUCATION
REPUBLIC OF SOUTH AFRICA

Annexure E

CHIEF DIRECTORATE: CURRICULUM MANAGEMENT

Private Bag X9137, PIETERMARITZBURG, 3200
Room 325 Ex NED Building, 228 Pietermaritz Street, Pietermaritzburg, 3201
Tel: 033 846 5130/45

Chief Directorate: Curriculum Management
Enquiries: SC. Zakuza-Njakazi
Email: szakuza@gmail.com /
beryl.khama@kzndoe.gov.za

TO : KZN ECD ALLIANCE

FROM : MRS SC ZAKUZA-NJAKAZI
CHIEF DIRECTOR: CURRICULUM MANAGEMENT

RE : FEEDBACK FROM THE ALLIANCE ON THE GRIEVANCE MEETING

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

1. The above matter has reference.
2. The chief Directorate acknowledges receipt of your letter.
3. The Chief Directorate apologizes for the oversight done by the administration team in extending an invite to FOSA, this was done as explained during the meeting to assist in the issue of time and due to matters of discussion being similar. This is part of the departments wish to have open communication with external stakeholders.
4. The issues raised as points of contention are noted and have been forwarded to finance for response. The Chief Directorate commits to working with ECD for the benefit of Quality Education for our children, as agreed in the meeting, the doors are open for addressing issues that may arise in the process of mitigating the challenges faced by the ECD sector.
5. Also as per the agreement during the meeting that consultation with specialist such as finance may be sort on other issues which curriculum is unable to assist with, therefore please allow for Finance Directorate time to respond to the matters raised.
6. We again are apologetic for further grievances.

Regards

Mrs SC Zakuza-Njakazi
Chief Directorate: Curriculum Management
Date: 11 July 2024

Annexure F

I hope will receive a palatable Nuance.

Regards
Fosa President.
N Sibisi

From: Nkosinathi Sibisi
Sent: Monday, 22 July 2024 07:16
To: 'Sindi Zakuza' <Sindi.Zakuza@kzndoe.gov.za>; 'Nkosinathi Ngcobo' <Nkosinathi.Ngcobo@kzndoe.gov.za>; 'Lalsingh Rambaran' <Lalsingh.Rambaran@kzndoe.gov.za>; 'Niroshni Moonsamy' <Niroshni.Moonsamy@kzndoe.gov.za>
Cc: 'Ntokozo Gumede' <Ntokozo.Gumede@kzndoe.gov.za>; 'Mr Vela Cecil Gumede' <sawelamakhosazana333@gmail.com>; 'Nontobeko Zuma' <Nontobeko.Zuma@kzndoe.gov.za>; 'Yolande Mtshali' <Yolande.Mtshali@kzndoe.gov.za>; 'Thami Ntanda' <Thami.Ntanda@kzndoe.gov.za>
Subject: subsidy Disbursement dates

Good Morning Colleagues

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Sent: Friday, 19 July 2024 07:50
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Subject: RE: Equitable share for June 2024

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

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Good Morning Mrs Zakuza-Njakazi

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Regards
N Sibisi
Fosa President

Please read this confidentiality disclaimer:

N.S
NN

Outlook

Annexure G

FW: subsidy

From Nkosinathi Sibisi <NKOSIKAYIKHETHI.Sibisi@durban.gov.za>
Date Wed 21 Aug 2024 08:41
To Sheniece Linderboom <sheniece@lrc.org.za>
Cc Kiara Govender <Kiara@lrc.org.za>

Morning Colleagues

Kindly find the below response from Doe.

Regards
N Sibisi



From: Thami Ntanda <Thami.Ntanda@kzndoe.gov.za>
Sent: Friday, 16 August 2024 23:13
To: Nkosinathi Sibisi <NKOSIKAYIKHETHI.Sibisi@durban.gov.za>
Subject: Re: subsidy

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Best Regards,
Thami Ntanda

N.S
NNM

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

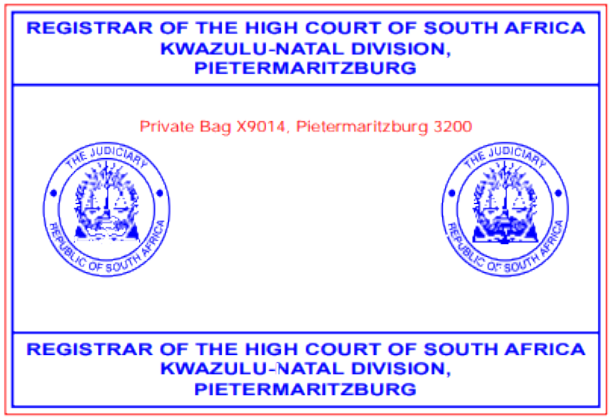
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

---

Annexure 16 and More

NOTE: **This document was filed electronically by the Registrar on 18/5/2025 at 1:06:20 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

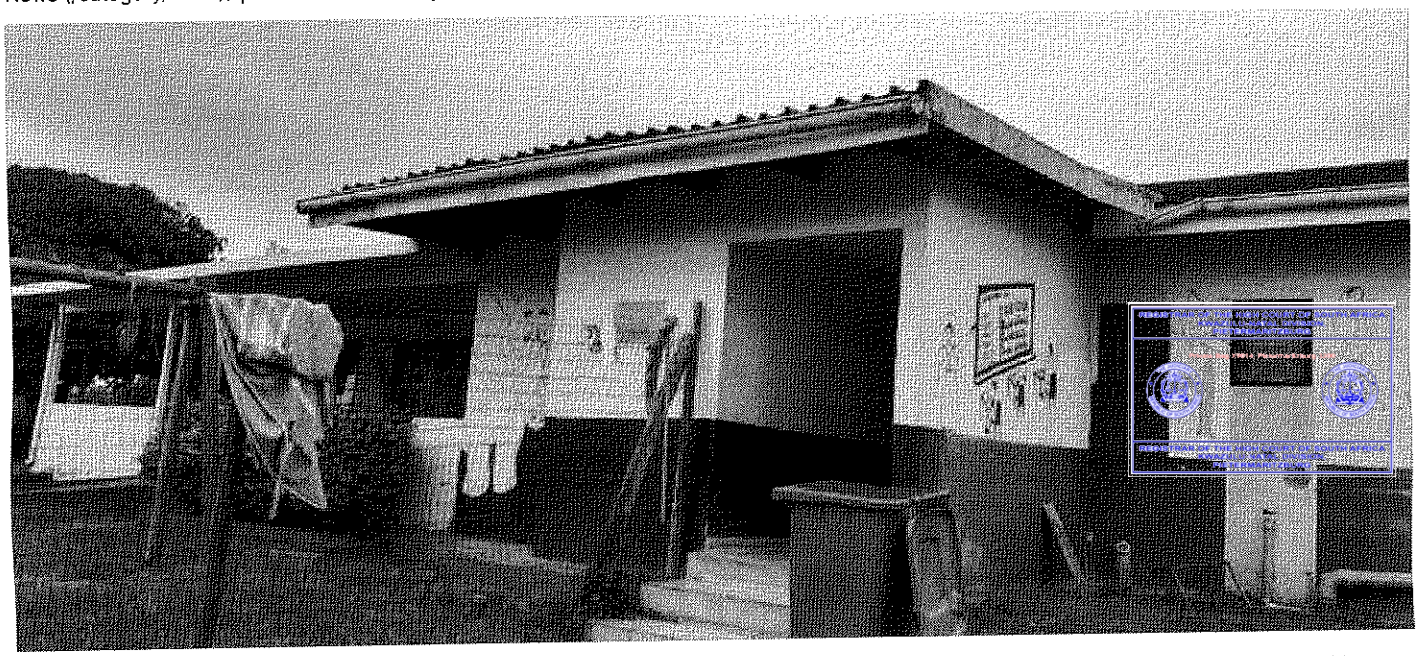
"NS18" 18/5/2025 1:06:20 PM

KwaZulu-Natal education department fails to pay crèches

The department confirmed there is a grant backlog but declined to give details

13 November 2024 | By Tsoanelo Sefoloko (/author/759/)

News (/category/news/) | Kwazulu-Natal (/region/South%20Africa/Kwazulu-Natal)



Early childhood development centres in KwaZulu-Natal, like this one in KwaNdengezi, west of Durban, have been battling because of irregular subsidy payments by the provincial department of education. Photo: Tsoanelo Sefoloko

- **Lawyers representing hundreds of early childhood development centres in KwaZulu-Natal say the provincial education department is failing to pay the centres their subsidies.**
- **As a result, the centres cannot pay staff or feed children properly, they say.**
- **The Legal Resources Centre has written to the provincial and national education departments demanding confirmation by Friday 15 November that all outstanding payments will be made by the end of the month.**
- **The provincial education department confirmed the backlog but declined to give details.**

Hundreds of early childhood development centres (ECDC) in KwaZulu-Natal have sent a lawyer's letter to the provincial department of education demanding their subsidies. The centres have been battling for months to get their subsidies of R17 per child per day.

Jurisdiction over the centres was moved from the department of social development to the department of education in 2022.

At the end of October the Legal Resources Centre (LRC), representing the Friends of South Africa ECD Forum and the KwaZulu-Natal ECD Alliance, wrote to the KZN Department of Education (KZNDoE), the national Minister of Basic Education, the provincial and national treasury, complaining that centres had been paid irregularly since 2023 and that many were still owed money.

The Forum has 500 members and the Alliance 600.

The LRC said the two organisations had complained several times and the KZN education department had acknowledged the problem and even apologised, but it had not given reasons or fixed the problem.

As a result of the failure to pay, principals of some ECD centres had been threatened by staff who had not been paid their salaries, the LRC said. Some principals had taken out personal loans to feed the children, and some had asked parents to send food.

"In cases where the parents are unemployed and living on social grants this is often not feasible, leaving many children to go hungry," the LRC said.

"The exchange of correspondence demonstrates that the KZNDoE is aware that ECD centres are operating without receiving the stipends that are due to them. Despite this, the KZN DoE has failed to offer substantiated reasons for the non-payment."

N.S NOM 1/4

18/3/2025-1:06:20 PM

On behalf of the two organisations, the LRC asked for a list of all ECD centres which had not been fully paid, and confirmation by 15 November that outstanding money would be paid by 29 November. They also demanded reasons for the non-payment and steps which would be taken to make sure it did not happen again.

LRC attorney Sheniece Linderboom told GroundUp the LRC had not yet received a response.

Zandile Hlongwa says she has been running an early childhood development centre in Umkomazi, south of Durban, for 12 years. She says the number of children in her centre has decreased from over 100 in 2023 to 39, because she has had to increase her fees in the absence of a regular stipend.

She said the department still owes her two months' stipends.

"Since we have been moved to the department of education, I have been struggling to pay teachers and to stick to the menu, because I couldn't afford to buy groceries ... I just buy something which is enough to last for the whole month.

"The parents didn't understand when I increased the fees from R200 to R300. I now have only two teachers at the centre because the number of children has decreased after I increased the school fees," said Hlongwa.

Mandulo Khuzwayo, who runs a centre in KwaNdengezi, west of Durban, said the department of education pays a grant of R17 per day per child, but when payments are late they sometimes have to borrow from loan sharks to keep operating and to pay staff.

"It is not easy to survive under these financial challenges. We are facing non-payment from the department of education. From the R17 grant per child, 40% goes to nutrition and the 40% teachers' stipend and 20% for the administration and the municipal bills," said Khuzwayo.

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"I am forced to give them whatever food is available. I can't send them home because some of them come from disadvantaged homes where they can't afford to have a proper breakfast."

KwaZulu-Natal department of education spokesperson Muzi Mahlambi said, "We can confirm that we started paying ECD centres. But from where I am sitting I can't tell you how many have been paid and how many still need to be paid, because it's an on going process."

Linderboom said the LRC was preparing for litigation if necessary.

More about children (/topic/children/)

- Begging to feed their children (/article/what-will-my-children-eat/) 22 April 2025
- Crèche owners march in Joburg demanding changes to by-laws (/article/creche-owners-march-in-joburg-demanding-changes-to-by-laws/) 15 April 2025
- Court orders Gauteng government to pay children's homes subsidies by Friday afternoon (/article/court-orders-gauteng-government-to-starting-paying-childrens-homes-subsidies-by-friday-afternoon/) 31 May 2024

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TOPICS: Children (/Topic/Children/) Education (/Topic/Education/)

Next: Thousands of Khayelitsha families have to use filthy toilets or an open field (/article/thousands-of-khayelitsha-residents-filthy-toilets/)

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WRITE A LETTER IN RESPONSE TO THIS ARTICLE (/LETTER/14780/)

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Our answers to your questions

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How long does it take to get an ID card? (/qanda/1092/)

My father died in 2006. He worked as a miner at Harmony Gold. Can I claim from the Tshiamiso Trust? (/qanda/1091/)

Can I apply for my newborn's birth certificate if I am still waiting for Home Affairs to verify my fingerprints? (/qanda/910/)

Why have I still not heard back from Home Affairs regarding my appeal for my rejected letter of good cause? (/qanda/925/)

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CASE NO: **2025-067855**

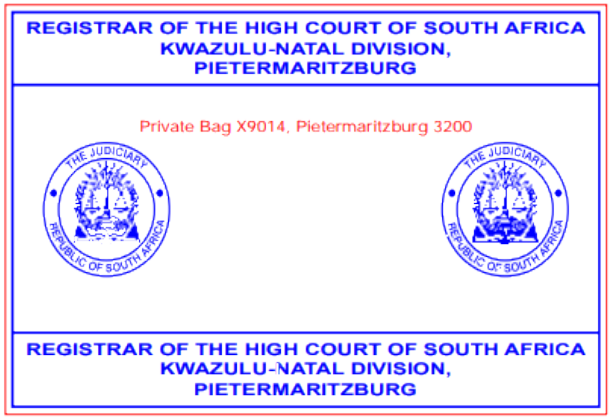
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 16 and More

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NS 19

Outlook

RE: Follow-up: Letter to the Minister of Basic Education

From Sheniece Linderboom <sheniece@lrc.org.za>
Date Mon 25 Nov 2024 11:06
To Wilter, Michael <Wilter.M@dbe.gov.za>; Cameron McConnachie <cameron@lrc.org.za>; Kiara Govender <Kiara@lrc.org.za>
Cc Mfeka, Luyanda <Mfeka.L@dbe.gov.za>

Dear Micheal,

Thank you for the response.

We look forward to hearing from you.

Kind regards,

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

+27 31 301 7572

www.lrc.org.za

+27 31 301 7572

1st Floor, CBI Building, 635 Peter Mokaba Road, Overport, Durban, 4001

sheniece@lrc.org.za

Sheniece Linderboom

Attorney

Kind regards,

Sheniece Linderboom
Attorney

+27 31 301 7572
+27 31 301 7572
sheniece@lrc.org.za
www.lrc.org.za
1st Floor, CBI Building, 635 Peter Mokaba Road, Overport, Durban, 4001

LEGAL RESOURCES CENTRE

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From: Wilter, Michael <Wilter.M@dbe.gov.za>
Sent: Monday, 25 November 2024 10:47
To: Sheniece Linderboom <sheniece@lrc.org.za>; Cameron McConnachie <cameron@lrc.org.za>; Kiara Govender <Kiara@lrc.org.za>
Cc: Mfeka, Luyanda <Mfeka.L@dbe.gov.za>
Subject: RE: Follow-up: Letter to the Minister of Basic Education

Dear Sheniece

Thank you for your email. We are engaging with the Department of Basic Education to see what progress has been made in this regard. We will revert to you as soon as possible.

Kind regards,

Mike

Michael Wilter
Special Advisor: Policy, Regulation and Technology
Office of the Minister of Basic Education
Tel Cape Town: 021 465 7350
www.education.gov.za | Facebook: DBE SA | Twitter: DBE_SA

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Sent: Thursday, November 21, 2024 4:03 PM
To: Wilter, Michael <Wilter.M@dbe.gov.za>; Cameron McConnachie <cameron@lrc.org.za>; Kiara Govender <Kiara@lrc.org.za>
Subject: RE: Follow-up: Letter to the Minister of Basic Education

Afternoon Michael,

I hope you are well.

I resent the LOD to the KZNDOE, however we still have not received a written response. I am just following up on whether you have been able to engage the matter and the KZNDOE from your side at all.

I hope to hear from you.

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

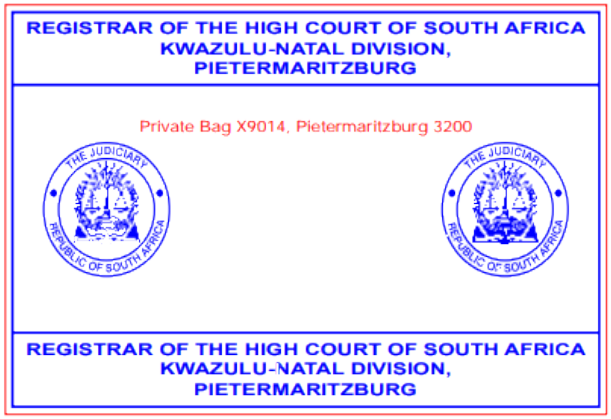
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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1st Floor, CBI Building,
635 Peter Mokaba Road,
Overport, Durban, 4001

Tel: +27 31 301 7572
Fax: +27 31 304 2823

info@lrc.org.za

16 April 2025

Mr Sipho Emmanuel Hlomuka

KwaZulu-Natal Department of Basic Education: MEC

By Email: sipho.hlomuka@kzndoe.gov.za
mecpa@kzndoe.gov.za
bongekile.thabethe@kzndoe.gov.za
amanda.magasela@kzndoe.gov.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

Dr Nkosinathi Ngcobo

KwaZulu-Natal Department of Basic Education: HOD

By Email: nkosinathi.ngcobo@kzndoe.gov.za

PER EMAIL

Dear Sirs/Mesdames,

RE: LETTER OF DEMAND - IRREGULAR PAYMENT PRACTICES FOR EARLY CHILDHOOD DEVELOPMENT (ECD) EQUITABLE SHARE AND CONDITIONAL GRANT SUBSIDIES

1. We write on behalf of our clients, the Friends of South Africa ECD Forum ("FOSA") and the KwaZulu-Natal ("KZN") ECD Alliance, which are organisations that

represent approximately 500 and 600 ECD centres in KZN, respectively. Among these represented centres are Zenzeleni Crèche (NPO number 032-484), Phumelela Crèche (NPO number 047-572), and Sakhokwethu Crèche (NPO number 032-433).

2. We confirm that the Legal Resources Centre has on two previous occasions written to the KZN Provincial Department of Education ("KZNDoE"), in the context of irregular and inconsistent ECD equitable share and conditional grant payments owed to ECD centres within our clients' networks, to demand payment of outstanding monies and a comprehensive list of the affected centres. We received no formal response or acknowledgment to either correspondence. The letters dated 1 February 2024 and 29 October 2024 are annexed hereto as **"LRC 1"** and **"LRC 2"**, respectively.

3. To avoid repetition of the circumstances and issues that have already been set out in our previous letters, we refer you to the letter marked **"LRC 2"** and its corresponding annexures for a complete overview.

4. Further to reiterating the demands set out in the above letter with the following amended timeframes, we have been instructed to demand the following:

   4.1. The KZN MEC for Education is to deliver the KZNDoE's list of names and addresses of all registered ECD centres in KZN that are recipients of the conditional grant or equitable share subsidies, setting out the total subsidy amounts that are outstanding in respect of each centre — on or before **25 April 2025**.

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4.2. Written confirmation of the detailed steps that will be taken, to be delivered on or before **25 April 2025**, committing to payment of any and all outstanding monies due to the affected ECD centres before the end of April 2025.

5. In addition to these demands, we have been instructed to demand the following outstanding subsidy payments owed to Zenzeleni Crèche, Phumelela Crèche and Sakhokwethu Crèche:

5.2 Zenzeleni — R79 730 in respect of five outstanding payments of R15 946 from November 2024 to March 2025, to be paid by 25 April 2025.



5.3 Phumelela — R64 070 in respect of five outstanding payments of R12 814 from November 2024 to March 2025, to be paid by 25 April 2025

5.4 Sakhokwethu — R37 873 in respect of three outstanding payments of R7119 for January, February and March 2023 and two outstanding payments of R8258 for February and March 2025, to be paid by 25 April 2025.

6. While we hope that the issue will be resolved speedily and amicably, we hold instructions to approach the High Court for appropriate relief if our clients' demands are not met. All of our clients' rights are reserved.

Yours Faithfully,

SHENIECE LINDERBOOM
sheniece@lrc.org.za / 031 301 7572

3

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Copy to: **Honourable Siviwe Gwarube**

Minister of Basic Education

By Email: sgwarube@parliament.gov.za

Copy to: **Mr Michael Wilter**

Office of the Minister of Basic Education: Special Advisor

By Email: wilter.m@dbe.gov.za



Copt to: **Dr Duncan Pieterse**

Director-General: National Treasury

By Email: duncan.pieterse@treasury.gov.za

lindiwe.mnisi@treasury.gov.za

Copy to: **Ms Carol Coetzee**

KwaZulu-Natal Treasury

By Email: carol.coetzee@kzntreasury.gov.za

thulile.ndlovu@kzntreasury.gov.za

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represent approximately 500 and 600 ECD centres in KZN, respectively. Among these represented centres are Zenzeleni Crèche (NPO number 032-484), Phumelela Crèche (NPO number 047-572), and Sakhokwethu Crèche (NPO number 032-433).

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Yours Faithfully,

SHENIECE LINDERBOOM
sheniece@lrc.org.za / 031 301 7572

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Copy to: **Honourable Siviwe Gwarube**

Minister of Basic Education

By Email: sgwarube@parliament.gov.za

Copy to: **Mr Michael Wilter**

Office of the Minister of Basic Education: Special Advisor

By Email: wilter.m@dbe.gov.za



Copt to: **Dr Duncan Pieterse**

Director-General: National Treasury

By Email: duncan.pieterse@treasury.gov.za

lindiwe.mnisi@treasury.gov.za

Copy to: **Ms Carol Coetzee**

KwaZulu-Natal Treasury

By Email: carol.coetzee@kzntreasury.gov.za

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CASE NO: **2025-067855**

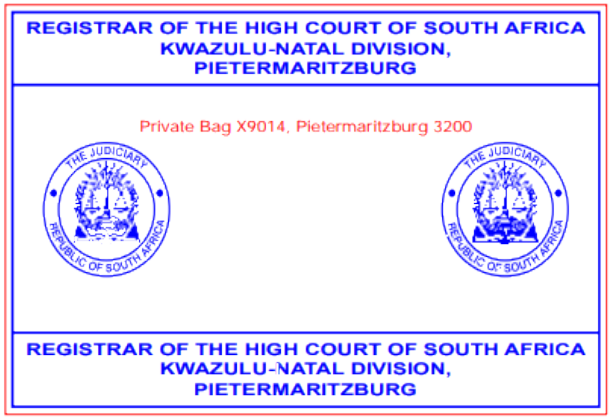
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Supporting Documents

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IN THE HIGH COURT OF SOUTH AFRICA

KWAZULU-NATAL DIVISION, PIETERMARITZBURG

CASE NO: 2025-067855

FRIENDS OF SOUTH AFRICA EARLY CHILDHOOD DEVELOPMENT FORUM	First Applicant
KWAZULU-NATAL EARLY CHILDHOOD DEVELOPMENT ALLIANCE	Second Applicant
SAKHOKWETHU CRÈCHE	Third Applicant
PHUMELELA CRÈCHE	Fourth Applicant
ZENZELENI CRÈCHE	Fifth Applicant
and	
MEC FOR EDUCATION: KWAZULU-NATAL	First Respondent
HEAD OF DEPARTMENT, KWAZULU-NATAL DEPARTMENT OF EDUCATION	Second Respondent
DIRECTOR OF EARLY CHILDHOOD DEVELOPMENT, KWAZULU-NATAL DEPARTMENT OF EDUCATION	Third Respondent
MINISTER OF BASIC EDUCATION	Fourth Respondent
MINISTER OF FINANCE	Fifth Respondent
MEC FOR FINANCE: KWAZULU-NATAL	Sixth Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL DIVISION, PIETERMARITZBURG

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MINISTER OF SOCIAL DEVELOPMENT Seventh Respondent

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS Eighth Respondent

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SUPPORTING AFFIDAVIT ON THE LEGAL FRAMEWORK

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LEGISLATIVE FRAMEWORK 9
Budget and the Financing of ECD 13
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REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

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19/5/2025 8:49:42 PM

I, the undersigned,

SHENIECE LINDERBOOM

state under oath the following:

1. I am an adult female attorney practicing as such at the Legal Resources Centre, situated at 1st Floor, CBI Building, 635 Peter Mokaba Road, Overport, Durban. The Legal Resources Centre ("LRC") are the attorneys of record for the applicants in this matter.



2. The contents of this affidavit are within my personal knowledge, except where the context indicates otherwise, and are to the best of my belief both true and correct. I make legal submissions in this affidavit on the basis of advice sought and obtained by the applicants and the LRC.

3. I have read the contents of the main founding affidavit of Nkosinathi Sibisi and confirm its contents insofar as they relate to the actions and role of the LRC in this matter. That affidavit sets out the devastating consequences that non-payment of the ECD Grant subsidies are having on the applicants and others who are in a similarly situated position.

4. The purpose of this affidavit is also to set out the legal framework around the right to early childhood development ("ECD"). I do this to substantiate the relief sought by the applicants.

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EARLY CHILDHOOD DEVELOPMENT

5. In this affidavit I will demonstrate that young children have a right to early childhood development in terms of our Constitution of the Republic of South Africa, 1996, the Bill of Rights, the Children's Act 38 of 2005 and international law.

6. ECD is an essential component of the right to life, survival and development. Indeed, the obligation to provide ECD is expressly set out in the Children's Act and the state has an obligation to provide such services.

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REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

7. There is sufficient foundation within the Constitution and the Children's Act for claiming ECD as a holistic right in South Africa. This imposes an obligation on South Africa to provide access to ECD services by supporting or supplementing the environment of a child during the early childhood period, to those in need, to ensure the realisation of their right to development.

8. These services are referred to within the ECD sector as the "essential package" of ECD services. They are comprised of the following components:

   8.1. Nutritional support;

   8.2. Primary caregiver support;

   8.3. Social services and protection;

   8.4. Health care services; and

   8.5. Early care and educational programmes.

9. The holistic delivery of this package of services is an essential pre-condition for

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the fulfilment of many constitutional rights of children and the rights embedded in the Children's Act. The state itself acknowledges the importance of providing these services and the important role ECD plays in children's lives.

10. The National Integrated Early Childhood Development Policy ("NIECDP") states:

> *"Government is mandated and obligated to ensure the provision of early childhood development services as a right. In addition, they must be publicly provided because they afford a foundation for good child outcomes as well as national developmental outcomes; are necessary to equalise the developmental deficits experienced by infants and young children vulnerable to risk factors; and thus, are necessary to addressing South Africa's two key development challenges: poverty and inequality."*

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PIETERMARITZBURG

11. In KZN, 58% of young children (children under six) live in rural households.[1] Access to basic services and service delivery in rural areas where the population is more spread out is often limited or obstructed by poor infrastructure, requiring considerable spending on transport to access health care or social grants.[2]

12. Further to this, approximately 81% of young children in KZN live below the poverty line with a 49% food poverty rate — which is the value that allows people to eat the minimum calories needed for survival.[3] There is a high prevalence of

[1] Hall K, Almeleh C, Giese S, Mphaphuli E, Slemming W, Mathys R, Droomer L, Proudlock P, Kotze J, and Sadan M "South African Early Childhood Review 2024" Cape Town: Children's Institute University of Cape Town and Ilifa Labantwana, page 12.
[2] Ibid.
[3] Ibid.

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malnutrition in South Africa — particularly, stunting, which is the most common form of malnutrition and affects physical and cognitive development, giving affected children a higher likelihood of starting school with developmental delays, and performing poorly at school. Stunting is also closely linked with future unemployment, and chronic conditions such as obesity, hypertension and diabetes in adulthood.[4] In KZN, there was a 28% stunting rate according to the National Food and Nutrition Security Survey conducted by the Human Sciences Research Council between 2021 and 2023.[5] ECD centres also promote higher immunisation coverage due to a majority of early learning programmes being within 30 minutes of the nearest clinic.[6] Access to ECD centres in these under-resourced areas serve as a vital contact point for the provision of the essential package.

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13. The state's support of ECD centres is thus intended to increase access to these services for poor children, who would otherwise not be able to enjoy these rights. The corollary is that a failure or the withholding of this support denies access to this right and a failure of the state to fulfil its statutory and constitutional obligations.

CONSTITUTIONAL FOUNDATION OF ECD

14. Section 2 of the Constitution states that the Constitution is the supreme law of the Republic and law or conduct inconsistent with it is invalid, and the obligations

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[4] Ibid, page 26.
[5] Simelane, T. Mutanga, S.S. Hongoro, C. Parker, W. Mjimba V. Zuma, K. Kajombo, R. Ngidi, M. Masamha, B. Mokhele, T. Managa, R. Ngungu, M. Sinyolo, S. Tshililo, F. Ubisi, N. Skhosana, Ndinda, C. Sithole, M. Muthige, M. Lunga, W. Tshitangano, F. Dukhi, N., F. Sewpaul, R. Mkhongi, A. Marinda, E., (2023). National Food and Nutrition Security Survey: National Report: HSRC: Pretoria.
[6] See note 1, page 22.

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imposed by it must be fulfilled. Section 237 of the Constitution states that all constitutional obligations must be performed diligently and without delay.

15. A right to ECD is not mentioned by name in the Constitution, but it is implicit in the many rights which the Bill of Rights vests in children.

16. Section 28 of the Bill of Rights sets out the rights of children. Section 28(1) guarantees, amongst others, the rights to family care or parental care, or to appropriate alternative care when removed from the family environment, to basic nutrition, shelter, basic health care services and social services, to be protected from maltreatment, neglect, abuse or degradation and section 28(2) provides that in all matters concerning a child, a child's best interest are of paramount importance.

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17. Section 11 of the Constitution guarantees everyone the right to life. The Constitutional Court has ruled that the right to life includes the right to have food, water and social security. These are positive obligations which are placed on the state which means that the state must take positive steps to meet these obligations. These matters will be addressed further in legal argument.

18. Section 10 of the Bill of Rights states: "Everyone has inherent dignity and the right to have their dignity respected and protected." The Constitutional Court has ruled that the right to dignity is inherent in the right to life.

19. Section 9 of the Constitution provides:

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(1) *"Everyone is equal before the law and has the right to equal protection and benefit of the law.*

(2) *"Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken."*

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20. Section 27(1)(a) and (b) of the Constitution provides the right to access healthcare services, sufficient food, and water. Section 29 contains the immediately realisable right to a basic education.

21. Section 29(1)(a) guarantees the right to a basic education. What the young children receive at the ECD centres are precisely that. Apart from sustenance towards their development, these children also receive the basics of an early education. All of this forms the essential package, described earlier, dealing with their early childhood development.

22. Based on the foregoing, I submit that children from birth to the age of five, represent the most vulnerable amongst us because they are completely dependent on the care they receive, at ECD centres, for their development. This is essential to the growth and development of children if they are to stand any chance of realising the rights in the Bill of Rights during the course of their early years. There can be no suggestion that these foregoing rights do not vest in and are not guaranteed to such young people.

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23. It follows therefore that the failure to provide funding for the ECD programmes is in direct contravention of the above constitutional rights that vest in children. They directly impact on a child's right to sufficient food and nutrition and indirectly affect their rights to a basic education and accessing healthcare services.

24. But the contravention goes deeper. It also results in a failure by the state to comply with its statutory duties, too.

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25. The Children's Act is the subsidiary legislation that gives effect to the rights of children. I deal with this next.

LEGISLATIVE FRAMEWORK

26. Recognising the aforesaid rights, the Children's Act set out the contents of the right to ECD.

27. The long title of the Children's Act is "to give effect to certain rights of children as contained in the Constitution; … to provide for early childhood development". In its preamble, the Act states that:

27.1. every child has the rights set out in section 28 of the Constitution;

27.2. the State must respect, protect, promote and fulfil those rights;

27.3. the United Nations has in the Universal Declaration of Human Rights proclaimed that children are entitled to special care and assistance;

27.4. the need to extend particular care to the child has been stated in the

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Geneva Declaration on the Rights of the Child, in the United Nations Declarations on the Rights of the Child, in the Convention on the Rights of the Child and in the African Charter on the Rights and Welfare of the Child, recognised in the Universal Declaration organisations concerned with the welfare of children.

28. Some of the objects of the Act, in terms of sub-sections 2(c) and (d) are to:

28.1. give effect to the Republic's obligations concerning the well-being of children in terms of international instruments binding on the Republic; and



28.2. make provision for structures, services and means for promoting and monitoring the sound physical, psychological, intellectual, emotional and social development of children.

29. In implementing this Act, organs of state in the national, provincial and, where applicable, local spheres of government who are subject to any specific section of this Act and regulations allocating roles and responsibilities, must fulfil their obligations in an integrated, co-ordinated and uniform manner.

30. Further, where competing social and economic needs exist, organs of state in the national, provincial and, where applicable, local spheres of government must, in the implementation of this Act, take reasonable measures to the maximum extent of their available resources to achieve the realisation of the objects of this Act.

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31. By extension of the purpose of the Act, the allocation of such services is an immediately realisable one that is not subject to progressive realisation based on the availability of resources. This is evident when going through the further material and applicable sections of the Act.

32. The general principles surrounding the Act are as follows. All proceedings concerning the child must:

32.1. respect, protect, promote and fulfil the child's rights set out in the Bill of Rights, the best interests of the child standard set out in section 7 and the rights and principles set out in this Act, subject to any lawful limitation

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32.2. respect the child's inherent dignity; and

32.3. recognise a child's need for development and to engage in play and other recreational activities appropriate to the child's age.

33. In applying the Act, the rights which a child has in terms of this Act supplement the rights which a child has in terms of the Bill of Rights. And all organs of state in any sphere of government and all officials, employees and representatives of an organ of state must respect, protect and promote the rights of children contained in this Act.

34. Chapter 6 of the Act sets out the section on ECD. I highlight below some of the essential aspects and these matters will be dealt with further in legal argument. I submit at the outset that this demonstrates that the Legislature has recognised the importance of ECD by making specific provision for it in a Chapter in the Children's Act.

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35. Section 91(1) of the Children's Act characterises early childhood development as "the process of emotional, cognitive, sensory, spiritual, moral, physical, social and communication development of children from birth to school-going age." ECD services are then defined in section 91(2) as regular services provided by someone other than a child's parent or caregiver that are intended to promote early childhood development, until a child reaches school-going age.

36. Section 92 of the Act sets out the state's strategy concerning ECD. It places an obligation on:

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36.1. The Minister, after consultation with interested persons and the Ministers of Education, Finance, Health, Provincial and Local Government and Transport must include in the departmental strategy a comprehensive national strategy aimed at securing a properly resourced, co-ordinated and managed early childhood development system, giving due consideration as provided in section 11, to children with disabilities or chronic illnesses.

36.2. The MEC, in this instance within KwaZulu-Natal, for basic education must maintain a record of all the early childhood development programmes registered in the province; and within the national strategy referred to in subsection (1), provide for a provincial strategy aimed at a properly resourced, co-ordinated and managed early childhood development system.

36.3. The MEC for basic education must compile a provincial profile at the prescribed intervals in order to make the necessary information available

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for the development and review of the strategies referred to in subsections (1) and (2).

Budget and the Financing of ECD

37. Section 93 of the Act deals with the provision of funding towards ECD programmes. According to this section:

37.1. The MEC for education may, from money appropriated by the relevant provincial legislature, provide and fund early childhood development programmes for that province.

37.2. An early childhood development programme must be provided in accordance with this Act and comply with the above prescribed national norms and standards.

37.3. The funding of early childhood development programmes must be prioritised in communities where families lack the means of providing proper shelter, food and other basic necessities of life to their children.

Subsidy Frameworks

38. Subsidies are funded from both the Early Childhood Development Grant ("ECDG"), a conditional grant administered by the DBE, and by Provincial Education Departments ("PEDs") using a portion of their provincial equitable share. As a conditional grant, funding provided through the ECDG is strictly ring-fenced and must be used by PEDs within the parameters set out by the DBE. The allocation and use of the ECDG is governed in terms of the ECD Conditional Grant Framework, revised each year by the DBE and included annually within Annexure W2 to the Division of Revenue Bill. A copy of the most recent

framework for the 2024/25 financial year is annexed hereto as "**SL 1**".

39. The most recent framework sets the value of the ECD subsidy drawn from the ECDG at R17 per qualifying child per day at registered ECD centres, and R6 per qualifying child per session attending non-centre ECD establishments. These subsidies have not increased since 2019. The allocation made towards the ECDG under the Division of Revenue Bill B7 of 2025 has been reported to increase the subsidy allocated per child at registered ECD centres to R24. However, the 2025/26 ECD Conditional Grant Framework that accompanied the Bill, annexed hereto as "**SL 2**", still reflects a subsidy of R17 per child per day. The Bill was, however, withdrawn on 24 April 2025 in accordance with Assembly Rule 334.

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40. However, underspending on the ECDG remains a significant issue. The most recent Conditional Grants Expenditure Report presented to the National Council of Provinces' Appropriations Committee on 16 October 2024 revealed that, on average, provinces are only spending 42% of the ECDG grant allocated to them. The report also revealed that the KZNDOE only spent 45.7% of the ECDG grant it was allocated. A copy of this report is annexed hereto as "**SL 3**".

41. The framework also details the process that must be followed in applying for ECD funding and in paying subsidies out to ECD centres and non-centre establishments in broad terms. While PEDs are left to determine the finer details of this process in their own business plans, the framework does clearly require the subsidy payments to be calculated using centre and non-centre

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establishments enrolment figures at the start of the year and paid out on a quarterly basis.

42. PEDs also contribute towards ECD subsidies using a portion of their provincial equitable share. These funds are allocated at the discretion of PEDs, and the exact allocation thereof differs between provinces.

43. It goes on to state that ensuring the right to life, survival and development includes the need to consider budgets for different groups of children within the current generation, while also taking future generations into account by developing sustainable multi-year revenue and spending projections.

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44. ECD centres are required to register under the Children's Act. If registration is successful, the centre then qualifies to access the state subsidy. If the ECD centre does not however meet the registration requirements, they are largely left to fend for themselves and operate using the fees received from parents, which are negligible in poor communities.

45. Subsidies are granted to ECD centres on a per capita basis taking into account the number of children in attendance at the centre and the number of days children spend at the centre during the year. If an ECD centre is located in a designated municipal ward that has been identified for the targeting of subsidies, all children in attendance at the centre are subsidised. If it is located outside of these areas, only the children in attendance whose parents or caregivers pass a means test will be subsidised. The subsidy value will also vary between centre and non-centre establishments.

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Regulations

46. According to the General Regulations Regarding Children, 2010; GN R261 in GG 33076 of 01 April 2010 ("2010 Regulations"), regulation 28 subjects all ECD programmes to assessment and monitoring of norms and standards of the provision of ECD. All assessment and monitoring visits must be followed by a full report and development plan that must be submitted to the provincial head of social development and the management of the early childhood development programme. Assessment and monitoring of early childhood development programmes must take place every two years.

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Norms and Standards

47. Section 94 of the Act places an obligation on the Minister to determine national norms and standards for early childhood development programmes by regulation after consultation with interested persons and the Ministers of Education, Finance, Health, Provincial and Local Government and Transport.

48. These norms and standards were determined and were placed as an annexure to the 2010 Regulations. The National Norms and Standards for Early Childhood Development Programmes sets out six broad norms and standards. These are:

48.1. The provision of appropriate developmental opportunities.

48.2. Programmes aimed at helping children to realise their full potential.

48.3. Caring for children in a constructive manner and providing support and security.

48.4. Ensuring development of positive social behaviour.

48.5. Respect for and nurturing of the culture, spirit, dignity, individuality, language and development of each child.

48.6. Meeting the emotional, cognitive, sensory, spiritual, moral, physical, social and communication development needs of children.

49. In order to provide appropriate developmental opportunities, the programme must be delivered by members of staff who have the knowledge and training to deliver developmental programmes and be appropriate to the developmental stages of children.

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50. The caring of children, according to the norms and standards, is programmes that must adhere to policies, procedures and guidelines related to health, safety and nutrition. These include,

50.1. Safe and clean toilet facilities,

50.2. At least one meal a day provided, of which should adhere to the needs of the child's nutritional requirements;

50.3. Staff must be adequately trained and possess knowledge and skills to recognise children's serious illnesses and how to deal with those.

International Law

51. As foreshadowed in the Children's Act, international law gives content to these rights and obligations. The rights in the Bill of Rights are to be interpreted consistently with international law in terms of section 39 (1) of the Bill of Rights.

52. Furthermore, international law is expressly acknowledged in the long title and

preamble of the Children's Act. In this section, I set out the various principles of international law.

53. Article 1 of the Geneva Declaration of the Rights of the Child states that a "child must be given the means requisite for its normal development, both materially and spiritually".

54. Principle 2 of the United Nations Declaration of the Rights of the Child state that "the child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration".

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55. Article 6 of the United Nations Convention on the Rights of the Child ("UNCRC") which South Africa has ratified, reads as follows:

> *"1. States Parties recognize that every child has the inherent right to life.*
>
> *2. States Parties shall ensure to the maximum extent possible the survival and development of the child."* (Emphasis added)

56. Regarding the interpretation of "development" in Article 6, General Comment No 5 provides that it must be understood "in its broadest sense as a holistic concept, embracing the child's physical, mental, spiritual, moral, psychological and social development". This implies, that the implementation of Article 6

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requires more from states than steps that will ensure the survival of a child into adulthood.

57. General Comment No 7 states *"that the right to survival and development can only be implemented in a holistic manner, through the enforcement of all the other provisions of the Convention, including rights to health, adequate nutrition, social security, an adequate standard of living, a healthy and safe environment, education and play (arts. 24, 27, 28, 29 and 31), as well as through respect for the responsibilities of parents and the provision of assistance and quality services (arts. 5 and 18)."* (Emphasis added)

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58. Similarly, ECD depends on the holistic delivery of the essential package of ECD services. Thus, despite not explicitly mentioning early childhood development, General Comments 5 and 7 reinforce the notion that the compound nature of early childhood development is best encapsulated by article 6, by highlighting the interconnectedness of the UNCRC's provisions that impact development.

59. Similarly, Article 5 of the African Charter on the Rights and Welfare of the Child, which South Africa has ratified, states:

> *"1. Every child has an inherent right to life. This right shall be protected by law.*
>
> *2. States Parties to the present Charter shall ensure, to the maximum extent possible, the survival, protection and development of the child."* (Emphasis added)

60. General Comment 19 of the UNCRC on public budgeting for the realisation of children's rights acknowledges that investment in childhood development has a positive impact on children's ability to exercise their rights, breaks poverty cycles and brings high economic returns. Underinvestment in children in their early years can be detrimental to cognitive development and can reinforce existing deprivations, inequalities and intergenerational poverty.

POLICY FRAMEWORK

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61. I submit that there can be no doubt about this because our government has recognised these arguments in policy, since 2015.

62. The NIECDP was developed by the Department of Social Development ("DSD") with the goal of increasing access to subsidised ECD services for poor children. It states that "[g]overnment recognises early childhood development as a fundamental and universal human right to which all young children are equally entitled without discrimination."[7]

63. The principles underpinning the implementation of the NIECDP include a "human rights-based approach to early childhood development,"[8] which is described as follows:

> *"[The NIECDP] is grounded in, and seeks to give effect to, the Government of South Africa's international, regional and national legal commitments to recognise, respect, protect and promote*

[7] Paragraph 1.3.1 of the NIECDP.
[8] Page 50 of NIECDP. United Nations, 2002; United Nations, 2010.

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the universal rights of all young children and their caregivers protected by international, regional and national law." [9]

64. It expressly recognises a child's universal right to life, survival and development in terms of international law, and states that the government has a legal obligation to ensure that ECD services are provided to support the realisation of this right.[10]

65. To effectively enforce this obligation, the Policy calls for "a strong early childhood development system made up of policies and laws, in terms of which responsibilities are spelt out and role players can be held accountable for the realisation of the universal enjoyment of young children's rights."[11]

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66. The policy defines ECD programmes as "Programmes that provide one or more forms of daily care, development, early learning opportunities and support to children from birth until the year before they enter formal school."

STEPS TAKEN TO REMEDY THE ONGOING VIOLATIONS

67. I have read the main founding affidavit and confirm the steps taken to remedy the failure to provide funding for ECD programmes. These were taken in an effort to remedy the on-going and inconsistent funding of the ECD programmes.

68. ECD centres within the FOSA and KwaZulu-Natal ECD Alliance ("KZN ECD Alliance") networks first experienced irregularities and delays in the subsidy

[9] Page 50 of NIECDP.
[10] Page 50 of NIECDP.
[11] Page 50 of the NIECDP.

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payments from the second respondent in April 2022. The problem escalated in September 2023, when successive subsidy payments went unpaid for several KZN ECD centres, with no explanation provided by the second respondent for this omission. This resulted in many unsuccessful attempts by the applicants to find out why ECD centres were not being paid. The non-payment of the subsidy had devastating effects on the running of the affected ECD centres; impacting the staff, the parents and most significantly, the children.

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69. Despite the subsidy amount of R17 per child per day being wholly inadequate to provide the necessary package of services, ECD centres do rely heavily on the subsidy to keep their centres operational. Due to unreliable subsidy payments, centres have been forced to increase fees, demand payment of fees, or request parents or guardians to send their children to the ECD centres with food from home. These requests are made despite the reality of parents being unable to afford the increases or not having sufficient food at home to send with their children.

70. These measures have resulted in a decrease in attendance by impoverished children who qualify for the subsidy. Due to the untenable financial difficulties, many centres face the real prospect of having to close.

71. From September 2023 until the time of signing this affidavit, subsidy payments have become increasingly inconsistent and unreliable, leading to the exponential decline of the ECD sector — particularly in marginalised communities. This is entirely at odds with the stated intention of the subsidy which is to secure universal access to ECD.

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72. As stated by the National Treasury at page 25 of their "2024 Budget Review: Explanatory Memorandum to the Division of Revenue":

> *"The early childhood development grant supports government's prioritisation of early childhood development, as envisioned in the National Development Plan. The grant aims to improve poor children's access to early childhood programmes and ensure that early childhood development centres have adequate infrastructure"*[12]

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73. For ECD centres that rely entirely on the subsidy, the risk of closing is imminent, which would be a retrogressive measure and lead to the contraction of the sector rather than the envisioned universal access that the subsidy is intended to work towards.

ADMINISTRATIVE CHALLENGES

74. As the main founding affidavit demonstrates there are clear deficiencies in the manner in which the government has approached its obligations with respect to ECD. This has resulted in ongoing and continuing violations of the Constitution, the Children's Act and international law.

75. The KZNDoE has consistently failed to uphold its administrative responsibilities in relation to ECD subsidy funding, thereby undermining the viability and

[12] https://www.treasury.gov.za/documents/national%20budget/2024/review/Annexure%20W1.pdf

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sustainability of ECD centres such as Phumelela, Zenzeleni, Sakhokwethu and centres throughout the province.

76. In the unexpected event of there being a valid Transfer Payment Agreement ("TPA") between an ECD centre and the KZNDoE, the Department still employs a pattern of delayed, sporadic, and entirely absent payments.

76.1. Phumelela, for example, was without funding for five consecutive months.

76.2. Similarly, Zenzeleni has not received any subsidy since October 2024, despite fulfilling all administrative obligations, including the submission of claims and necessary documentation.

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77. The payment histories of these ECD centres illustrate a systemic pattern of neglect rather than isolated incidents.

78. The Department has demonstrated an inability to manage and update internal administrative systems necessary to ensure efficient payment of subsidies. In several instances, including Phumelela and Zenzeleni, ECD centres complied with departmental directives to change their banking details from Ithala to other respective banks following the application for the liquidation of Ithala, only to encounter the KZNDoE's continual failure to process payments to these new accounts, or failure to update its internal databases.

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79. This has resulted in missed payments for months at a time, with no accountability or remedial support provided. Despite repeated follow-ups, the ECD centres have received no support or clarity from departmental officials and have had their inquiries met with vague and inconsistent responses.

80. Additionally, the differentiation between conditional grant payments and equitable share allocations was reported as an issue, with ECD centres being unclear about whether they were receiving funding under the quarterly conditional grant or the monthly equitable share. This ambiguity has resulted in missed or misclassified payments, unprocessed claims, and an inability for ECD centres to plan their financial and operational commitments.

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81. Equally troubling is the Department's inconsistent administration of TPAs, which serve as the legal foundation for subsidy disbursement. Whilst some ECD centres, such as Zenzeleni, report that they have not been issued a TPA for the 2024/2025 financial year despite continuing operations, others like Phumelela have signed TPAs but still experienced payment interruptions without recourse.

82. These ECD centres recognise that without signed and valid TPAs, there is no lawful basis for disbursing funds, no legal recourse in the event of non-payment, and no clarity regarding the terms and conditions of funding. Centres are particularly concerned by the lack of a specified payment date, which makes responding to breaches and payment delays a challenge.

CONCLUSION

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83. Considering what is set out above, I submit that the applicants have made out a case for the relief sought. All other attempts have failed to ensure and secure that government meets its payment obligations on time. The applicants therefore have no other remedy except to approach this court.

84. Therefore, I pray for an order as set out in the notice of motion, including the relief sought in Parts A and B of the notice of motion.



SHENIECE LINDERBOOM

I hereby certify under oath that the Deponent acknowledged that she knows and understands the contents of this affidavit, that it is to the best of her knowledge both true and correct, and that she has no objection to the making of the prescribed oath which she considers to be binding on her conscience. This affidavit was signed in my presence at DURBAN on this 14TH day of May 2025 and that the Regulations contained in Government Notice R1258 of 21 July 1972, as amended, have been complied with.

COMMISSIONER OF OATHS

NOTHANDO NANDI MAPHOSHE
COMMISSIONER OF OATHS
PRACTICING ATTORNEY
REPUBLIC OF SOUTH AFRICA
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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

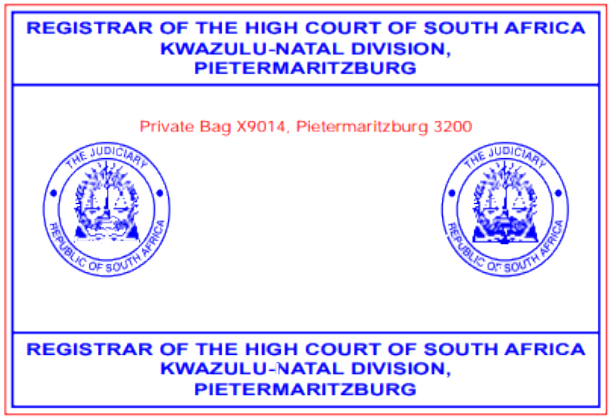
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 01

NOTE: **This document was filed electronically by the Registrar on 19/5/2025 at 8:50:39 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

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BASIC EDUCATION GRANTS

Early Childhood Development Grant	
Transferring department	• Basic Education (Vote 16)
Grant schedule	• Schedule 5, Part A
Strategic goal	• To increase access to quality early childhood development (ECD) programmes for poor children
Grant purpose	• To increase the number of poor children accessing subsidised ECD programmes • To support ECD providers delivering an ECD programmes to meet basic health and safety requirements for registration • To pilot the construction of new low cost ECD centres
Outcome statements	• The provision of ECD to poor children contributing towards universal access • Improving health and safety conditions in which stimulation and early learning takes place
Outputs	• This grant has two components with detailed outputs, conditions and responsibilities for each component specified in separate frameworks. The two components are: o infrastructure component o subsidy component
Priority of government that this grant primarily contributes to	• Priority 3: Education, skills and health
Details contained in the business plan	• The provincial departments will use a single business plan issued by the national Department of Basic Education (DBE) for the two grant components which contains the following: o project background o project objectives o scope of the work o deliverables and outputs to be achieved o risk assessment with mitigation plan
Conditions	• Conditional grant funding cannot be used to replace funding that provinces have previously allocated for ECD subsidies • Each province may use a maximum of R6 million of their total conditional grant allocation (subsidy plus infrastructure components) for administrative management of the grant which includes capacity to manage the grant and funding for assessments of ECD centres. Provinces may choose to use this amount from the allocation for either one of the components or both
Allocation criteria	• As specified in the two grant component frameworks
Reasons not incorporated in equitable share	• To allow DBE to better ring-fence expansion of ECD in the country and to facilitate compliance to the National Integrated ECD Policy approved by Cabinet on 9 December 2015 ensuring that the delivery and maintenance of any capital investment is coordinated in an efficient manner that is consistent with norms, standards and guidelines • ECD is a national priority and requires uniform implementation in order to achieve the minimum coverage of 60 per cent of all poor children and to have the desired impact of achieving universal access by 2030
Past performance	**2022/23 audited financial outcomes** • Of the total grant allocation of R1.2 billion, 75 per cent was transferred to provinces. Expenditure of R886 million (74.8 per cent) was spent by the end of the 17 November 2023 **2022/23 service delivery performance** • 338 404 children benefitted from the subsidy
Projected life	• Given the nature of the programme and the drive to expand provision of ECD services, the grant will be needed for the medium-term expenditure framework period, subject to review
MTEF allocations	• 2024/25: R1.6 billion; 2025/26: R1.9 billion; and 2026/27: R2 billion allocated as follows: o subsidy component: 2024/25: R1.4 billion; 2025/26: R1.8 billion; and 2026/27: 1.9 billion o infrastructure component: 2024/25: R157 million; 2025/26: R162 million; and 2026/27: R169 million
Payment schedule	• Quarterly instalments based on the approved payment schedule
Responsibilities of the transferring officer and receiving officer	**Responsibilities of the national department** • Review the standardised reporting framework and monitoring tool • Review the standardised format for the business plans • Assist the provincial departments of basic education with their planning • Assess and approve the business plans submitted by provinces • Monitor project progress and compliance to conditional grant framework • Provide continuous monitoring and support to provinces • Submit a monthly financial report to National Treasury 20 days after the end of the reporting month • Consolidate and submit quarterly performance reports to National Treasury within 45 days after the end of each quarter • Monitor the utilisation of the grant against the set outcomes and take appropriate action in cases of non-compliance with the framework • Facilitate approval of the payment schedule and approval of in-year adjustments to the payment schedule • The DBE will develop ECD infrastructure grant guidelines to be issued to the provinces by 29 March 2024 • Visit selected infrastructure sites in provinces

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Early Childhood Development Grant	
	• Support provinces to improve infrastructure delivery capacity and systems • Provide guidance to provinces in planning and prioritisation
	Responsibilities of provincial departments • Submit approved business plans signed-off by the head of department to the DBE by 2 March 2024 • Implement the business plan as approved by the DBE • Submit monthly financial reports to DBE 15 days after the end of the reporting month • Provinces must upload all ECD maintenance projects on the infrastructure reporting model and update it monthly • Submit quarterly performance reports to DBE within 30 days after the end of each quarter
Process for approval of 2025/26 business plans	• Engagement with provincial departments on submission of business plans between September 2024 and February 2025 • Submit final provincial business plan, including cash flow projections and compliance certificates signed-off by the heads of departments for 2025/26 financial year to DBE by 14 February 2025 • The transferring officer must approve provincial business plans by 2 April 2025

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Early Childhood Development Grant: Infrastructure Component	
Transferring department	• Basic Education (Vote 16)
Grant schedule	• Schedule 5, Part A
Strategic goal	• To increase access to quality early childhood development (ECD) programmes for poor children
Grant purpose	• To support ECD providers delivering an ECD programme to meet basic health and safety requirements for registration • To pilot the construction of new low cost ECD centres
Outcome statements	• The provision of ECD services to poor children contributing towards universal access • Improving health and safety conditions in which stimulation and early learning takes place
Outputs	• Number of conditionally registered ECD centres maintained • Number of unregistered ECD centres maintained • Number of new low cost ECD centres constructed
Priority outcome(s) of government that this grant primarily contributes to	• Priority 3: Education, skills and health
Details contained in the business plan	• The provincial departments will use a single business plan issued by the national Department of Basic Education (DBE) for the two grant components (subsidy and infrastructure) which contains the following: o project background o project objectives o scope of the work o deliverables and outputs to be achieved o risk assessment with mitigation plan
Conditions	**Maintenance and upgrading** • This allocation may be used for: o unregistered ECD centres to do minor infrastructure maintenance works and upgrades to enable conditional registration o conditionally registered ECD centres to do minor infrastructure maintenance works and upgrades to enable them to improve their registration status • The following conditions apply in respect of the above: o all ECD sites whether conditionally registered or unregistered may only benefit from this fund if they are eligible as per the requirements in the guideline issued by DBE o all projects must be selected, planned and implemented in a manner consistent with the guideline issued by the DBE o infrastructure units in the provinces must receive a list of selected ECD centres for maintenance or for new construction from program o provinces must conduct assessments of conditionally registered and eligible unregistered ECD sites and cost them in order to qualify for funding in 2025/26 and submit by 30 September 2024 o for unregistered centres, a maximum amount of R210 000 per ECD centre may be spent for maintenance improvements, inclusive of all costs (Value Added Tax, disbursements etc) o for conditionally registered centres a maximum amount of R500 000 per ECD centre may be spent for maintenance improvement and upgrades, inclusive of all costs (Value Added Tax, disbursements etc) o prior approval for any amount exceeding more than 20 per cent of the maximum amount per centre should be obtained from the head of department or the Chief Financial Officer with a detailed assessment and cost analysis to justify the additional amount o once the budget is allocated per province, a revised approved list for maintenance should be submitted by the province to DBE together with business plans o all projects must be recorded on the infrastructure reporting model before the start of the financial year o provinces must update the infrastructure project details for each funded project in the infrastructure reporting model. This must be approved and submitted to National Treasury and DBE within 22 days after the end of each quarter **New centre construction** • This allocation may be used for: o construction of new low-cost ECD centres where existing structures must be replaced or to address new demand in areas where the need is the greatest o a maximum of R3 million may be used for the construction of new ECD centres, inclusive of all costs. Prior approval for any amount exceeding more than 20 per cent of the maximum amount per centre should be obtained from the head of department or the Chief Financial Officer with a detailed assessment and cost analysis to justify the additional amount • The construction of centres must be consistent with the guideline issued by the DBE • Every province must construct at least one ECD centre in 2024/25 • Each province must include the number of ECD centres to be constructed and the costs for the construction in the business plan for 2024/25 • All projects must be recorded on the infrastructure reporting model **General conditions** • DBE will develop guidelines for each of the areas listed above that must be issued to the provinces by 29 March 2024 • All projects must be selected, planned and implemented in a manner consistent with the guideline issued by the DBE

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Early Childhood Development Grant: Infrastructure Component	
	• Infrastructure units in the provinces must receive a list of selected ECD centres for maintenance or new construction from programme • Provinces must conduct assessments of conditionally registered ECD sites, eligible unregistered ECD sites and identified sites for new construction of ECD centre and cost them to qualify for funding in 2025/26 and submit by 30 September 2024 • ECD centres must sign service level agreements with the provincial department before maintenance or new construction of a centre • ECD centres that benefited from the maintenance allocation must then make provision for continued maintenance of ECD centre • Provinces shall include all projects in the final infrastructure asset management plan to be submitted at the end of March 2024
Allocation criteria	• The provincial infrastructure allocations are determined based on: o a base allocation for the construction of at least one low cost ECD o the allocation of the balance is based on the ECD census data
Reasons not incorporated in equitable share	• To allow DBE to manage the expansion of ECD in the country and to facilitate compliance to the National Integrated ECD Policy approved by Cabinet on 9 December 2015 ensuring that the delivery and any capital investment is coordinated in an efficient manner that is consistent with norms, standards and guidelines • ECD is a national priority and requires uniform implementation to achieve the minimum coverage of 60 per cent of all poor children and to have the desired impact of achieving universal access by 2030
Past performance	**2022/23 audited financial outcomes** • Of the maintenance grant allocation of R97.7 million (100 per cent) was transferred to provinces. R64.7 million was spent by the end of the financial year **2022/23 service delivery performance** • 170 ECD centres benefited from the maintenance grant and 37 were rolled over into the 2023/24 financial year
Projected life	• Given the nature of the programme and the drive to expand provision of ECD services, the grant will be needed for the medium term expenditure framework period, subject to review
MTEF allocations	• 2024/25: R157 million; 2025/26: R162 million; and 2026/27: R169 million
Payment schedule	• Quarterly instalments according to approved payment schedule
Responsibilities of the transferring officer and receiving officer	**Responsibilities of the national department** • DBE will develop ECD infrastructure grant guidelines for each of the two areas listed above that must be issued to the provinces by 29 March 2024 • DBE will conduct monitoring on the grant, support provincial education departments and consolidate quarterly grant performance reports received from PEDs • DBE ensures all provinces adhere to norms and standards developed for ECD
	Responsibilities of provincial departments • Provinces must submit a draft list of all eligible ECD sites that have been assessed to benefit from the grant in 2025/26 to DBE by 30 September 2024 • Provinces shall include all projects in the final infrastructure asset management plan to be submitted to the DBE at the end of March 2024 • Provinces must provide a procurement plan on how they will implement their projects in the 2025/26 financial year by 30 November 2024 • The reasons for the centre being unregistered or conditionally registered including the environmental health report must be kept in the file for each ECD centre by the ECD programme manager • Maintain a database of all ECD centres that have been assisted through the infrastructure component of the grant by the ECD infrastructure project manager • The ECD programme manager must maintain a database of all ECD centres that have improved their registration status • Provinces must record all infrastructure projects on the national infrastructure reporting model and education facilities management system • Provinces must adhere to the requirements in the ECD infrastructure grant guidelines issued by DBE in the implementation of the grant • Provincial education departments must comply with the framework for infrastructure delivery and procurement management in the planning and implementation of projects
Process for approval of 2025/26 business plans	• Engagement with provincial departments on submission of business plans between September 2024 and February 2025 • Submit final provincial business plan, including cash flow projections and compliance certificate signed-off by heads of departments for 2024/25 financial year to the DBE by 14 February 2024 • The transferring officer must approve provincial business plans by 2 April 2025

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Early Childhood Development Grant: Subsidy Component	
Transferring department	• Basic Education (Vote 16)
Grant schedule	• Schedule 5, Part A
Strategic goal	• To increase access to quality early childhood development (ECD) programmes for poor children
Grant purpose	• To increase the number of poor children accessing subsidised ECD programmes
Outcome statements	• The provision of ECD programmes to poor children contributing towards universal access
Outputs	• Number of eligible children subsidised, as agreed in the service level agreement (SLA) • Number of all children attending ECD programmes in fully registered ECD centres • Number of all children attending ECD programmes in conditionally registered ECD centres • Number of children subsidised from the conditional grant in fully registered ECD centres • Number of children subsidised from the conditional grant in conditionally registered ECD centres • Number of days subsidised for centre based programmes • Number of children subsidised through provincial own revenue including equitable share that are benefiting from the top-up grant in fully registered ECD programmes • Number of children subsidised through provincial own revenue including equitable share that are benefiting from the top-up grant in conditionally registered ECD programmes • Number of children subsidised from the equitable share in fully registered ECD centres • Number of children subsidised from the equitable share in conditionally registered ECD centres • Number of all children attending in fully registered non-centre based programmes • Number of all children attending in conditionally registered non-centre based programmes • Number of children subsidised from the conditional grant in fully registered non-centre based programmes • Number of children subsidised from the conditional grant in conditionally registered non-centre based programmes • Number of ECD practitioners and other staff employed in fully and conditionally registered ECD programmes benefiting from the conditional grant
Priority of government that this grant primarily contributes to	• Priority 3: Education, skills and health
Details contained in the business plan	• The provincial departments will use a single business plan issued by the national Department of Basic Education (DBE) for the two grant components (i.e. subsidy and infrastructure) which contains the following: ○ project background ○ project objectives ○ scope of the work ○ deliverables and outputs to be achieved ○ risk assessment with mitigation plan
Conditions	• Only fully and conditionally registered ECD programmes (centre and non-centre-based) will be eligible for the subsidy • The subsidy is targeted for children from birth until the year before children enter formal school or in case of children with developmental difficulties and disabilities, until the year before the calendar year they turn seven, which marks the age of compulsory schooling or special education • The provincial education departments and ECD programmes will enter into SLAs which stipulate the purpose of the subsidy, the amount of the subsidy, conditions of the subsidy and obligations of both provincial education departments and ECD programmes with regard to the payment of the subsidy, compliance to funding and the reporting requirements • The value of the subsidy paid to each centre-based ECD programme is R17.00 multiplied by the number of days (264), multiplied by the number of qualifying children attending the centre-based ECD programme as agreed to in the SLA • The value of the subsidy paid to each registered non-centre based ECD programme is R6.00 multiplied by the number of sessions, multiplied by the number of qualifying children attending as agreed to in the SLA • The full value of the subsidy will be paid in equal parts in line with the SLA and any changes to the payment schedule must be aligned to a determination of non-compliance as defined in the SLA • Once funds are transferred to an ECD programme, the department may not pre-approve how the funds are to be utilised other than what is stipulated in the SLA • All allocations must be aligned to the number of children as per the SLA and can only be reduced as per the process outlined in the SLA. Allocations must not be changed in-year, based on how many children attend • The subsidy must target qualifying children in centre and non-centre based programmes in line with the process set out below: ○ an ECD programme is eligible to be subsidised if it is located in a designated municipal ward that has been identified for universal targeting of subsidies. Children attending these ECD programmes will not be subject to an individual means test and all children in these

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Early Childhood Development Grant: Subsidy Component	
	programmes must be taken into account when calculating the subsidy for the ECD programme ○ if the child is attending an ECD programme falling outside of those municipal wards that have been identified for universal targeting of the subsidy, the subsidy will be targeted to an individual child using the means test criteria ○ a child is eligible to be subsidised if her/his parents' income falls below the following prescribed test **Income-based means test:** • Income of parents or caregivers may not exceed the means test values applied for the receipt of the child support grant for a single parent and married parents as gazetted by the national Department of Social Development in 2023. This is updated each year with an increase in the grant value • In the case of children receiving a child related social assistance grant; original, reprinted or certified copies of proof of receipt of the child related grant (child support grant or the foster care grant) as issued by South African Social Security Agency must be submitted • In the case of children who are not beneficiaries of a child related grant the following must be submitted: ○ proof of income of parents (or caregivers) ○ three months bank statement of parents or guardians ○ affidavit declaring status of income
Allocation criteria	• The provincial subsidy allocations are determined based on the gap between: ○ the number of poor children that should be accessing ECD subsidy ○ the number of poor children currently accessing the ECD subsidy
Reasons not incorporated in equitable share	• To allow DBE to better facilitate expansion of ECD services in the country • ECD is a national priority and requires uniform implementation in order to achieve the municipal coverage of 60 per cent of all poor children and to have the desired impact of achieving universal access by 2030
Past performance	**2022/23 audited financial outcomes** • Of the R1.1 billion on the subsidy component, 50 per cent has been transferred to provinces.
	2022/23 service delivery performance • 331 882 children benefitted from the subsidy
Projected life	• The grant will be allocated over the 2024 medium term expenditure framework period, subject to review
MTEF allocations	• 2024/25: R1.4 billion; 2025/26: R1.8 billion; and 2026/27: R1.9 billion
Payment schedule	• Quarterly instalments according to approved payment schedule
Responsibilities of the transferring officer and receiving officer	**Responsibilities of the national department** • Review standardised SLAs to be entered into between provincial departments of basic education and ECD programmes if necessary • Review the standardised business plan • Develop guidelines for the implementation of the ECD subsidy
	Responsibilities of provincial departments • Conclude SLAs with ECD programmes in a format prescribed by the DBE • Ensure that payments are made in line with the payment schedule as per the SLAs with ECD programmes • Subsidies must be made into the ECD programmes designated bank accounts, which must be with a registered deposit taking institution in the Republic of South Africa • Subsidies may only be reduced in cases of non-compliance as outlined in the prescribed SLA • Use the information reported in the quarterly reports from ECD programmes to develop and maintain a master list of all children benefitting from the ECD subsidy • Maintain a database on the status of registration of all ECD programmes in the province that is inclusive of the following basic information: ○ registration status ○ capacity of the centre ○ number of children in attendance ○ number of children subsidised ○ number of children with disabilities subsidised ○ number of children with disabilities in attendance
Process for approval of the 2025/26 business plans	• Engagement with provincial departments on submission of business plans between September 2024 and February 2025 • Submit final provincial business plans for 2025/26 including cash flow projections and compliance certificates signed-off by heads of departments to DBE by 14 February 2025 • The transferring officer must approve provincial business plans by 2 April 2025

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Education Infrastructure Grant	
Transferring department	• Basic Education (Vote 16)
Grant schedule	• Schedule 4, Part A
Strategic goal	• To supplement provinces to fund the provision of education infrastructure in line with the regulations relating to minimum uniform norms and standards for public school infrastructure
Grant purpose	• To help accelerate construction, maintenance, upgrading and rehabilitation of new and existing infrastructure in education including district and circuit accommodation • To address achievement of the targets set out in the minimum norms and standards for school infrastructure • To address damages to infrastructure • To enhance capacity to deliver infrastructure in education
Outcome statements	• Improved quality of education service delivery by provincial departments as a result of an improved and increased stock of school infrastructure • Aligned and coordinated approach to infrastructure development at the provincial sphere • Improved education infrastructure expenditure patterns • Improved response to the rehabilitation of school infrastructure • Improved rates of employment and skills development in the delivery of infrastructure • Improved safety in school facilities through occupational health and safety
Outputs	• Number of new schools, additional education spaces, education support spaces and administration facilities constructed as well as equipment and furniture provided • Number of existing schools' infrastructure upgraded and rehabilitated including schools constructed of asbestos material and other inappropriate material • Number of new and existing schools maintained • Number of disaster damaged school rehabilitated • Number of schools provided with water, sanitation, and electricity • Number of work opportunities created • Number of new special schools provided, and existing special and full-service schools upgraded and maintained
Priority of government that this grant primarily contributes to	• Priority 3: Education, skills and health
Details contained in the business plan	• This grant uses an infrastructure plan that includes: o the infrastructure programme management plan o the procurement strategy o the capacitation strategy o the infrastructure reporting model o the year-end evaluation report
Conditions	• Provinces may utilise a portion of grant funding for the appointment of public servants on a permanent basis to their infrastructure units in line with human resource capacitation circular published by National Treasury (including maximums set in the circular) • The flow of each instalment of the grant depends upon provinces submitting to national Department of Basic Education (DBE), provincial treasuries and National Treasury financial and non-financial performance reports on programmes partially and fully funded by the grant • The flow of the first instalment of the grant depends upon receipt by the DBE and provincial treasuries and National Treasury of: o approved and signed-off infrastructure plan with tabled prioritised project lists for the 2024 medium-term expenditure framework (MTEF) by no later than 25 March 2024. The infrastructure plan must, where applicable, also include the implementation plans for schools affected by natural disasters o approved and signed-off infrastructure project list (Table B5) for the 2024 MTEF on the infrastructure reporting model o preventative and corrective maintenance plan for all maintenance programmes over the 2024 MTEF period accompanied by a project list no later than 25 March 2024 • The flow of the second instalment depends upon receipt by DBE, provincial treasuries and National Treasury of the approved and signed-off: o monthly infrastructure reports in a format determined by the National Treasury and DBE o a summary report on all projects that have reached practical completion and captured on the education facilities management system mobile application for the fourth quarter of the 2023/24 financial year no later than 29 April 2024 o a report on the filling of posts on the approved establishment for the infrastructure unit in the format approved by National Treasury for the fourth quarter of the 2023/24 financial year within 22 days after the end of the fourth quarter • The flow of the third instalment is dependent upon receipt by DBE, provincial treasuries, and the National Treasury, on a date and in a format determined by National Treasury, of the approved and signed-off: o infrastructure plans for all infrastructure programmes for a period of 10 years (including the initial list of prioritised projects) on a date specified in the performance-based approach guidelines

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Education Infrastructure Grant	
	○ the 2024/25 project list must be drawn from the prioritised project list for the MTEF tabled in 2023/24 ○ preventative and corrective maintenance plans for all maintenance programmes over the MTEF period accompanied by a project list on a date specified in the performance-based approach guidelines ○ monthly infrastructure reports in the format determined by National Treasury and the DBE ○ a summary report on all projects that have reached practical completion and captured on the education facilities management system mobile application for the first quarter of 2024/25 by 26 July 2024 ○ a report on the filling of posts on the approved establishment for the infrastructure unit in the format approved by National Treasury for the first quarter of the 2024/25 financial year within 22 days after the end of the first quarter ○ the conditional grant year-end evaluation report on financial and non-financial performance no later than 27 May 2024 • The flow of the fourth instalment is conditional upon receipt by the DBE and provincial treasuries and National Treasury of the approved and signed off: ○ monthly infrastructure reports in the format determined by National Treasury and the DBE ○ a summary report on all projects that have reached practical completion and captured on the education facilities management system mobile application for the second qua… 25 October 2024 ○ infrastructure programme management plans for infrastructure programmes envisaged to commence within the period for the MTEF on a date specified in the performance-based approach guidelines ○ procurement strategy for infrastructure programmes envisaged to commence within the period of the MTEF on a date specified in the performance-based approach guidelines ○ a report on the filling of posts on the approved establishment for the infrastructure unit in the… approved by National Treasury for the second quarter of the 2024/25 financial year within 22 days after the end of the second quarter • The flow of the fifth instalment is conditional upon receipt by the DBE, the relevant provincial treasuries and National Treasury on a date determined by National Treasury, of the approved and signed-off: ○ monthly infrastructure reports in the format determined by National Treasury and the DBE ○ a summary report on all projects that have reached practical completion and captured on the education facilities management system mobile application for the third quarter of 2024/25 to DBE not later than 20 January 2025 ○ a report on the filling of posts on the approved establishment for the infrastructure unit in the format approved by National Treasury for the third quarter of the 2024/25 financial year within 22 days after the end of the third quarter • Provincial education departments must ensure that a programme and project management system is in place for planning, management and monitoring of infrastructure delivery funded from the grant • Provincial education departments must comply with the framework for infrastructure delivery and procurement management • Provincial education departments must provide school governing bodies with maintenance guidelines to conduct minor maintenance. This should be in accordance with the sector maintenance strategy • Provincial education departments should allocate no less than 60 per cent of the Education Infrastructure Grant allocation to address preventative and corrective maintenance at schools, which should appear as such on the infrastructure reporting model and MTEF database • Provincial education departments to prioritise and fund from the grant, the eradication of pit latrines and other unacceptable forms of sanitation • The grant allocation can be transferred to schools in line with the guidelines which will be issued by DBE • Provincial education departments to prioritise the rehabilitation of storm damaged schools, schools built of asbestos and other inappropriate material • In implementing the three streams model, provincial education departments to prioritise the planning for construction of technical schools and schools of skill as well as conversion of academic stream schools to vocational and occupational streams in 2024/25, for commissioning of projects in 2025/26 • Provincial education departments may use multiple implementing agents when implementing projects funded from the grant • To promote conducive teaching and learning within the acceptable occupational, health and safety standards, provincial education departments must implement maintenance projects in all education facilities • In schools without section 21 responsibilities, provincial education departments should put in place the necessary measures to ensure that planned maintenance at these schools occurs as per the scheduled maintenance plan for such schools • Provincial education departments must provide all the necessary equipment and furniture in the spaces provided when constructing new projects • Provincial education departments must submit their plans for the procurement of mobile classrooms to the DBE and any deviation from these plans should be approved in writing by the DBE • Provincial education departments to ensure cost-effectiveness as they implement infrastructure projects

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Education Infrastructure Grant	
	• The DBE approved 10-point plan must be implemented to ensure improvements in infrastructure delivery • Non-compliance with any of the above conditions may result in the withholding and subsequent stopping of transfers • An amount of R503 million is allocated to Gauteng through the Budget Facility for Infrastructure for the construction of schools. These funds may only be used for this project and are subject to the conditions set out in the 2024 MTEF preliminary allocation letter to DBE
Allocation criteria	• Allocations for 2024/25 are based on historical allocations for this grant • Allocations also include incentive-based allocations as described in part 4 to Annexure W1 of the 2024 Division of Revenue Bill
Reasons not incorporated in equitable share	• Funding infrastructure through a conditional grant enables the national department to ensure the delivery and maintenance of education infrastructure in a coordinated and efficient manner, consistent with national norms and standards for school buildings
Past performance	**2022/23 audited financial outcomes** • Of the R12.5 billion allocated, R12.5 billion (100 per cent) was transferred to provinces of which R12.4 billion (96 per cent) was spent by the end of the national financial year
	2022/23 service delivery performance • 2 710 teaching spaces and 72 administrative spaces provided • 1 398 maintenance projects, 474 water, 554 sanitation, 112 electricity and 102 fencing infrastructure projects • Completed five boarding facilities • The sector has provided a total of 19 new and replacement schools in provinces, while 87 schools commenced with construction
Projected life	• Grant continues until 2026/27, subject to review
MTEF allocations	• 2024/25: R13.7 billion; 2025/26: R14.2 billion and 2026/27: R14.4 billion
Payment schedule	• Transfers are made in accordance with a payment schedule approved by National Treasury
Responsibilities of the transferring officer and receiving officer	**Responsibilities of the national department** • Visit selected infrastructure sites in provinces • DBE and National Treasury to support provinces to improve infrastructure delivery capacity and systems • Provide guidance to provinces in planning and prioritisation • Issue guidelines on the capacitation process of infrastructure units as well as the conditions attached to the utilisation of the funding • DBE and National Treasury to jointly evaluate progress with the capacitation of provincial infrastructure units and provide feedback to all provinces in terms of the guidelines • DBE and National Treasury must jointly evaluate and provide feedback to all provinces on the assessment of all documents as outlined on the performance-based approach system guidelines • Assess the reports submitted by provincial education departments and provide feedback before transferring the instalment • Submit reports to the National Treasury in terms of quarterly achievements by provincial education departments • Comply with the conditions of this grant framework and the relevant clauses within the stipulated time frames of the 2024 Division of Revenue Act
	Responsibilities of provincial departments • Approve monthly provincial infrastructure reports on infrastructure programme in the infrastructure reporting model within 15 days after the end of each month and submit to the relevant provincial treasury and DBE • Submit a signed-off monthly provincial infrastructure report on infrastructure programmes in the infrastructure reporting model within 22 days after the end of each month to the relevant provincial treasury, DBE and National Treasury • Comply with the conditions of this grant framework and the relevant clauses within the stipulated time frames in 2024 Division of Revenue Act • Submit quarterly capacitation reports within 22 days after the end of each quarter • Ensure that section 42 transfers as per the Public Finance Management Act are effected
Process for approval of 2025/26 business plans	• The process for approval for the 2025 MTEF allocations will be in line with the performance-based incentive approach guidelines published by National Treasury

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

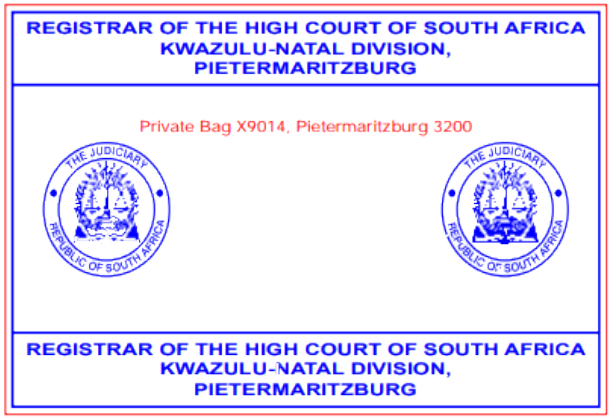
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 02

NOTE: **This document was filed electronically by the Registrar on 19/5/2025 at 8:51:34 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



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Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

Early Childhood Development Grant: Subsidy Component	
Transferring department	• Basic Education (Vote 16)
Grant schedule	• Schedule 5, Part A
Strategic goal	• To increase access to quality early childhood development (ECD) programmes for poor children
Grant purpose	• To increase the number of poor children accessing subsidised ECD programmes
Outcome statements	• The provision of ECD programmes to poor children contributing towards universal access
Outputs	• Number of eligible children subsidised, as agreed in the service level agreement (SLA) • Number of all children enrolled in ECD programmes in fully registered ECD centres • Number of all children enrolled in ECD programmes in conditionally registered ECD centres • Number of children subsidised from the conditional grant in fully registered ECD centres • Number of children subsidised from the conditional grant in conditionally registered ECD centres • Number of days subsidised for centre-based programmes • Number of children subsidised through provincial own revenue including equitable share that are benefiting from the top-up grant in fully registered and conditionally registered ECD programmes • Number of children subsidised from the equitable share in fully registered ECD centres • Number of children subsidised from the equitable share in conditionally registered ECD centres • Number of all children enrolled in fully registered non-centre based programmes • Number of all children enrolled in conditionally registered non-centre based programmes • Number of children subsidised from the conditional grant in fully registered non-centre based programmes • Number of children subsidised from the conditional grant in conditionally registered non-centrebased programmes • Number of ECD practitioners and other staff employed in fully and conditionally registered ECD programmes benefiting from the conditional grant
Priority of government that this grant primarily contributes to	• Priority 3: Education, skills and health
Details contained in the business plan	• The provincial departments will use a single business plan issued by the national Department of Basic Education (DBE) for the two grant components (i.e. subsidy and infrastructure) which contains the following: o project background o project objectives o scope of the work o deliverables and outputs to be achieved o risk assessment with mitigation plan
Conditions	• Only fully and conditionally registered ECD programmes (centre and non-centre-based) will be eligible for the subsidy • The subsidy is targeted for children from birth until the year before children enter formal school or in the case of children with developmental difficulties and disabilities, until the year before the calendar year they turn six, which marks the age of compulsory schooling or special education • The provincial education departments and ECD programmes will enter into SLAs which stipulate the purpose of the subsidy, the amount of the subsidy, conditions of the subsidy and obligations of both provincial education departments and ECD programmes with regard to the payment of the subsidy, compliance to funding and the reporting requirements • The value of the subsidy paid to each centre-based ECD programme is R17 multiplied by the number of days (264), multiplied by the number of qualifying children attending the centre-based ECD programme as agreed to in the SLA • The value of the subsidy paid to each registered non-centre-based ECD programme is R6 multiplied by the number of sessions, multiplied by the number of qualifying children attending as agreed to in the SLA • The full value of the subsidy will be paid in equal parts in line with the SLA and any changes to the payment schedule must be aligned to a determination of non-compliance as defined in the SLA • Once funds are transferred to an ECD programme, the department may not pre-approve how the funds are to be utilised other than what is stipulated in the SLA • All allocations must be aligned to the number of children as per the SLA and can only be reduced as per the process outlined in the SLA. Allocations must not be changed in-year, based on how many children attend • The subsidy must target qualifying children in centre and non-centre-based programmes in line with the process set out below: o eligible programmes in designated priority municipal wards are to be targeted for full

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Early Childhood Development Grant: Subsidy Component	
	subsidy funding up to the total confirmed enrolment of the programme. These programmes will not be subject to any individual income-based means test ○ eligible programmes which provide proof that 80 per cent or more enrolled children meet the income-based means test described below, are to be prioritised for full subsidy funding up to the total confirmed enrolment ○ eligible programmes not in designated wards, where less than 80 per cent of enrolled children meet the income-based means test, will be funded on a per child basis ○ a child is eligible to be subsidised if his/her parents' income falls below the following prescribed test **Income-based means test:** • Income of parents or caregivers may not exceed the means test values applied for the receipt of the child support grant for a single parent and married parents as gazetted by the national Department of Social Development in 2023. This is updated each year with an increase in the grant value • In the case of children receiving a child related social assistance grant; original, reprinted or certified copies of proof of receipt of the child related grant (child support grant or the foster care grant) as issued by the South African Social Security Agency must be submitted • In the case of children who are not beneficiaries of a child related grant the following must be submitted: ○ proof of income of parents (or caregivers) ○ three months bank statements of parents or guardians ○ affidavit declaring status of income
Allocation criteria	• The provincial subsidy allocations are determined based on the gap between: ○ the number of poor children that should be accessing ECD subsidy ○ the number of poor children currently accessing the ECD subsidy
Reasons not incorporated in equitable share	• To allow DBE to better facilitate the expansion of ECD services in the country • ECD is a national priority and requires uniform implementation in order to achieve the minimum coverage of 60 per cent of all poor children and to have the desired impact of achieving universal access by 2030
Past performance	**2023/24 audited financial outcomes** • Of the R1.1 billion on the subsidy component, 100 per cent has been transferred to provinces
	2023/24 service delivery performance • 348 146 children benefitted from the subsidy
Projected life	• Given the nature of the programme and the drive to expand the provision of ECD services, the grant will be needed for the medium-term expenditure framework period, subject to review
MTEF allocations	• 2025/26: R1.8 billion; 2026/27: R1.9 billion; and 2027/28: R2 billion
Payment schedule	• Quarterly instalments according to approved payment schedule
Responsibilities of the transferring officer and receiving officer	**Responsibilities of the national department** • Review standardised SLAs to be entered into between provincial departments of basic education and ECD programmes if necessary • Review the standardised business plan • Develop guidelines for the implementation of the ECD subsidy
	Responsibilities of provincial departments • Conclude SLAs with ECD programmes in a format prescribed by the DBE • Ensure that payments are made in line with the payment schedule as per the SLAs with ECD programmes • Subsidies must be made into the ECD programmes designated bank accounts, which must be with a registered deposit taking institution in the Republic of South Africa • Subsidies may only be reduced in cases of non-compliance as outlined in the prescribed SLA • Use the information reported in the quarterly reports from ECD programmes to develop and maintain a master list of all children benefitting from the ECD subsidy • Maintain a secure database on the status of registration of all ECD programmes in the province that is inclusive of the following basic information: ○ registration status ○ capacity of the centre ○ number of children enrolled ○ number of children subsidised ○ number of children with disabilities subsidised ○ number of children with disabilities enrolled
Process for approval of the 2026/27 business plans	• Provincial department of education to submit approved business plans signed-off by the head of department to the DBE by 24 February 2026. The transferring officer must submit payment schedules and compliance certificates by February 2026 • The transferring officer must approve provincial business plans by 31 March 2026

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IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL **DIVISION, PIETERMARITZBURG**

CASE NO: **2025-067855**

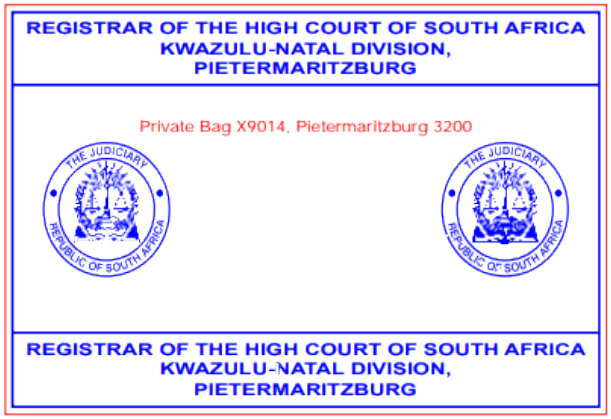
In the matter between:

Friends of South Africa ECD Forum,KZN ECD Alliance,Sakhokwethu Creche,Phumelela Creche,Zenzeleni Creche	Plaintiff / Applicant / Appellant
and	
MEC for Education: KwaZulu-Natal,HOD: KwaZulu-Natal Department of Education,ECD Director: KwaZulu-Natal Department of Education,Minister of Basic Education,Minister of Finance,MEC for Fianace: KwaZulu-Natal,Minister of Social Development,Department of Cooperative Governance and Traditional Affairs	Defendant / Respondent

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Annexure 03

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Registrar of The High Court, KwaZulu-Natal, Pietermaritzburg.

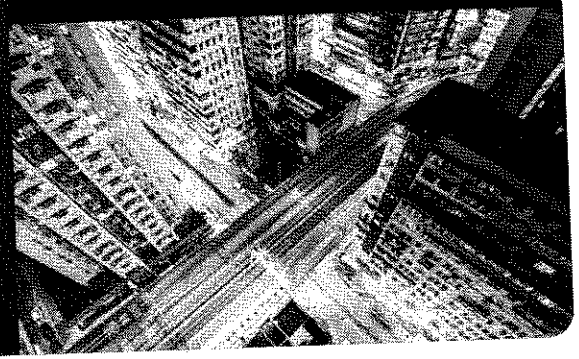
SELECT COMMITTEE ON APPROPRIATIONS

Provincial conditional grants 2024/25

PRESENTED BY:

Intergovernmental Relations

Date 16 October 2024



national treasury
Department:
National Treasury
REPUBLIC OF SOUTH AFRICA

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PIETERMARITZBURG

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STAY SAFE
VACCINATE TO SAVE SOUTH AFRICA

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Overview

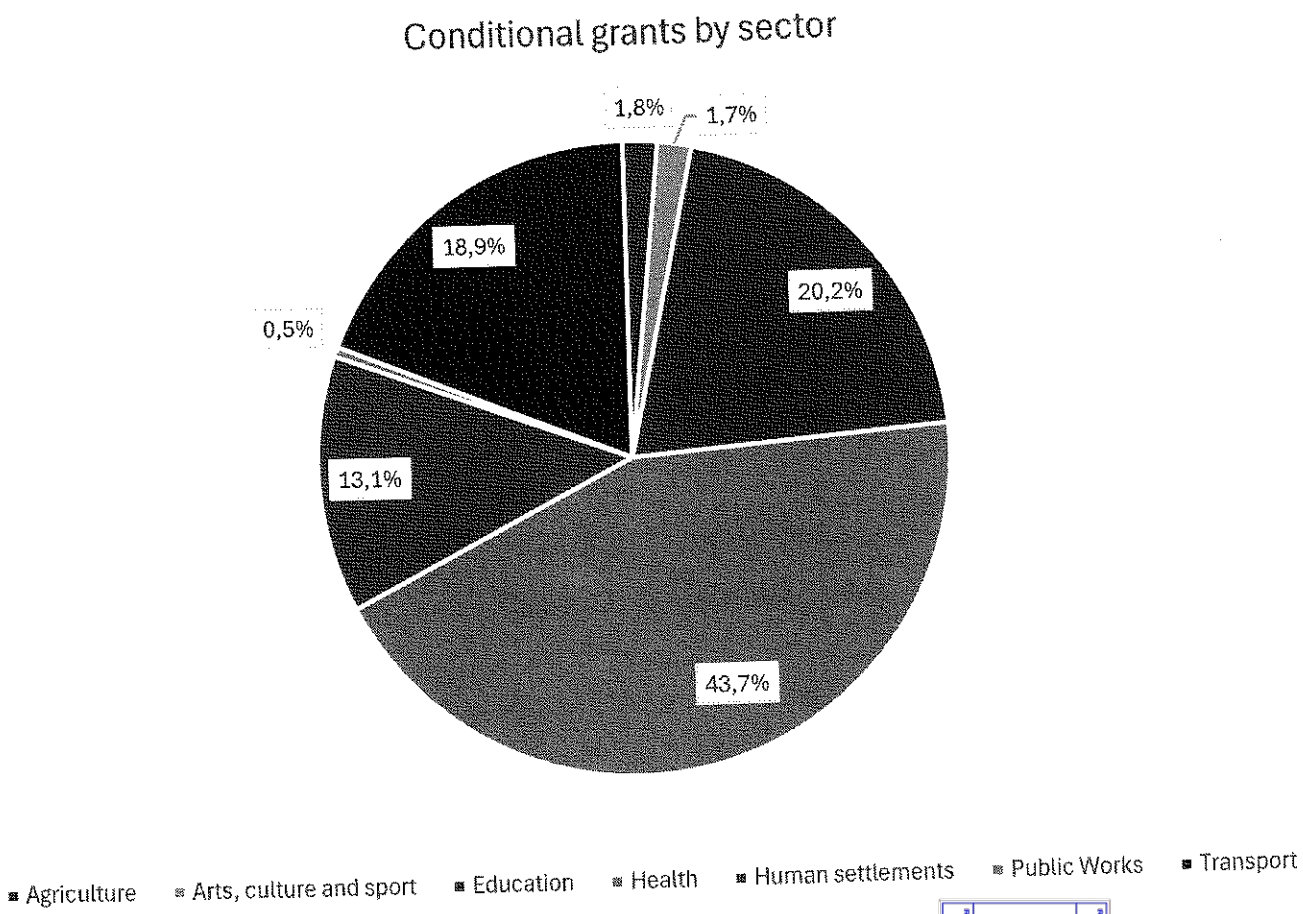
- Provincial conditional grant percentage share by sector
- Spending on conditional grant as at 31 August 2024
- Conditional grants spending by sector and reasons for underperformance
- Overall observations

- **Annexure**
  - Non-financial information as at 30 June 2024



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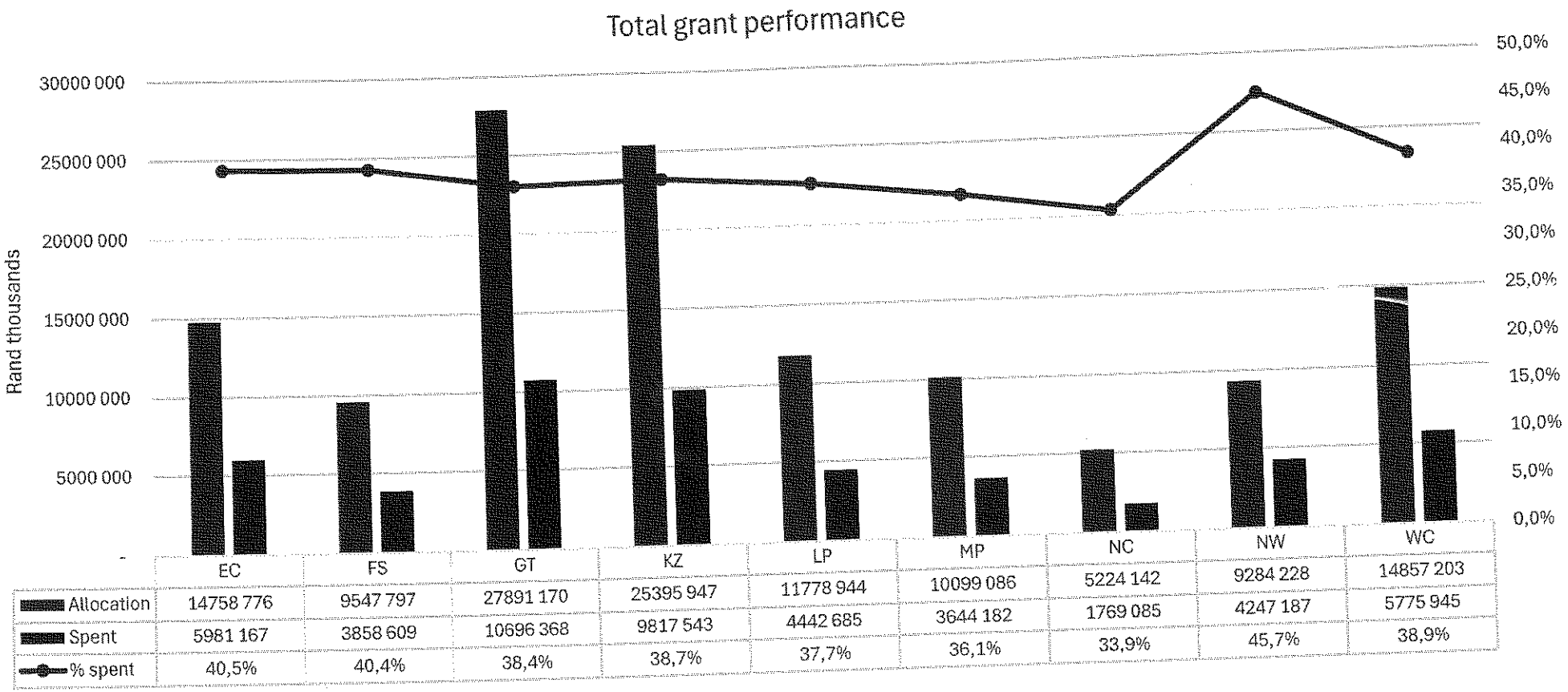
Provincial conditional grant by sectors



- A total of 21 direct grants to provinces amounting to R128 billion
- Health makes up the largest share of provincial grants (R56 billion)

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Total grant performance as at 31 August 2024

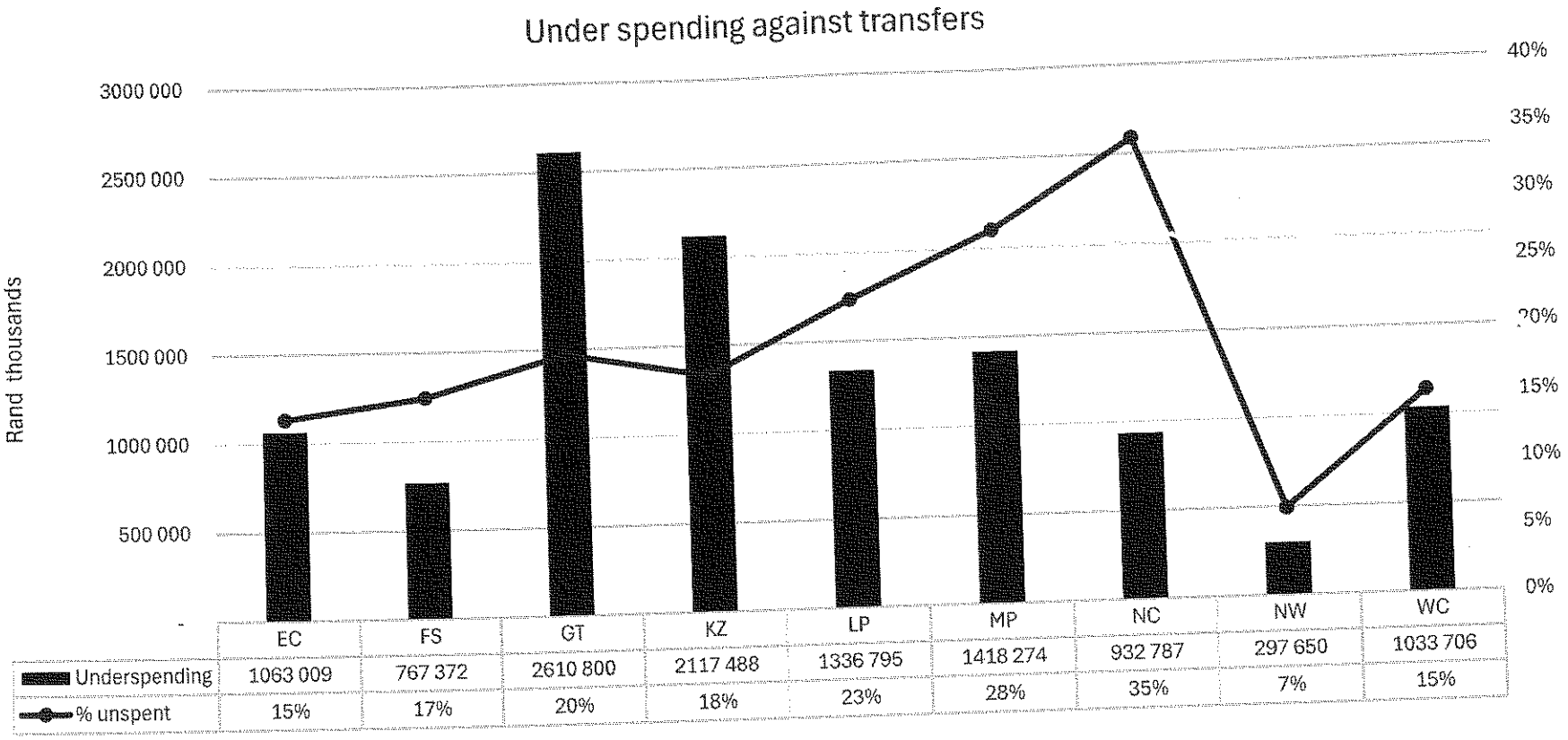


	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	14758 776	9547 797	27891 170	25395 947	11778 944	10099 086	5224 142	9284 228	14857 203
Spent	5981 167	3858 609	10696 368	9817 543	4442 685	3644 182	1769 085	4247 187	5775 945
% spent	40,5%	40,4%	38,4%	38,7%	37,7%	36,1%	33,9%	45,7%	38,9%

- Average spending across provinces is 38.9% (5 months norm: August 41.7%)
- Spending in the first quarter is usually lower than the rest of the year

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Underspending on transfers to provinces



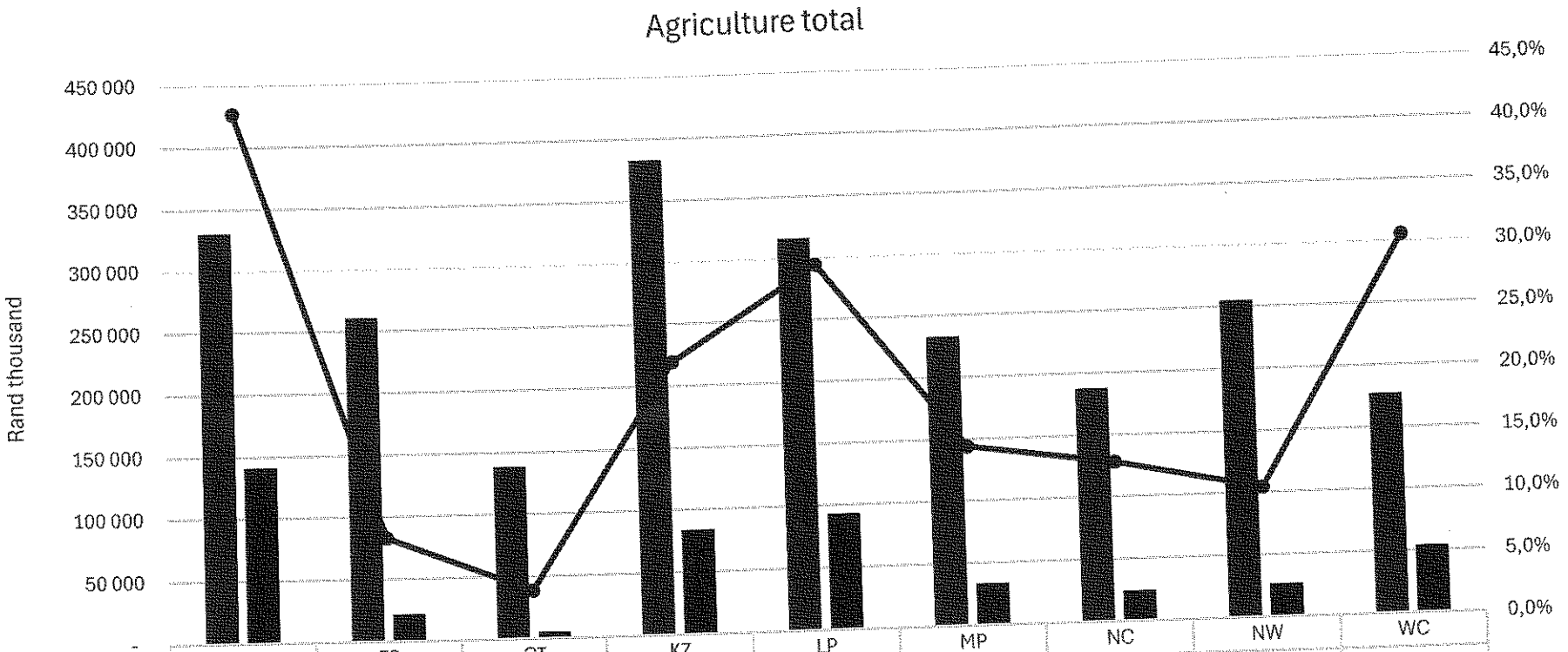
	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Underspending	1063 009	767 372	2610 800	2117 488	1336 795	1418 274	932 787	297 650	1033 706
% unspent	15%	17%	20%	18%	23%	28%	35%	7%	15%

- As at the end of August, R11.5 billion of transfers made to provinces were unspent
- Mostly in Gauteng, but in percentage terms, NC has the highest underspending
- Implications for borrowing costs

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Agriculture

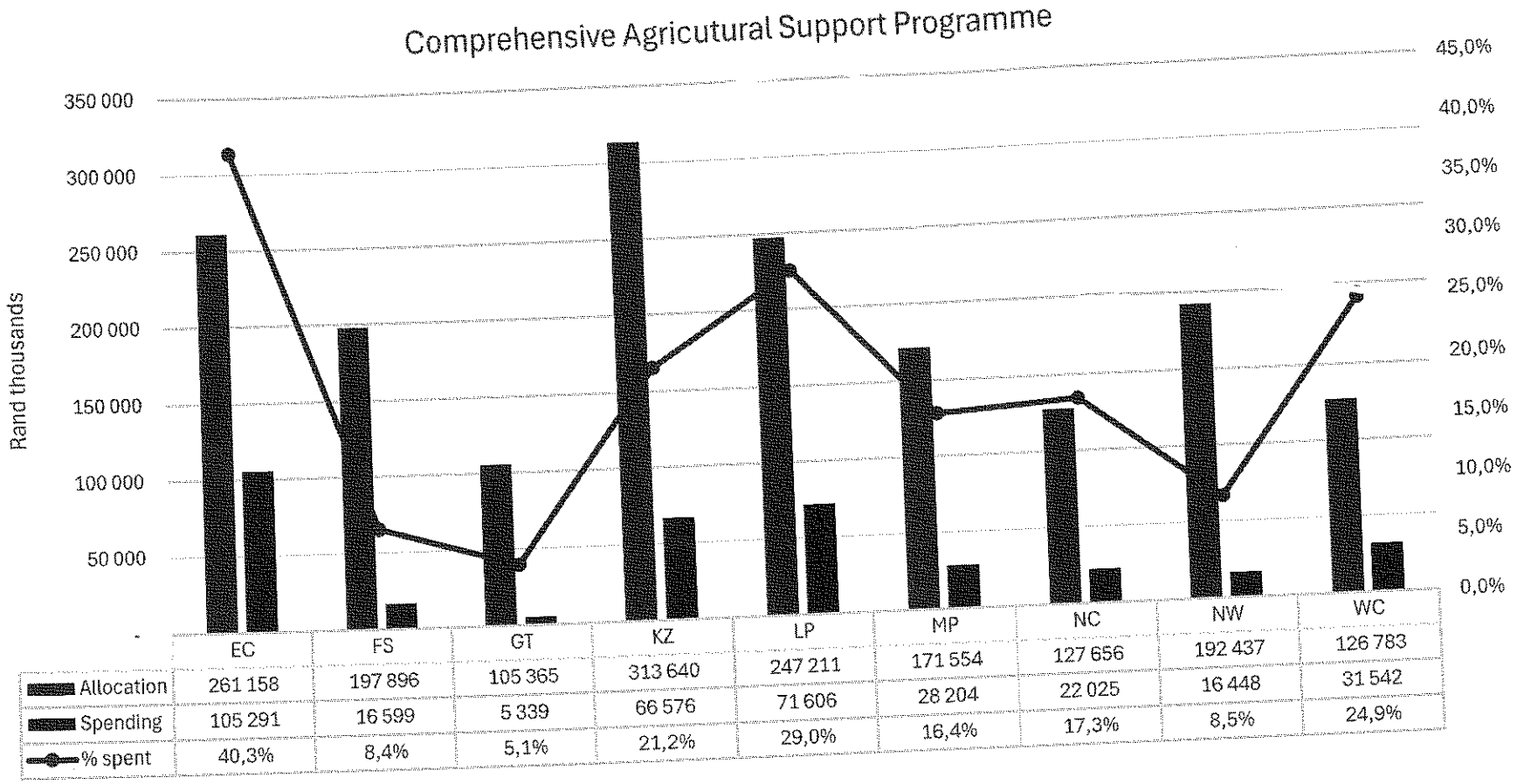


	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	330 593	260 969	138 406	383 156	316 207	233 225	187 634	255 407	176 651
Spending	141 094	21 623	5 339	84 039	93 081	33 539	23 984	26 658	53 867
% spent	42,7%	8,3%	3,9%	21,9%	29,4%	14,4%	12,8%	10,4%	30,5%

- Average spending at 21%, much lower than the total grants
- GT and FS below 10%
- Possibility of underspending at the end of the financial year

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Agriculture



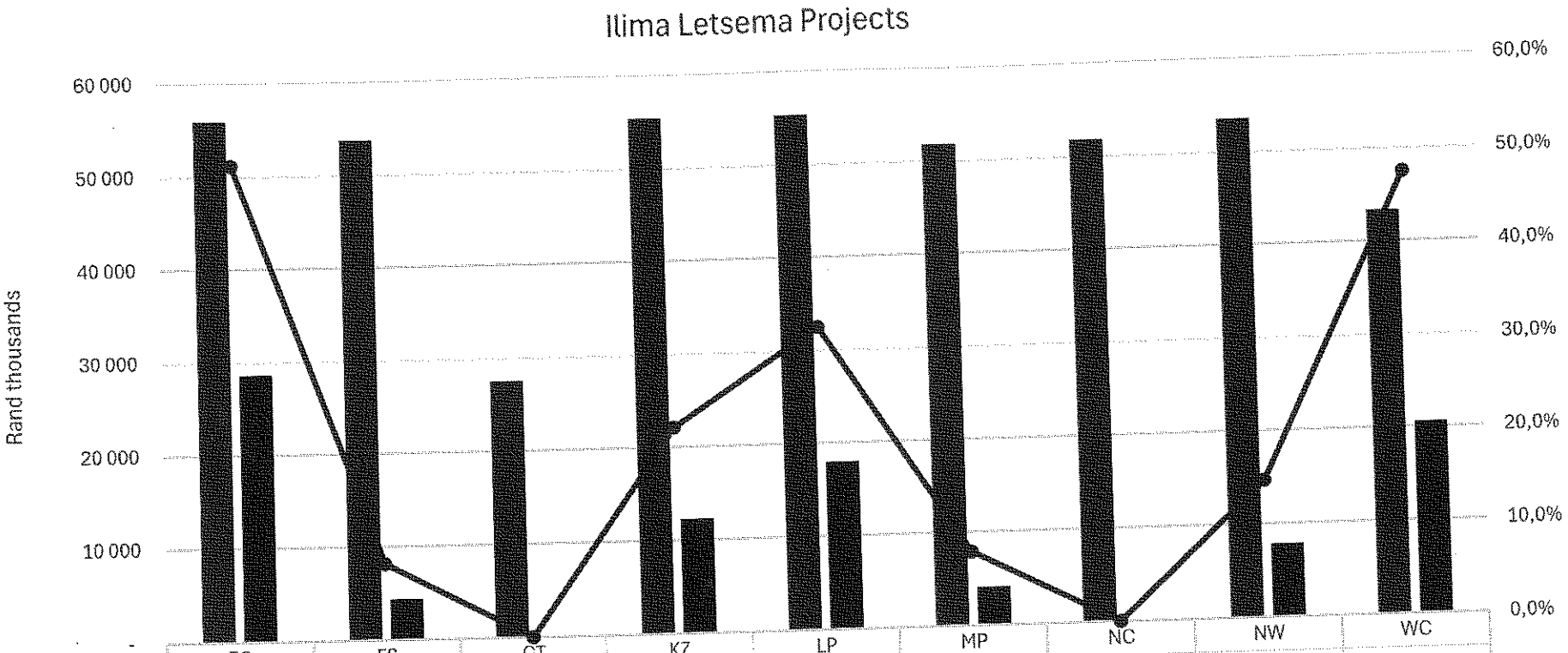
	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	261 158	197 896	105 365	313 640	247 211	171 554	127 656	192 437	126 783
Spending	105 291	16 599	5 339	66 576	71 606	28 204	22 025	16 448	31 542
% spent	40,3%	8,4%	5,1%	21,2%	29,0%	16,4%	17,3%	8,5%	24,9%

- FS, GT and NW below 10%
- Only EC close to expected spending at this point

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Agriculture



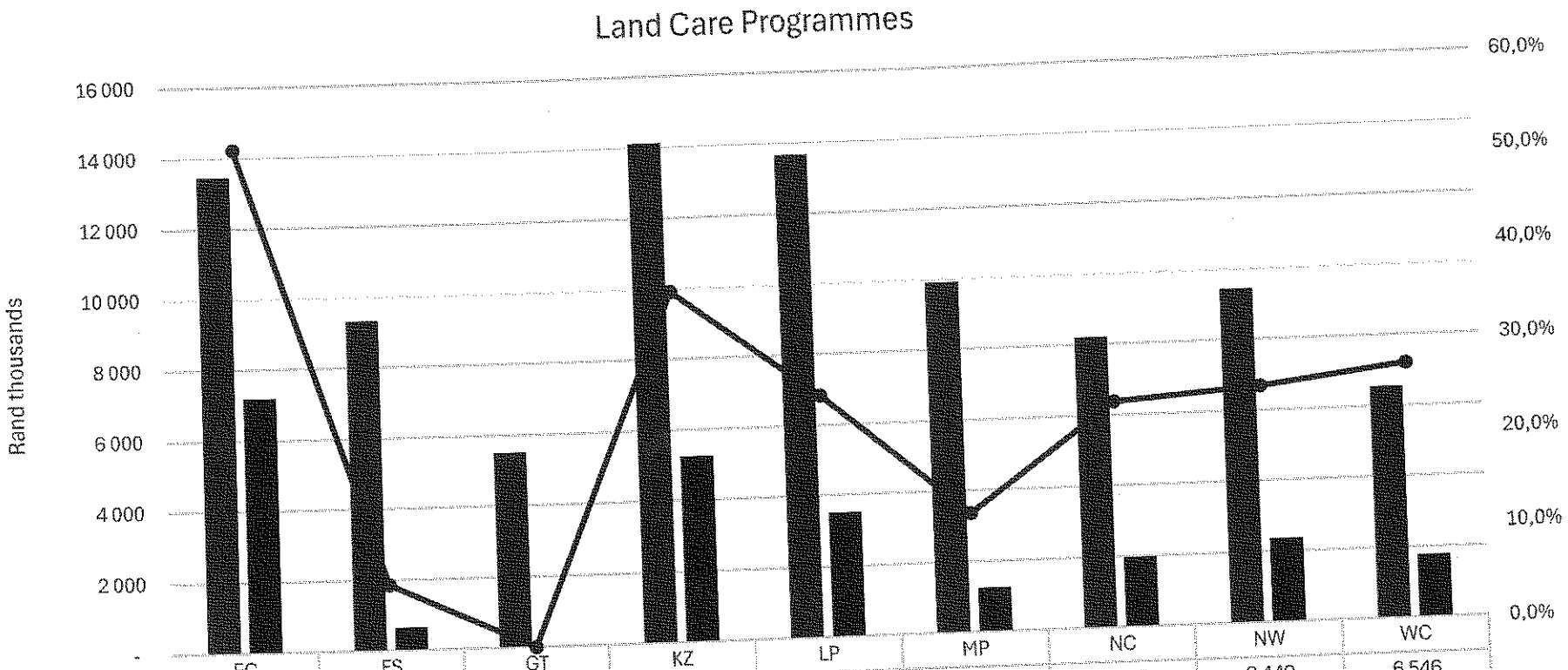
	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	55 965	53 740	27 540	55 389	55 322	51 773	51 771	53 521	43 322
Spending	28 617	4 380	-	12 219	17 976	4 090	-	7 845	20 557
% spent	51,1%	8,2%	0,0%	22,1%	32,5%	7,9%	0,0%	14,7%	47,5%

- GT and NC, no expenditure at the end of August
- EC and WC spending well

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Agriculture



	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	13 470	9 333	5 501	14 127	13 674	9 898	8 207	9 449	6 546
Spending	7 186	644	-	5 244	3 499	1 245	1 959	2 365	1 768
% Spent	53,3%	6,9%	0,0%	37,1%	25,6%	12,6%	23,9%	25,0%	27,0%

- GT no expenditure for the period, EC highest at 53%

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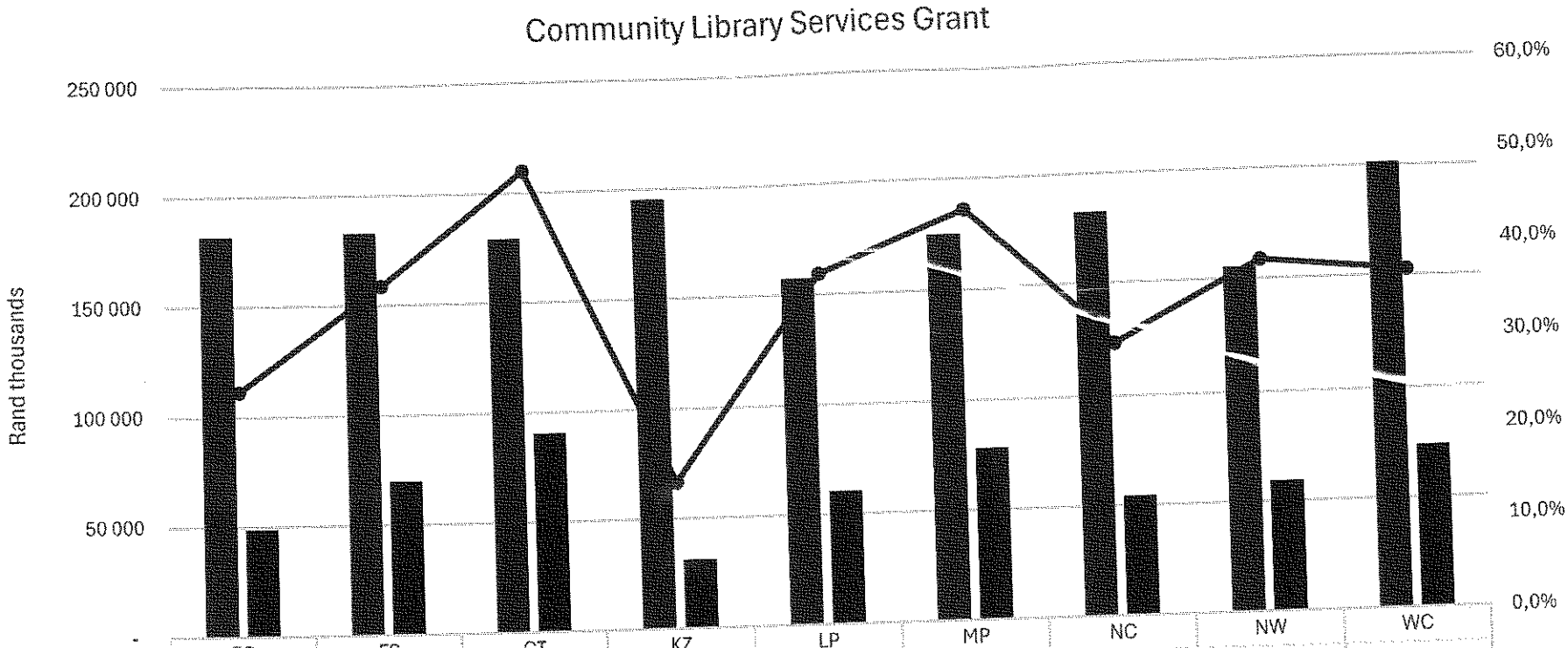
Agriculture issues

- Spending in this sector is usually low in the first quarter, largely due to most planting seasons occurring in the second and third quarter.
- Of the R1.2 billion transferred to provinces, only R483 million was spent at the end of August.
- Although the sector has a detailed process to assess and approve business plans, late approval, after the start of the financial year is a frequent occurrence.



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Arts, Culture and Sport

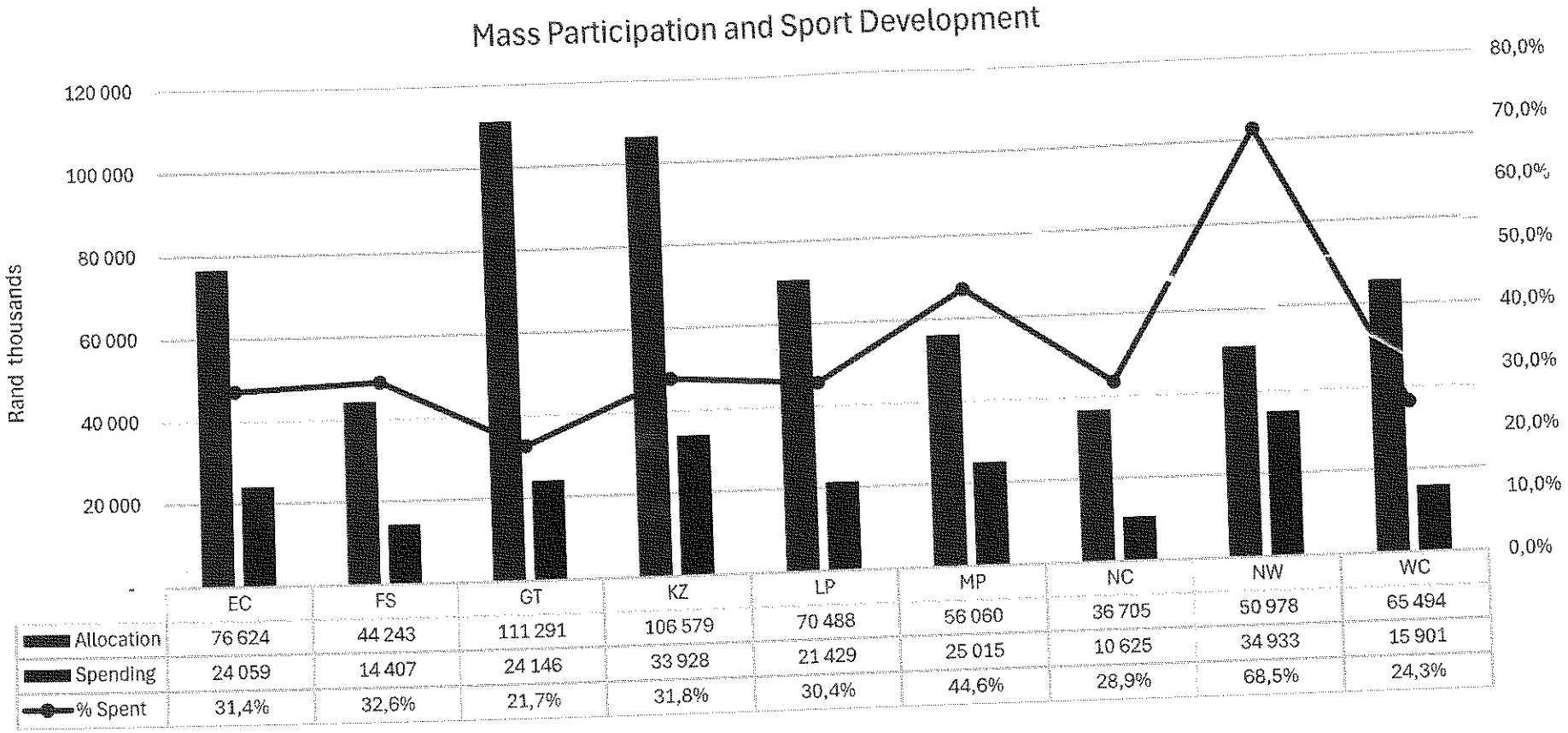


	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	182 156	183 043	179 454	195 617	157 664	174 793	182 629	155 383	201 168
Spending	48 632	69 703	90 427	31 175	60 353	77 935	54 358	59 238	73 710
% Spent	26,7%	38,1%	50,4%	15,9%	38,3%	44,6%	29,8%	38,1%	36,6%

- Average of 35% spent across provinces for the period
- EC and KZ at risk of underspending allocation

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Arts, Culture and Sport



	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	76 624	44 243	111 291	106 579	70 488	56 060	36 705	50 978	65 494
Spending	24 059	14 407	24 146	33 928	21 429	25 015	10 625	34 933	15 901
% Spent	31,4%	32,6%	21,7%	31,8%	30,4%	44,6%	28,9%	68,5%	24,3%

- Average of 33% spent across provinces for the period
- NW spending at an accelerated rate, GT on the lower side

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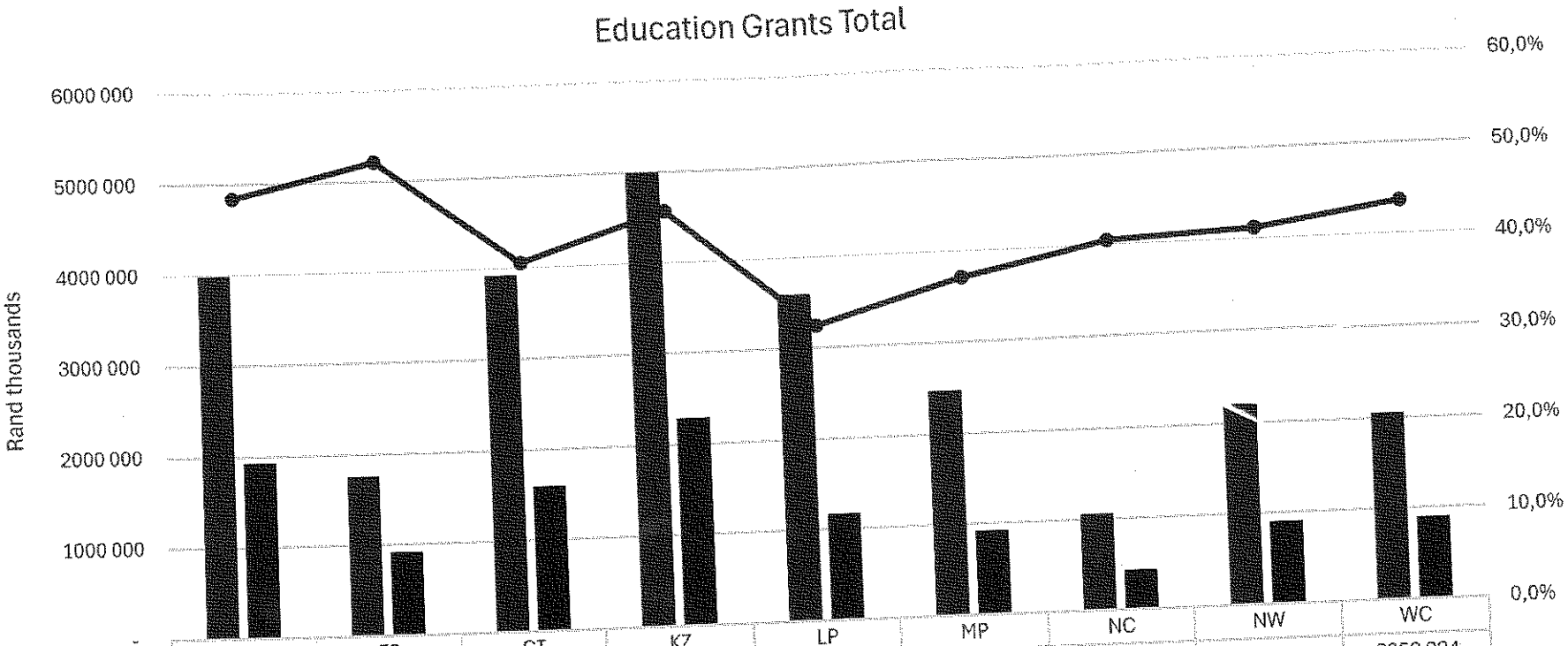
Arts and Culture issues

- The library grant has been underperforming on the building of new libraries and the maintenance of existing ones. Provincial departments do not have in-house built environment practitioners to oversee infrastructure but depend on public works.
- In addition, delays in awarding tenders and poor contract management negatively affects delivery.
- Procurement delays also affects the delivery of goods and services items such as library books.
- There is still uncertainty around the provincialisation of the library function. Provinces are still to confirm if they intend to retain the function or devolve it to local government.



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Education

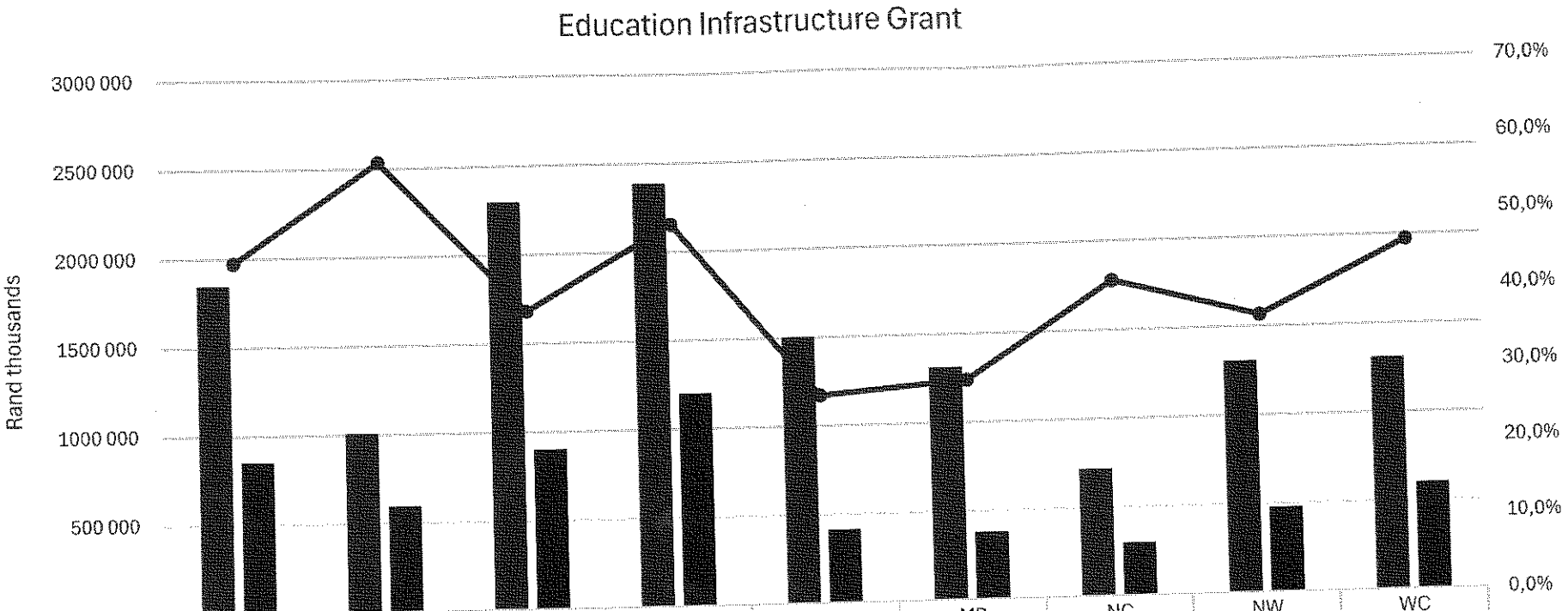


	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	3987 076	1755 577	3924 200	4999 332	3597 475	2474 085	1058 256	2191 927	2053 224
Spending	1928 651	915 451	1591 212	2282 862	1166 372	917 266	428 316	902 608	895 506
% Spent	48,4%	52,1%	40,5%	45,7%	32,4%	37,1%	40,5%	41,2%	43,6%

- Average of 42% spent across provinces for the period
- LP and MP lagging

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Education



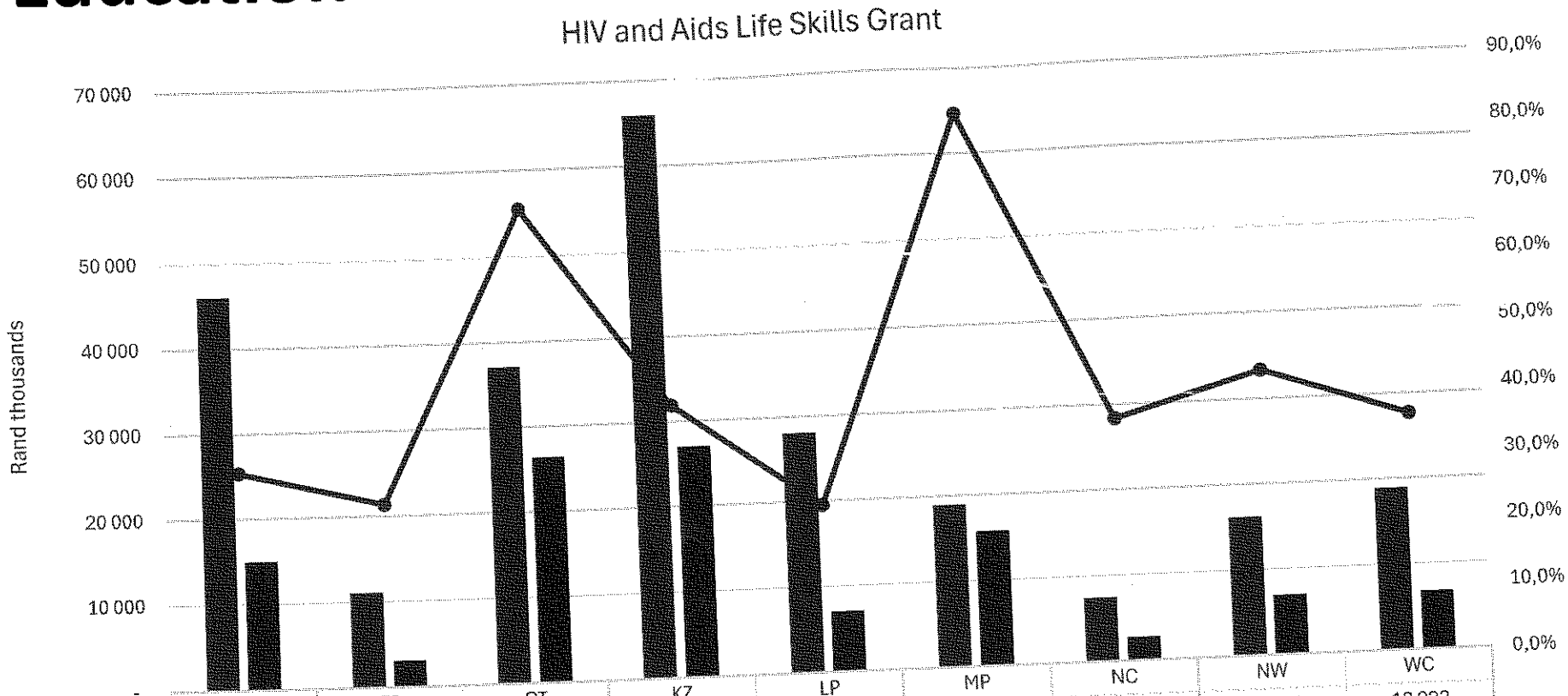
	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	1848 180	1007 305	2296 649	2388 318	1503 403	1310 894	716 303	1304 034	1306 354
Spending	850 204	595 611	899 667	1200 065	410 629	378 571	296 687	475 829	600 334
% Spent	46,0%	59,1%	39,2%	50,2%	27,3%	28,9%	41,4%	36,5%	46,0%

- Overall robust performance, except for LP and MP

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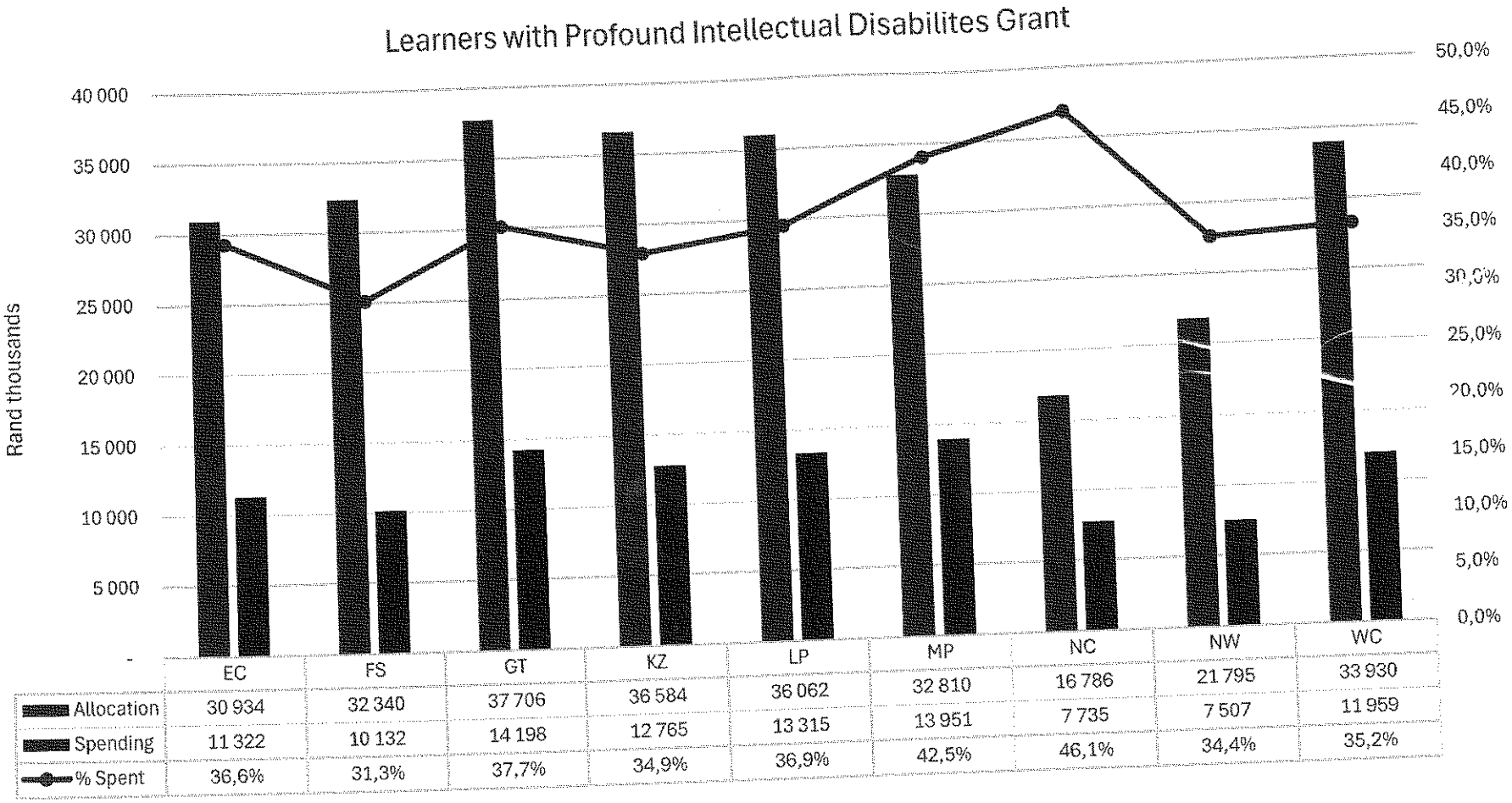
	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	46 020	11 107	37 036	65 952	28 087	18 980	7 435	16 202	18 923
Spending	15 005	3 049	26 407	27 035	7 055	15 780	2 708	6 937	6 732
% Spent	32,6%	27,5%	71,3%	41,0%	25,1%	83,1%	36,4%	42,8%	35,6%

- Average of 44% spent across provinces for the period, largely due to GT and MP's high expenditure

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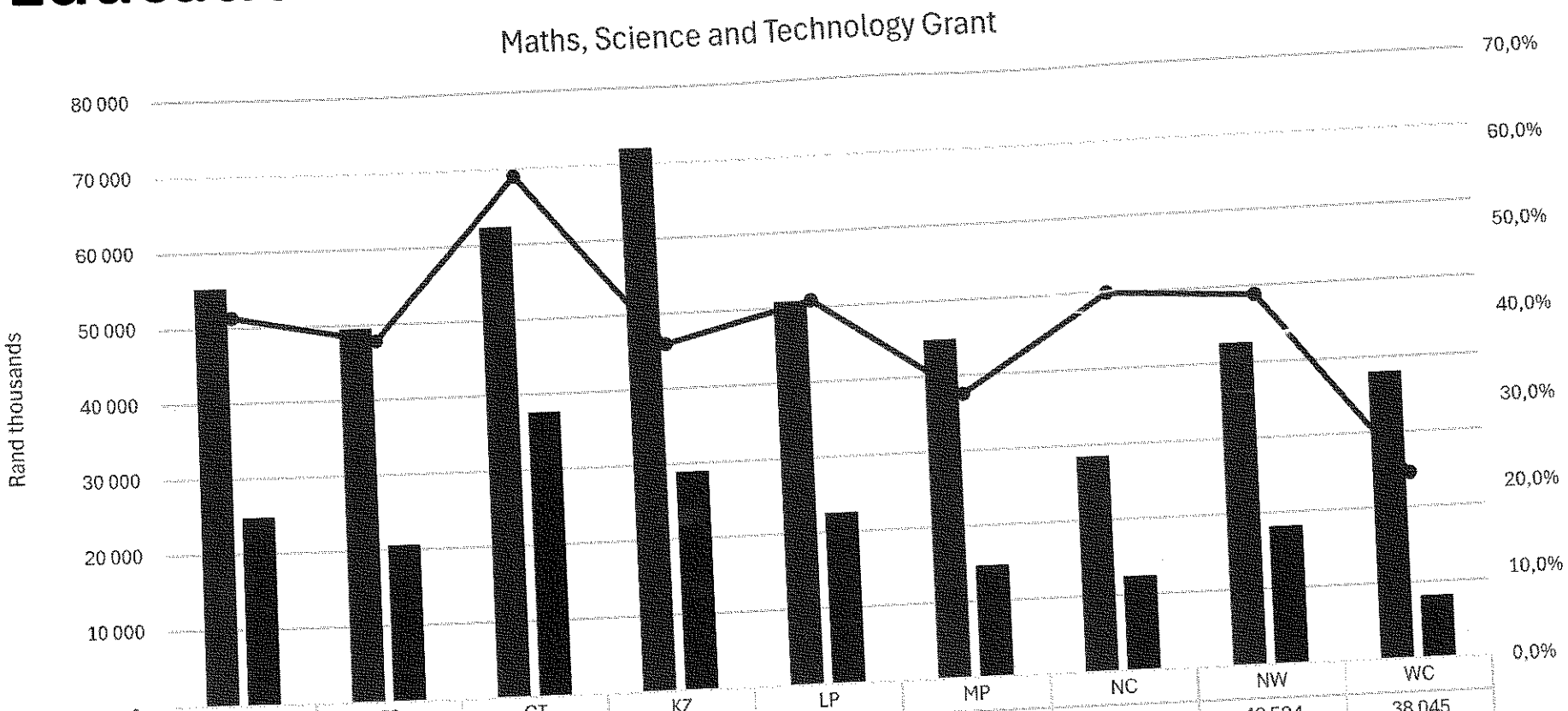


	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	30 934	32 340	37 706	36 584	36 062	32 810	16 786	21 795	33 930
Spending	11 322	10 132	14 198	12 765	13 315	13 951	7 735	7 507	11 959
% Spent	36,6%	31,3%	37,7%	34,9%	36,9%	42,5%	46,1%	34,4%	35,2%

- Average of 37% spent across provinces for the period, slightly below expectation

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Education



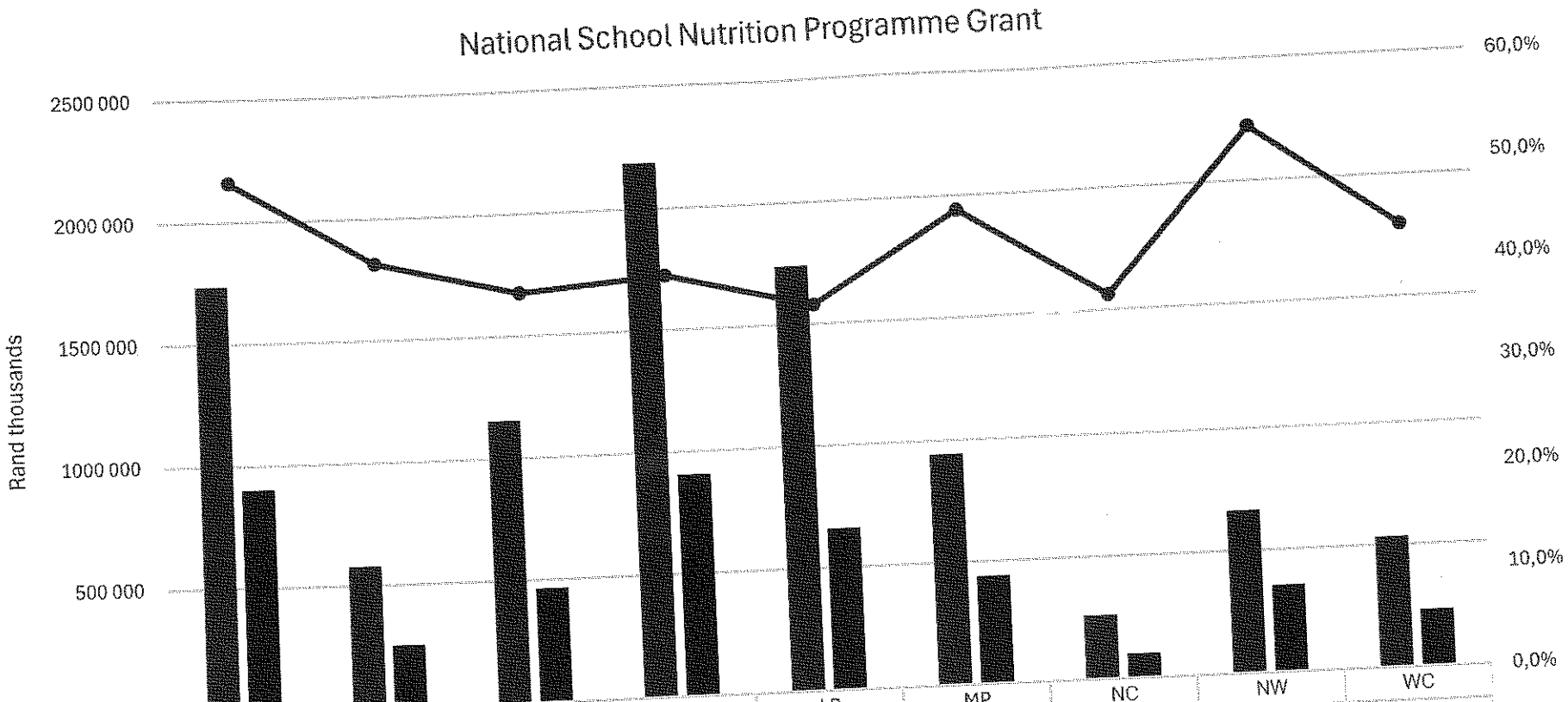
	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	55 256	49 496	62 348	71 988	50 827	44 814	28 474	42 594	38 045
Spending	24 811	20 682	37 619	28 891	22 608	14 706	12 441	18 160	8 171
% Spent	44,9%	41,8%	60,3%	40,1%	44,5%	32,8%	43,7%	42,6%	21,5%

- Average of 42% spent across provinces for the period
- WC at half of expected spending at this point

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Education



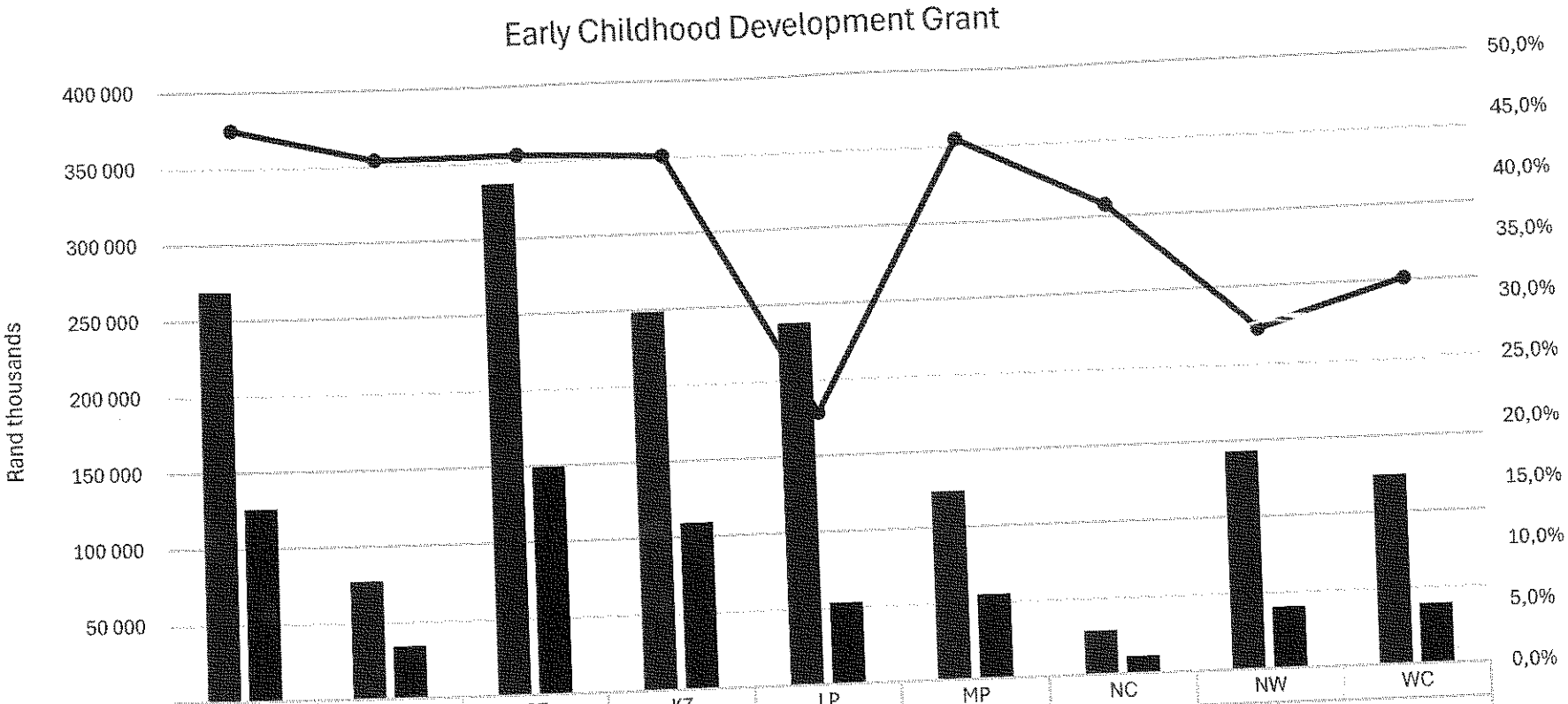
	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	1737 698	578 293	1154 073	2187 840	1741 094	942 928	260 461	664 104	531 615
Spending	901 289	251 891	464 138	905 010	659 634	439 344	97 671	354 257	229 257
% Spent	51,9%	43,6%	40,2%	41,4%	37,9%	46,6%	37,5%	53,3%	43,1%

- Average of 44% spent across provinces for the period
- LP and NC are much lower than the other provinces

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Education



	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	268 988	77 036	336 388	248 650	238 002	123 659	28 797	143 198	124 357
Spending	126 020	34 086	149 183	109 096	53 131	54 914	11 074	39 918	39 053
% Spent	46,8%	44,2%	44,3%	43,9%	22,3%	44,4%	38,5%	27,9%	31,4%

- Average of 39% spent across provinces for the period
- LP and NW lagging

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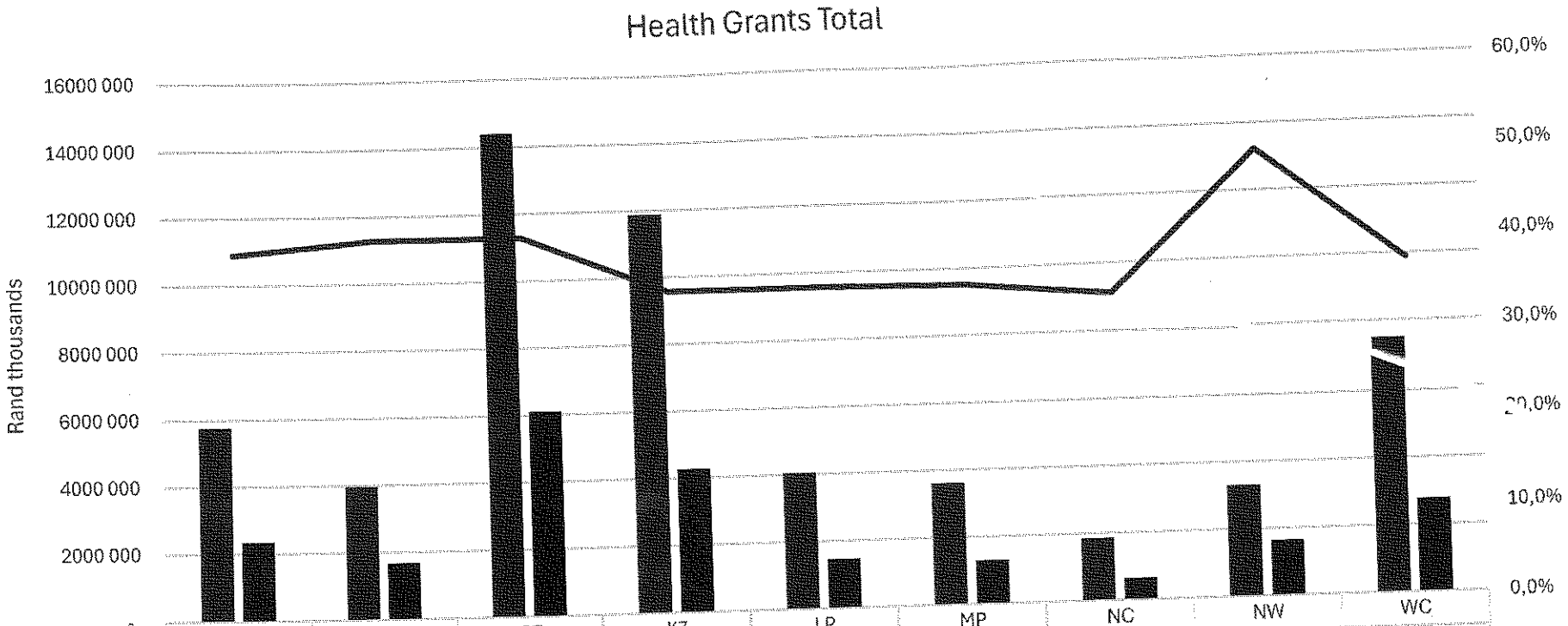
Education issues

- Overall, the sector is performing as expected at 42%.
- However, of the R14.3 billion transferred to provinces, R3.2 billion was unspent at the end of August.
- Vacancies on grants (EIG & LSPID) not filled timeously as affects performance of the grants
- Procurement delays were noted in grants (LSPID & MST), but measures were put in place to recover in the next quarter.
- Delays brought about by the termination of non-performing contractors, who have had to be replaced (EIG). Contractors not paying sub-contractors due to cash flow problems, resulting in them abandoning site.



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Health

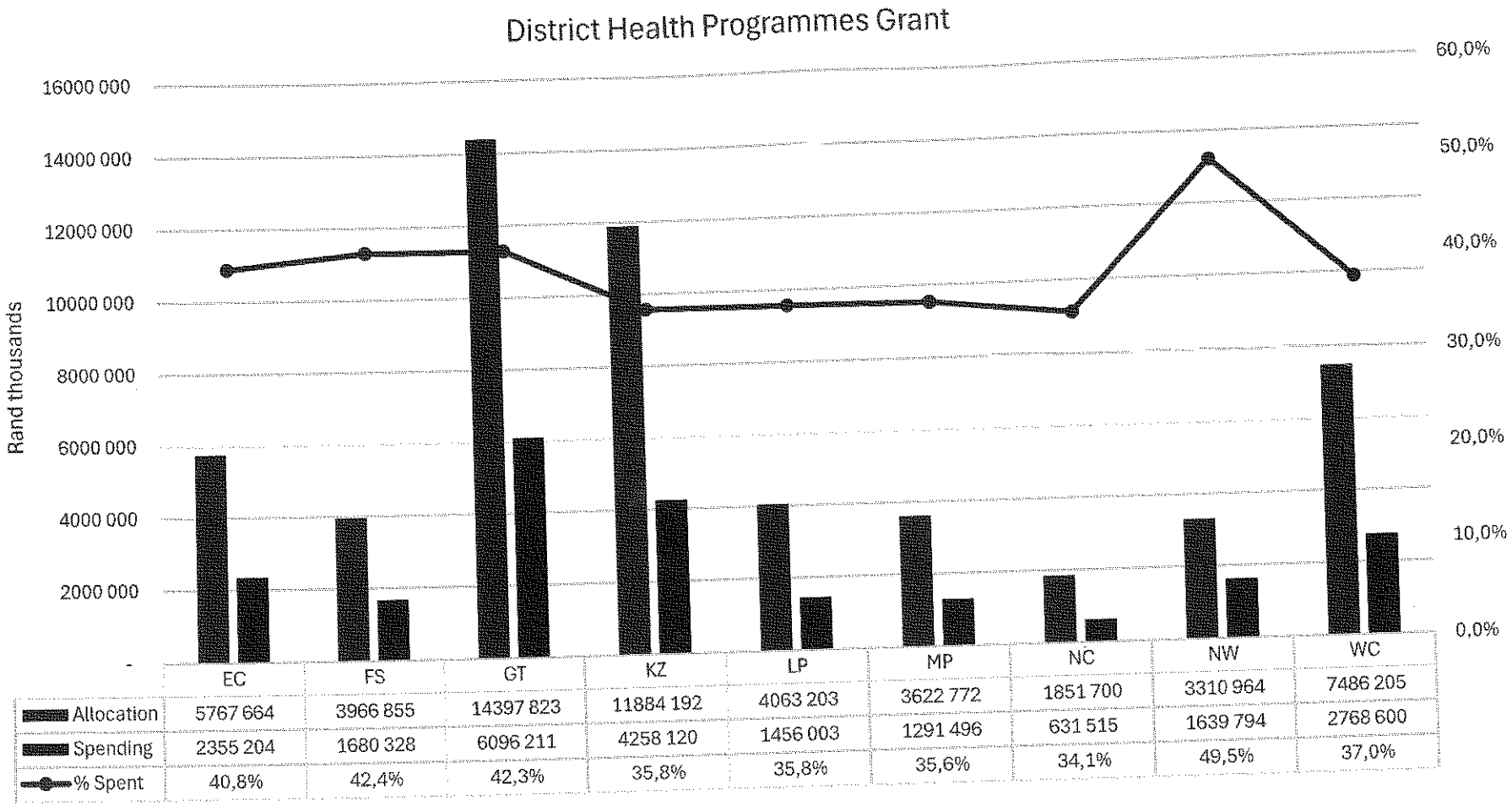


	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	5767 664	3966 855	14397 823	11884 192	4063 203	3622 772	1851 700	3310 964	7486 205
Spending	2355 204	1680 328	6096 211	4258 120	1456 003	1291 496	631 515	1639 794	2768 600
% Spent	40,8%	42,4%	42,3%	35,8%	35,8%	35,6%	34,1%	49,5%	37,0%

- Average of 39% spent across provinces for the period
- 5 provinces below 38%, with NW slightly higher than expected.

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Health

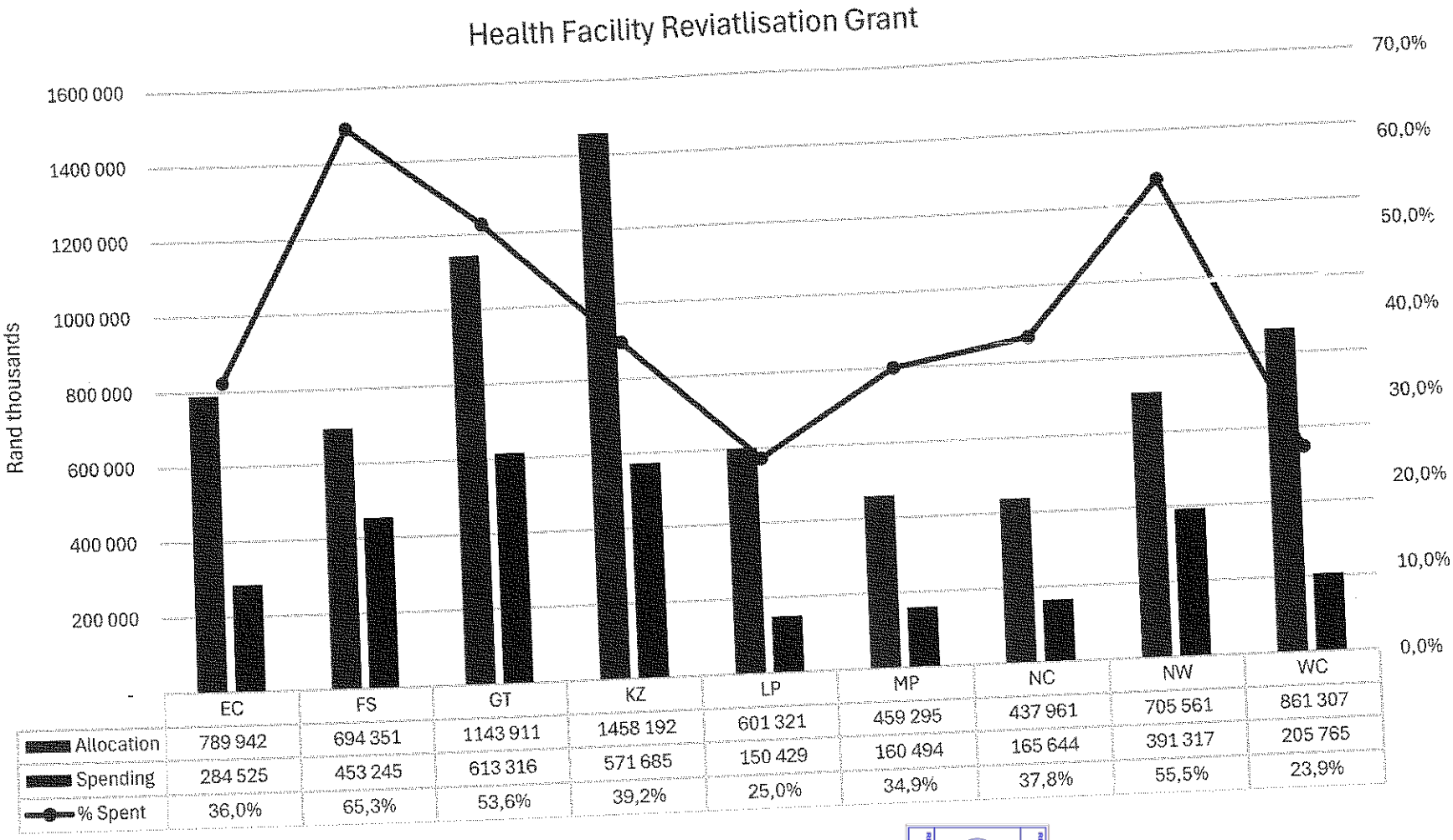


	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	5767 664	3966 855	14397 823	11884 192	4063 203	3622 772	1851 700	3310 964	7486 205
Spending	2355 204	1680 328	6096 211	4258 120	1456 003	1291 496	631 515	1639 794	2768 600
% Spent	40,8%	42,4%	42,3%	35,8%	35,8%	35,6%	34,1%	49,5%	37,0%

- Grant made up of two components
- Average of 39% spent across provinces for the period

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Health



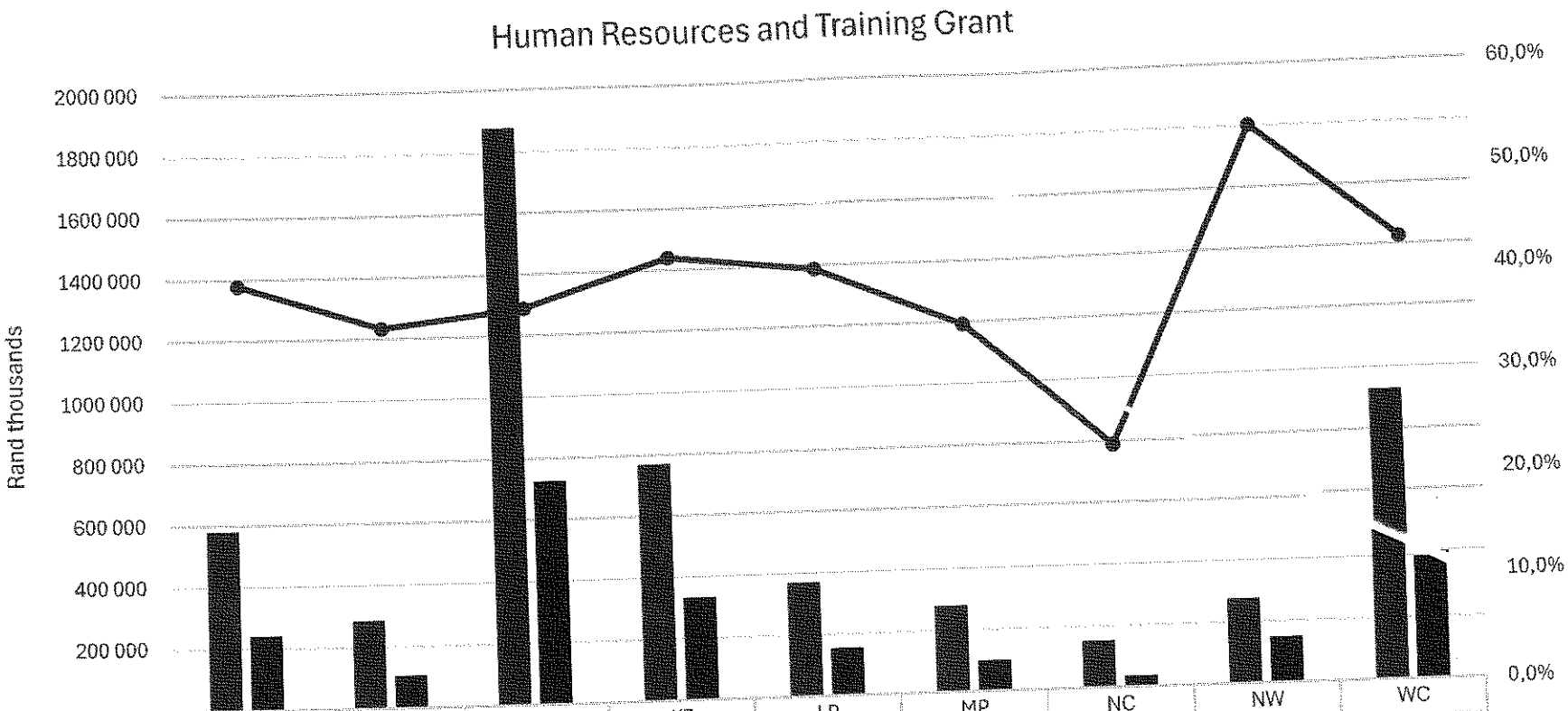
	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	789 942	694 351	1143 911	1458 192	601 321	459 295	437 961	705 561	861 307
Spending	284 525	453 245	613 316	571 685	150 429	160 494	165 644	391 317	205 765
% Spent	36,0%	65,3%	53,6%	39,2%	25,0%	34,9%	37,8%	55,5%	23,9%

- Grant is largely capital in nature
- Average of 42% spent across provinces for the period
- Wide disparity in spending rates between provinces, from 65%(FS) to 23.9% (WC)

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Health



	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	581 770	284 271	1875 966	769 534	369 609	279 435	152 820	275 019	928 678
Spending	240 581	105 190	725 669	332 506	153 894	99 983	36 129	148 533	397 069
% Spent	41,4%	37,0%	38,7%	43,2%	41,6%	35,8%	23,6%	54,0%	42,8%

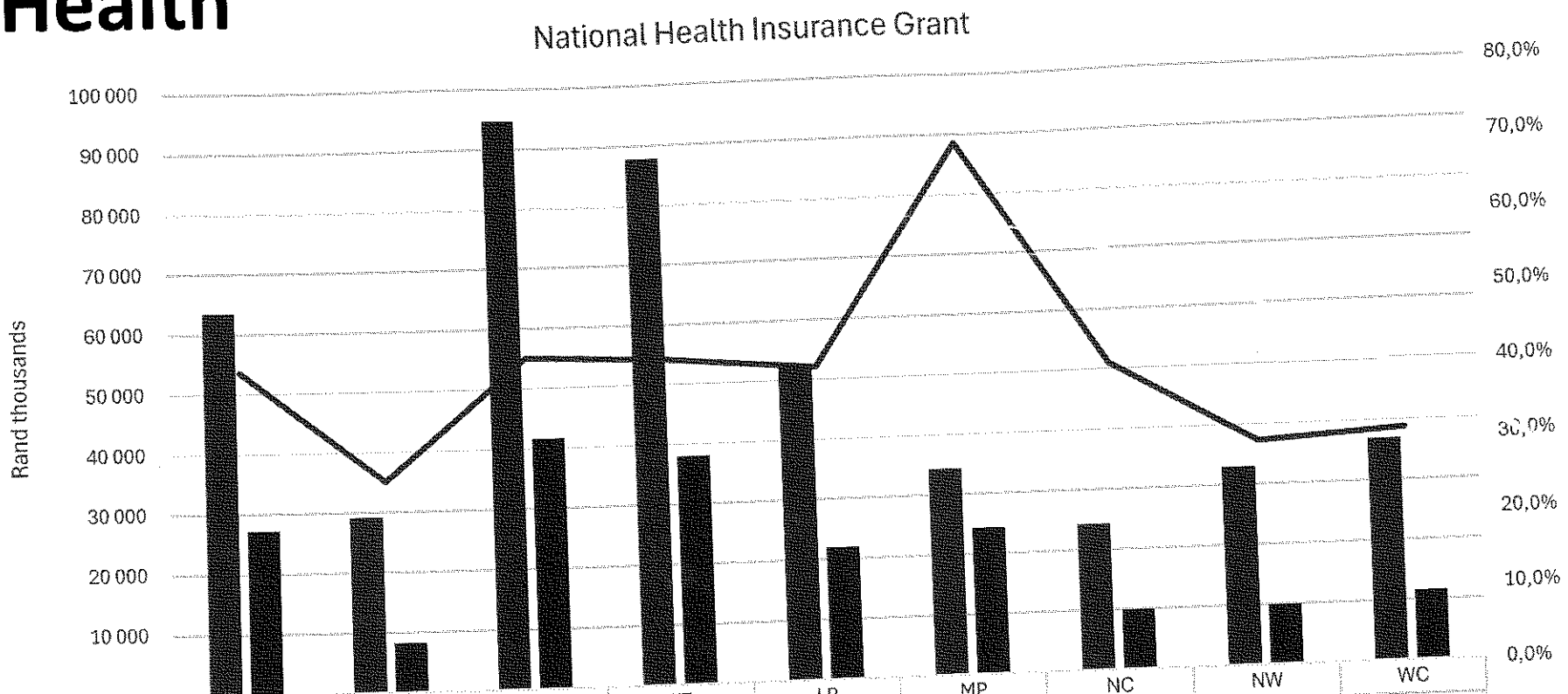
- Grant made of two components
- Average of 35% spent across provinces for the period, with NC significantly lagging

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Health



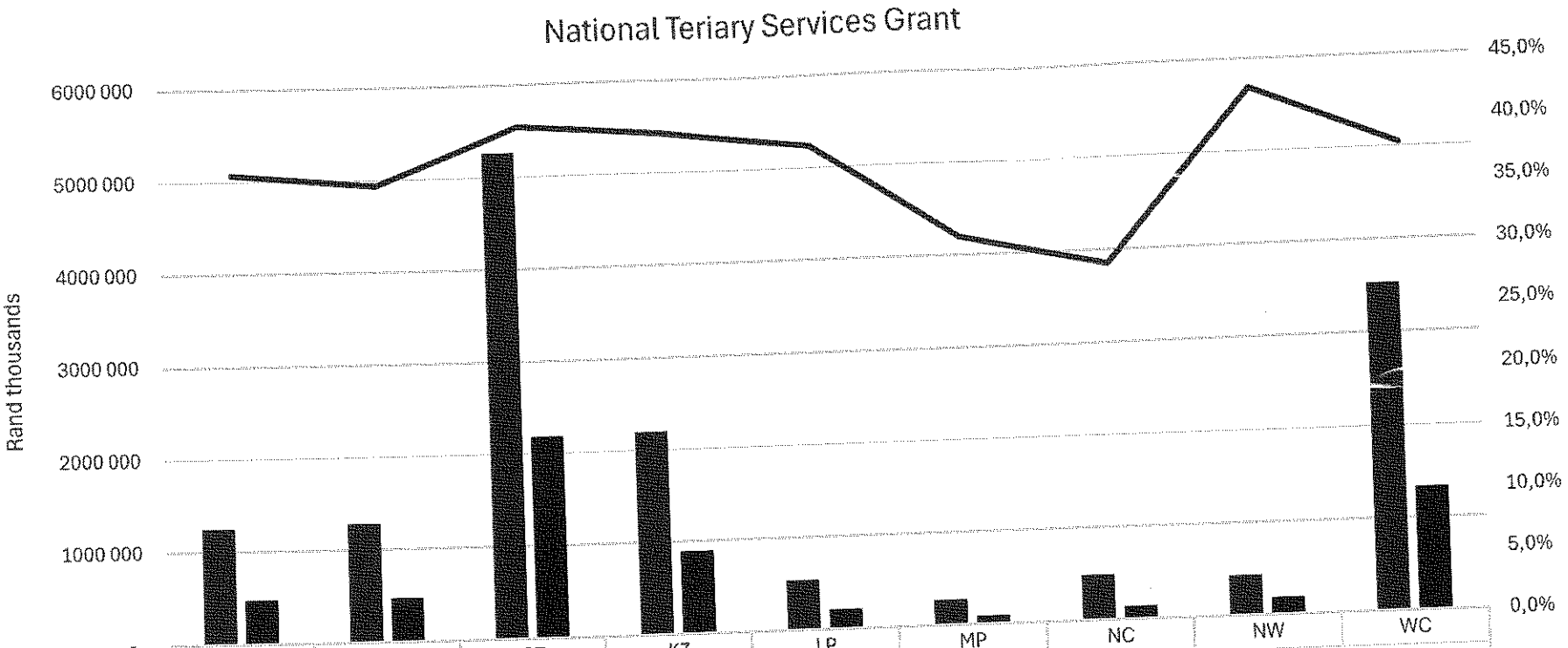
	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	63 501	29 154	94 582	87 732	52 554	34 310	24 264	32 960	36 899
Spending	27 212	8 178	41 654	37 977	21 915	24 283	9 891	9 823	11 435
% Spent	42,9%	28,1%	44,0%	43,3%	41,7%	70,8%	40,8%	29,8%	31,0%

- Average of 42% spent across provinces for the period, with MP significantly high while FS is lagging somewhat

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Health



	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	1255 448	1283 719	5259 796	2201 200	538 981	274 508	488 803	434 394	3526 935
Spending	477 199	475 352	2185 235	894 936	211 656	86 424	141 129	185 049	1334 497
% Spent	38,0%	37,0%	41,5%	40,7%	39,3%	31,5%	28,9%	42,6%	37,8%

- Average of 39% spent across provinces for the period
- Grant expenditure generally recovers in the second part of the year, but NC may be at risk

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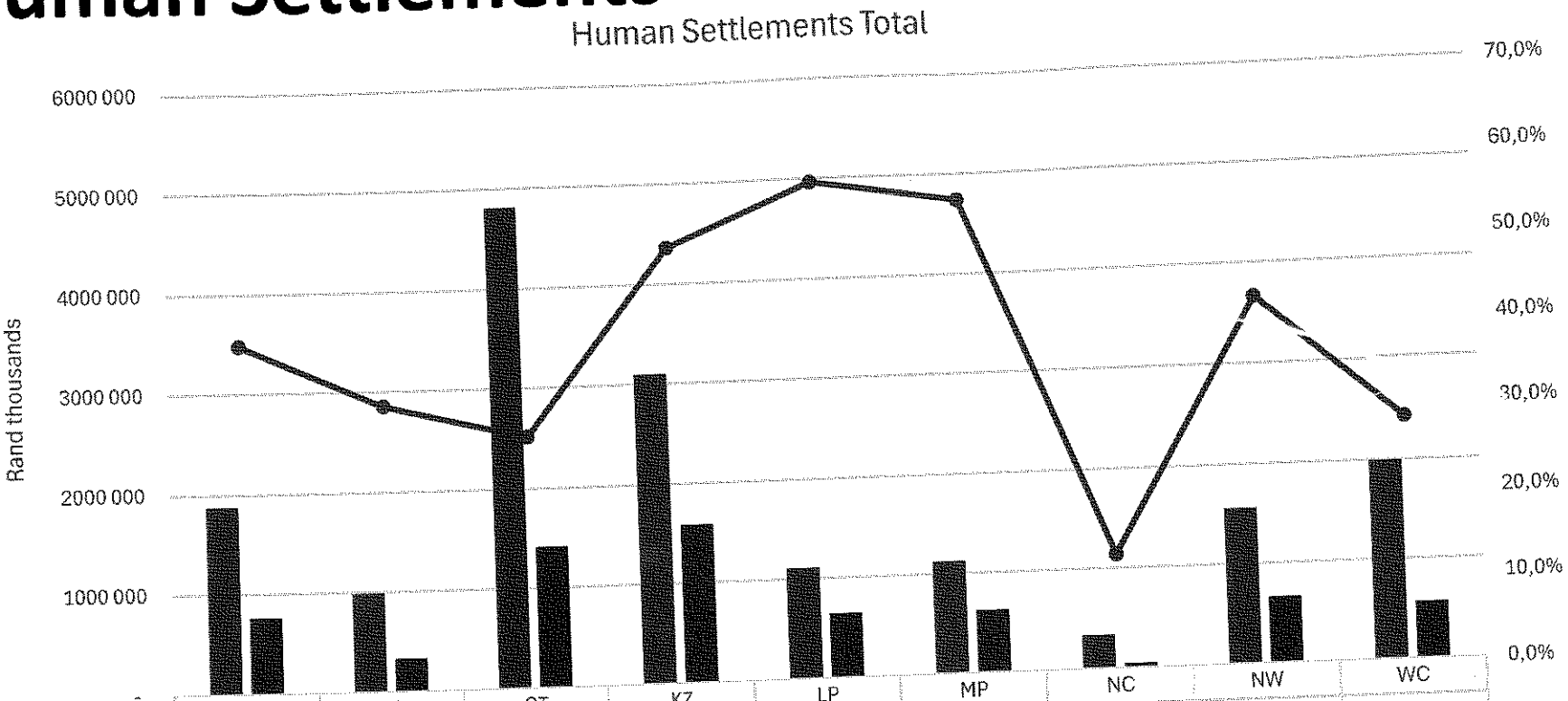
Health issues

- Of the R24 billion transferred to provinces, R2 billion was unspent at the end of August.
- Internal supply chain management processes for the awarding of tenders and delivery of procured machinery and equipment not timeously concluded (NTSG).
- Filling of posts (HFRG) remains a challenge particularly in the semi-rural provinces such as NW, LP and NC.
- Contracting of health practitioners constrained by the nature of contracts, low reimbursement rates and HR recruitment delays (NHI).



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Human Settlements



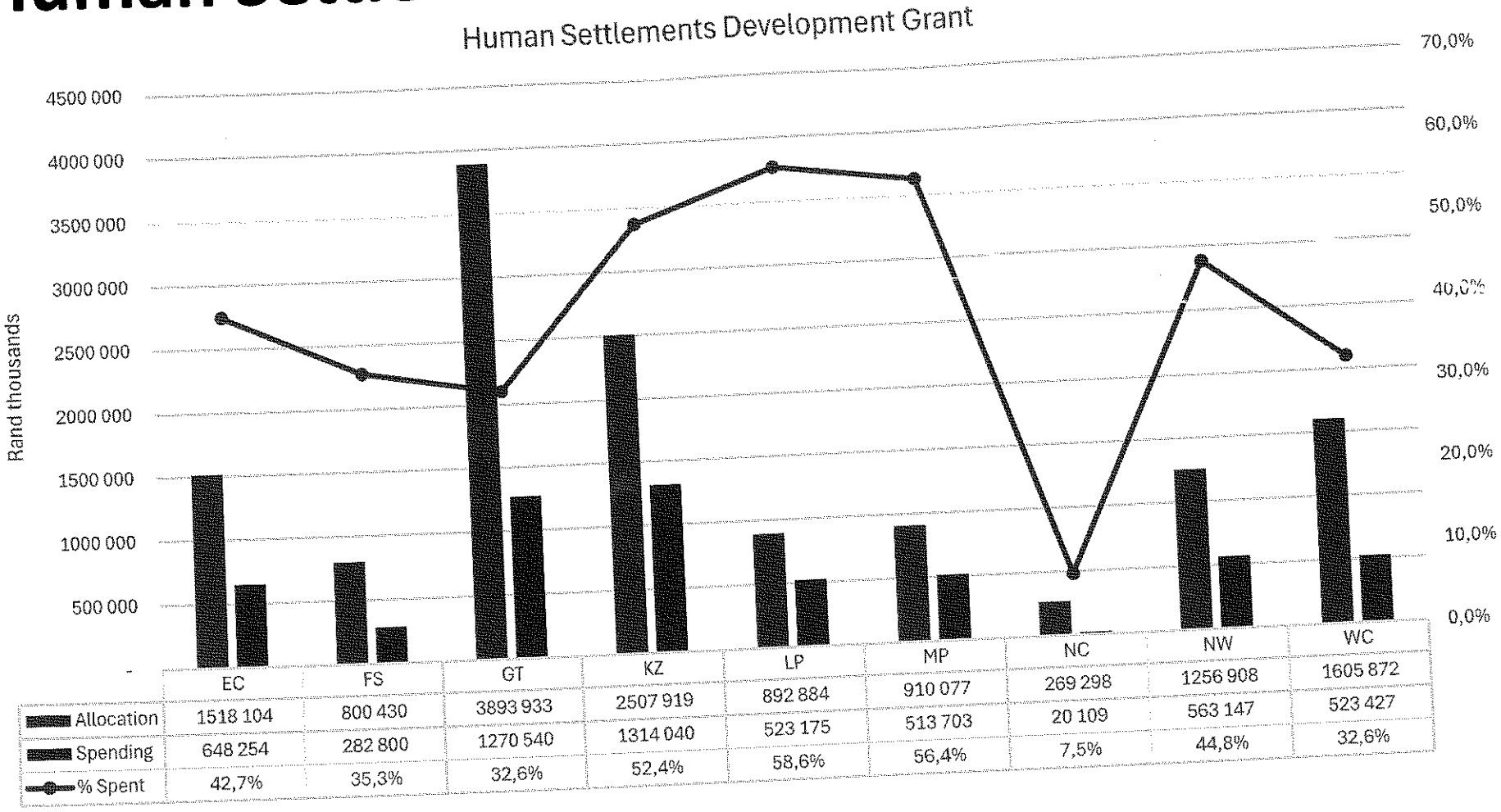
	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	1879 524	990 991	4820 976	3104 988	1105 456	1126 743	333 410	1556 144	1988 187
Spending	763 349	329 863	1414 133	1581 093	640 431	623 639	44 273	663 944	564 414
% Spent	40,6%	33,3%	29,3%	50,9%	57,9%	55,3%	13,3%	42,7%	28,4%

- Average of 39% spent across provinces for the period
- GT, NC and WC lagging

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Human Settlements

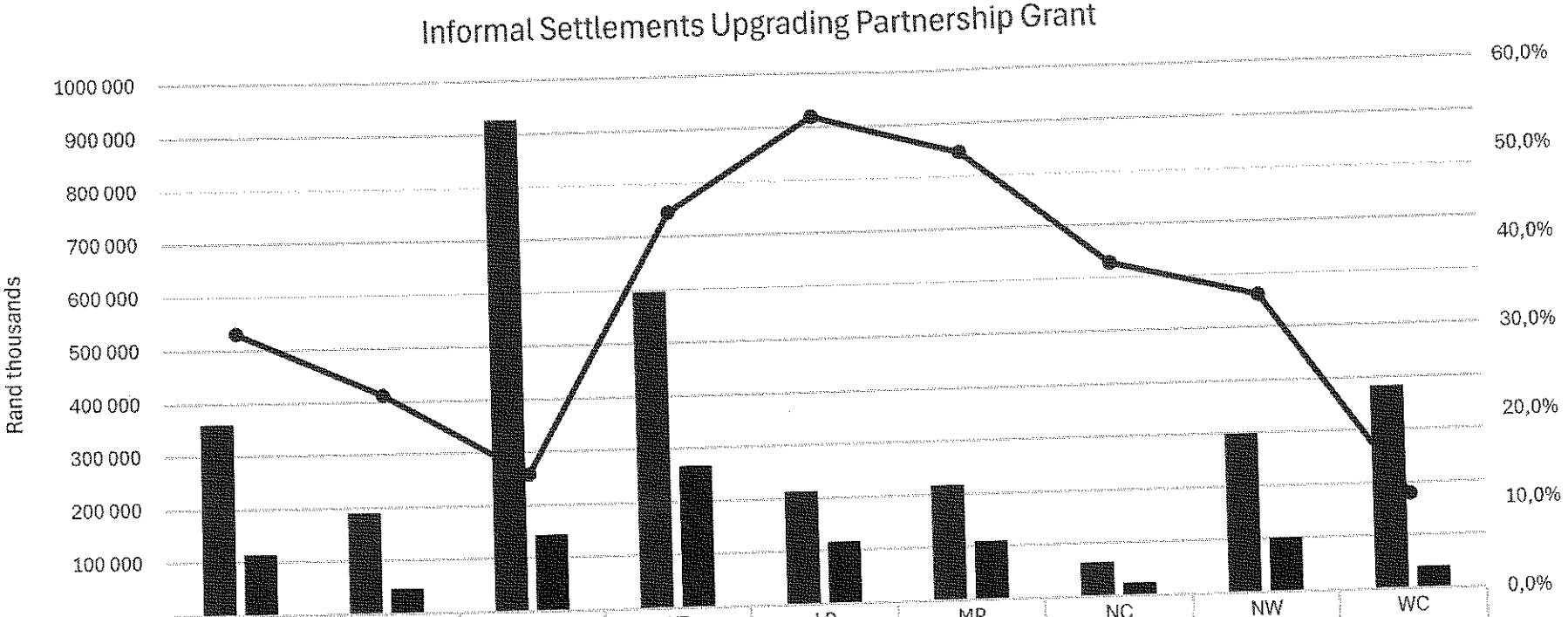


	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	1518 104	800 430	3893 933	2507 919	892 884	910 077	269 298	1256 908	1605 872
Spending	648 254	282 800	1270 540	1314 040	523 175	513 703	20 109	563 147	523 427
% Spent	42,7%	35,3%	32,6%	52,4%	58,6%	56,4%	7,5%	44,8%	32,6%

- Average of 41% spent across provinces for the period
- NC is the clear risk. Some provinces will need more improvement in the next reporting period

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Human Settlements



	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	361 420	190 561	927 043	597 069	212 572	216 666	64 112	299 236	382 315
Spending	115 095	47 063	143 593	267 053	117 256	109 936	24 164	100 797	40 987
% Spent	31,8%	24,7%	15,5%	44,7%	55,2%	50,7%	37,7%	33,7%	10,7%

- Average of 29% spent across provinces for the period. Grant tends to underperform.
- GT and WC are significantly behind other provinces

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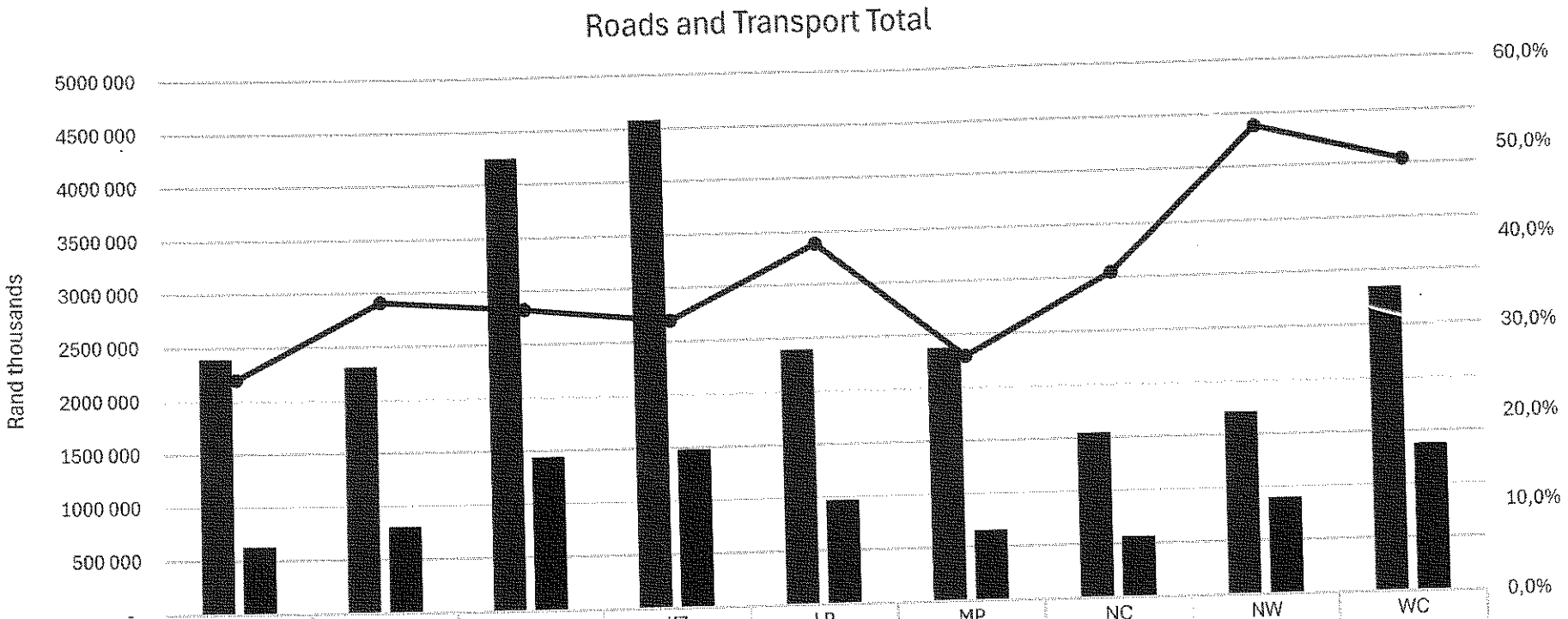
Human Settlements issues

- Of the R7.6 billion transferred to provinces, R1 billion was unspent at the end of August.
- There is a recurrent discrepancy between spending and performance. While expenditure is robust, the delivery of outputs lags significantly.
- Provinces make significant transfers (recorded as expenditure) to entities which cannot be easily traced to outputs.
- Inconsistent reporting by provinces makes it difficult to measure performance (ISUPG).
- Community business forums disruptions, causing uncertain and abrupt stoppages on projects.
- Contractor's cash flow shortages result in slow performance, and some abandon the sites.
- Late appointment of housing contractors because of the delays experienced in the procurement processes



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Roads and Transport



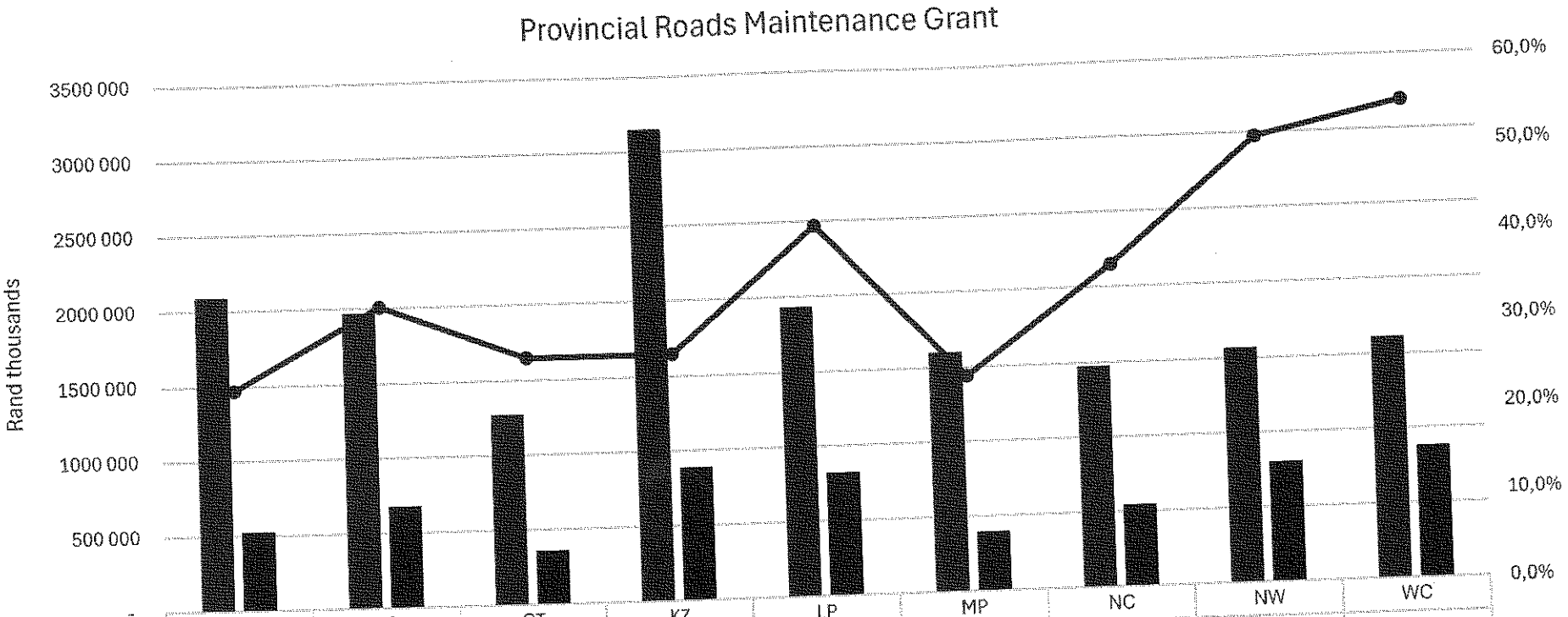
	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	2398 228	2310 640	4250 761	4580 685	2395 248	2376 053	1545 207	1710 020	2841 044
Spending	633 166	807 106	1439 805	1479 713	972 851	654 078	564 838	898 910	1377 119
% Spent	26,4%	34,9%	33,9%	32,3%	40,6%	27,5%	36,6%	52,6%	48,5%

- Two grants in this sector
- Average of 36% spent across provinces for the period

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Roads and Transport



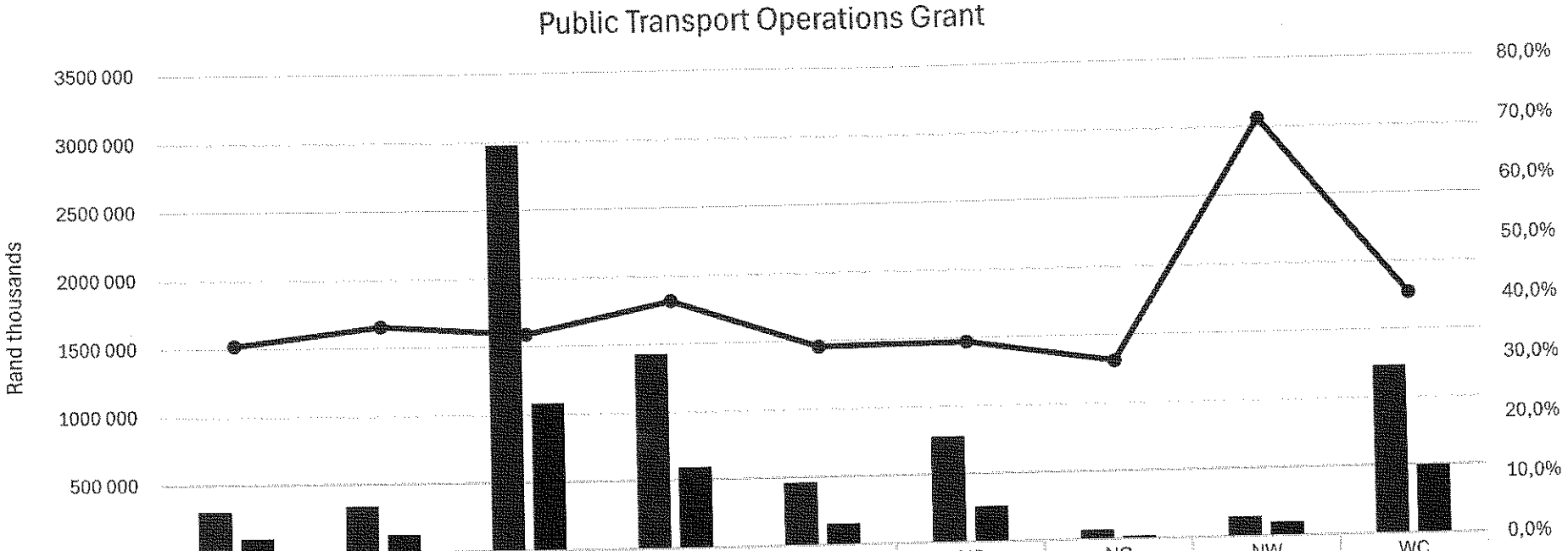
	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	2089 930	1969 791	1271 831	3152 284	1934 494	1600 241	1475 843	1567 433	1610 643
Spending	526 007	678 346	358 594	888 260	819 530	393 912	544 104	799 197	880 536
% Spent	25,2%	34,4%	28,2%	28,2%	42,4%	24,6%	36,9%	51,0%	54,7%

- Average of 36% spent across provinces for the period
- WC and NW well above, while EC and MP are low

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Roads and Transport



	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	308 298	340 849	2978 930	1428 401	460 754	775 812	69 364	142 587	1230 401
Spending	107 159	128 760	1081 211	591 453	153 321	260 166	20 734	99 713	496 583
% Spent	34,8%	37,8%	36,3%	41,4%	33,3%	33,5%	29,9%	69,9%	40,4%

- Average of 38% spent across provinces for the period
- NW exhibiting pressure, while most of the other provinces are behind

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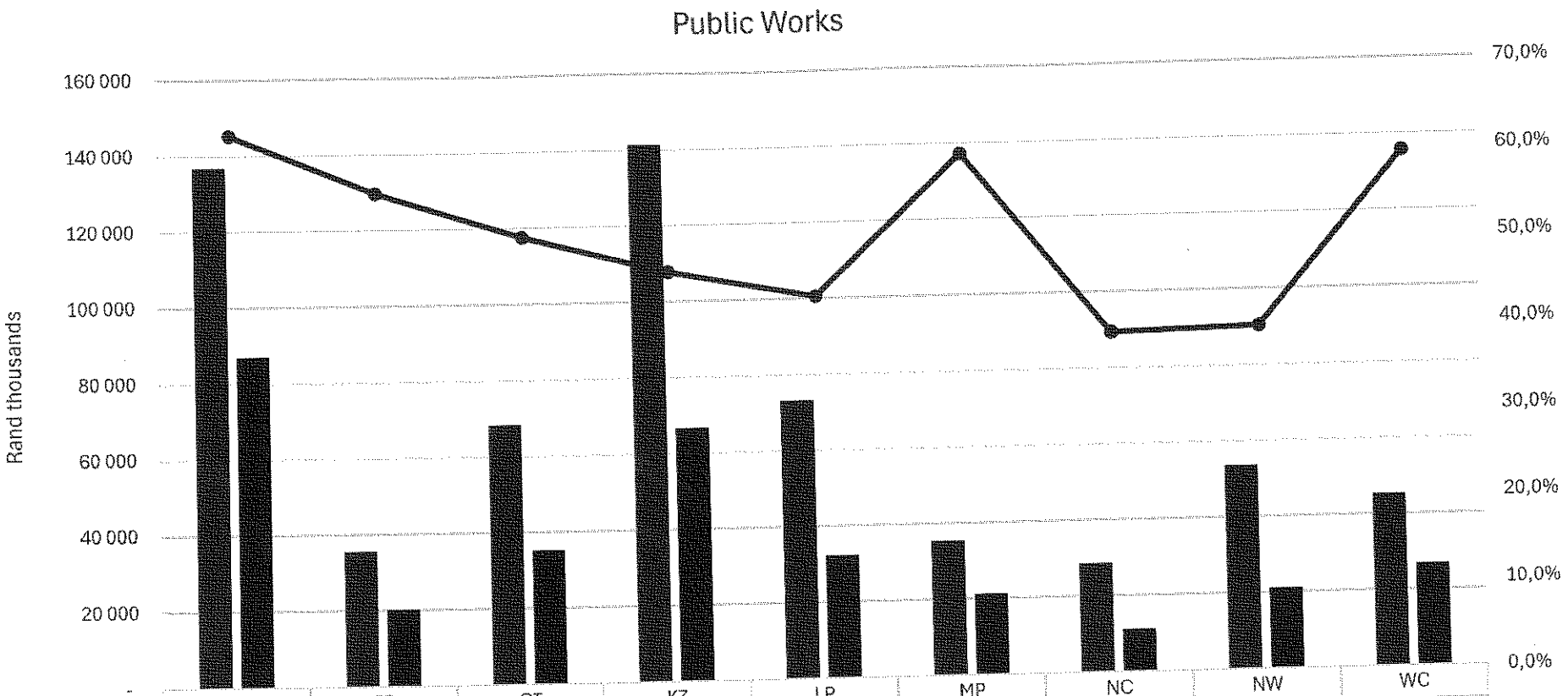
Roads and Transport issues

- Of the R13 billion transferred to provinces, R4 billion was unspent at the end of August.
- Delays in appointment of service providers and inadequate resources in the procurement unit.
- Welisziwe Bridge Programme – not transfers made to Public Works and no bridges completed in the first quarter due to the construction management capacity from the SANDF, which has limited number of construction management teams



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Public Works

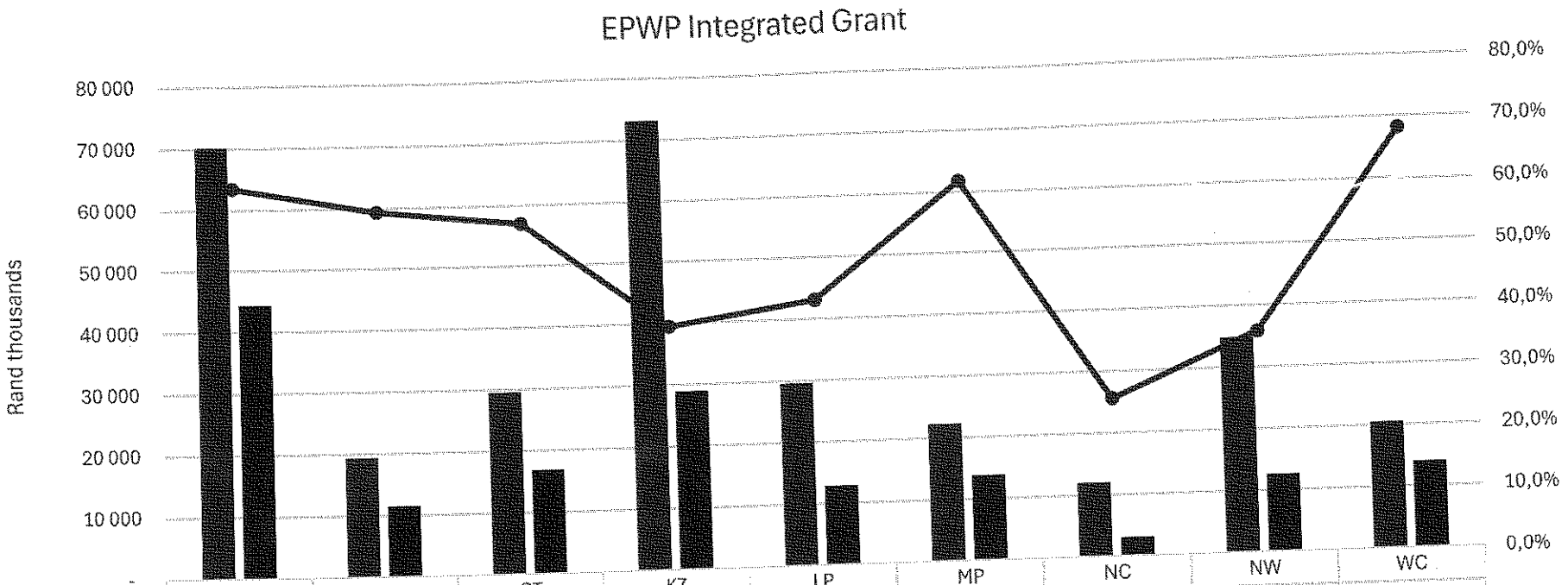


	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	136 911	35 479	68 259	141 398	73 203	35 355	28 601	53 405	45 230
Spending	87 012	20 128	35 095	66 613	32 165	21 214	11 176	21 102	26 828
% Spent	63,6%	56,7%	51,4%	47,1%	43,9%	60,0%	39,1%	39,5%	59,3%

- Average of 52% spent across provinces for the period, much higher than other grants.
- EC and MP has robust spending while NC and NW are behind other provinces

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Public Works

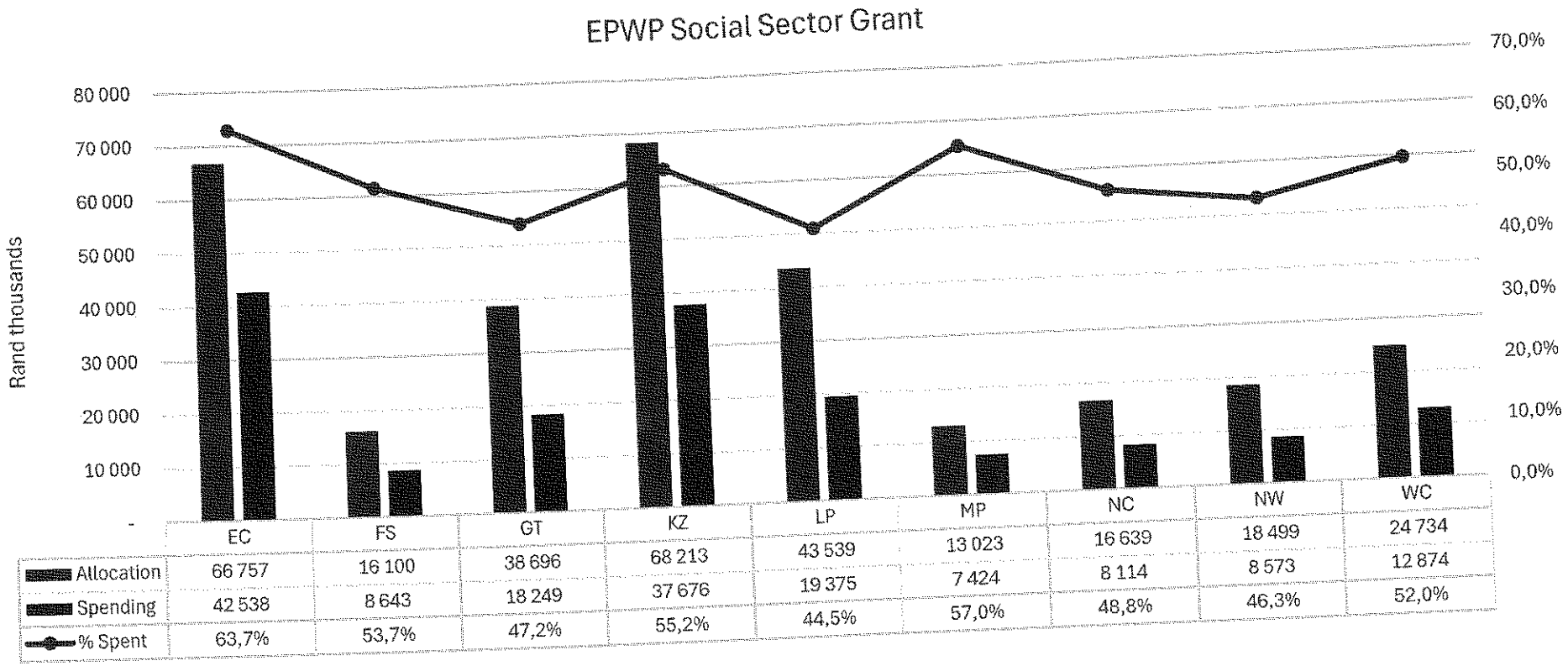


	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	70 154	19 379	29 563	73 185	29 664	22 332	11 962	34 906	20 496
Spending	44 474	11 485	16 846	28 937	12 790	13 790	3 062	12 529	13 954
% Spent	63,4%	59,3%	57,0%	39,5%	43,1%	61,7%	25,6%	35,9%	68,1%

- Average of 51% spent across provinces for the period
- 5 provinces spending over the average with NC lagging significantly

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Public Works



	EC	FS	GT	KZ	LP	MP	NC	NW	WC
Allocation	66 757	16 100	38 696	68 213	43 539	13 023	16 639	18 499	24 734
Spending	42 538	8 643	18 249	37 676	19 375	7 424	8 114	8 573	12 874
% Spent	63,7%	53,7%	47,2%	55,2%	44,5%	57,0%	48,8%	46,3%	52,0%

- Average of 53% spent across provinces for the period
- Spending overall robust and expected to be fully spent at year end.

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Public Works issues

- Delays in submission of quarterly non-financial reports, non-reporting of projects by some departments.
- This is an incentive grant which is performance based, poor reporting will lead to provinces allocation being reduced.



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Overall observations

- At 39% overall spending, provinces are performing relatively well on conditional grants. Previous trend show that grant funds are generally around 96% spent each year. A large part of the underspending is however rolled over and retained in the sector. Some concerns are however noted below.
  - The late approval of business plans, in the agriculture and human settlements sector, is one of the issues affecting performance.
  - Unspent transfers in provinces not ideal, government is incurring borrowing cost for funds that could have been transferred at a later date.
  - Recurrent procurement challenges continue to plague many grants including infrastructure and goods and services item.
  - Poor contract management and contractor performance causes delays on projects and incurs additional costs, in some instances where the defaulting contractor takes legal action
  - Performance on some grants is affected by shortages as result of late filling of vacancies.
  - While spending maybe strong, it is funds that are transferred to entities but remain unspent.
  - The Welisizwe Bridge Programme is a cause for concern, with no performance in the first quarter. Underperformance was an issue in the 2023/24 financial as well.



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Thank you



NDM
S.L

Annexure non-financial information

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KWAZULU-NATAL DIVISION,
PIETERMARITZBURG
Private Bag X9014, Pietermaritzburg 3200
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

NOM
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Agriculture

CASP projects in quarter 1

Province	Planned projects	1-49% complete	50-99% complete	Complete
EC	75	-	-	-
FS	23	4	-	-
GT	10	10	-	-
KZ	40	-	-	-
LP	45	8	-	-
MP	11	3	3	-
NC	68	-	-	-
NW	47	42	2	-
WC	27	12	-	15
Total	**346**	**79**	**5**	**15**

Ilima farmers supported in quarter 1

Province	Planned annual	Actual Q1
EC	30 000	209
FS	6 050	-
GT	90	-
KZ	3 552	168
LP	7 932	1 176
MP	3 005	72
NC	74	-
NW	2 724	300
WC	838	838
Total	**54 265**	**2 763**

- CASP projects include boreholes, stock water structures, animal structures poultry structures and storage facilities.
- Ilima projects are mainly irrigation and foods gardens.

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Arts, Culture and Sport – Mass sport

MSSP Clubs provided with equipment/attire

Province	Target	Actual
EC	-	-
FS	-	0
GT	-	-
KZ	50	68
LP	100	62
MP	-	-
NC	35	36
NW	50	39
WC	-	-
Total	**235**	**205**

MSSP Schools provided with equipment/attire

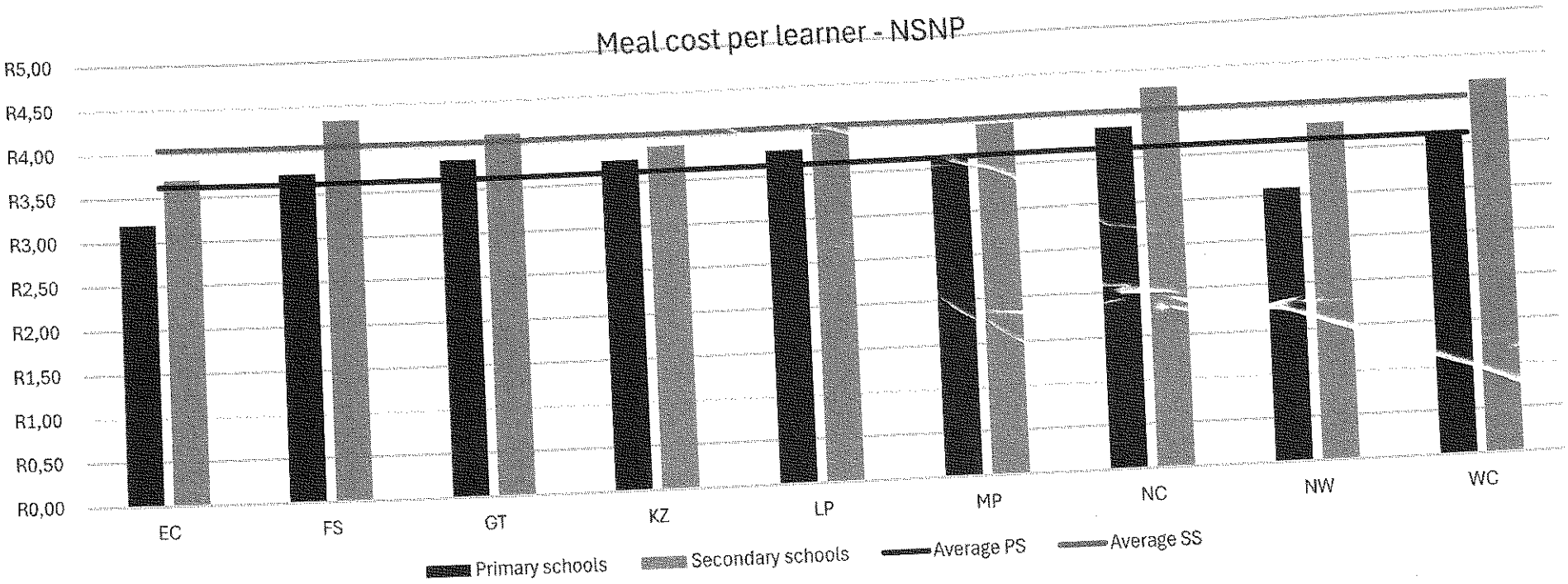
Province	Target	Actual
EC	-	-
FS	50	0
GT	-	-
KZ	210	174
LP	272	-
MP	-	-
NC	-	19
NW	-	-
WC	-	-
Total	**532**	**193**

- Equipment and attire includes sports team kits, and sports equipment such as balls, bats, safety attire, etc

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Education – School Nutrition and Infrastructure



EIG scheduled maintenance

Province	Target	Actual
EC	148	1
FS	30	14
GT	295	130
KZ	600	38
LP	260	32
MP	224	25
NC	15	-
NW	160	16
WC	15	7
Total	**1 747**	**263**

EIG Additional classrooms built

Province	Target	Actual
EC	15	5
FS	84	-
GT	175	53
KZ		
LP	100	36
MP	97	32
NC	9	-
NW	20	46
WC	101	126
Total	**611**	**298**

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Education – Early Childhood Development and Learners with Severe Intellectual Disabilities

ECD number of children subsidised

Province	Target	Actual
EC	unreported	unreported
FS	13 009	13 245
GT	128 398	120 848
KZ	50 028	49 224
LP	48 111	48 111
MP	17 156	17 156
NC	4 634	4 265
NW	36 670	8 449
WC	20 000	29 792
Total	**318 006**	**291 090**

ECD number of children attending fully registered centres

Province	Target	Actual
EC	unreported	unreported
FS	13 614	1 030
GT	46 669	120 481
KZ	8 209	5 203
LP	46 505	46 505
MP	1 391	1 391
NC	2 399	-
NW	4 490	5 733
WC	50 000	57 751
Total	**173 268**	**238 094**

LSIPD	Outreach team		Caregivers	
Province	Q 1 TARGET	Q 1 ACTUAL	Q 1 TARGET	Q 1 ACTUAL
EC	Not planne	3	346	40
FS	Not planne	9	223	75
GP	35	35	651	214
KZN	35	6	248	80
LP	Not planne	4	271	67
MP	30	5	224	1[illegible]
NC	Not planne	3	59	44
NW	15	6	143	70
WC	35	12	573	115
TOTAL	**159**	**83**	**2 738**	**8[illegible]**

- Outreach teams include Occupational Therapists, psychologists, and Speech and Physical Therapists

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Health – Anti-Retroviral Therapy and Male Medical Circumcision

HIV number of patients on ART

Province	Target	Actual
EC	637 305	622 211
FS	327 337	324 864
GT	1 307 492	1 268 320
KZ	1 588 822	1 553 574
LP	458 661	453 625
MP	589 365	574 502
NC	74 219	72 290
NW	378 429	372 092
WC	338 899	333 433
Total	**5 700 529**	**5 574 911**

HIV Male medical circumcisions

Province	Target	Actual
EC	6 397	3 227
FS	5 998	7 577
GT	76 411	43 949
KZ	67 006	26 735
LP	10 400	11 884
MP	29 946	18 718
NC	6 910	3 663
NW	18 192	25 883
WC	3 500	3 654
Total	**224 760**	**145 290**

HIV number of new patients started on ART

Province	Target	Actual
EC	11 882	10 170
FS	6 255	4 003
GT	42 390	22 624
KZ	18 995	19 044
LP	10 164	6 743
MP	12 818	8 475
NC	2 079	1 290
NW	6 048	6 367
WC	10 745	6 167
Total	**121 376**	**85 083**

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Health – Healthcare facilities

Health Revitalisation project status end of Quarter one

Province	Identified/ Feasibility / Pre-Feasibility	Design	Tender	Construction	On-going for project Duration	Practical Completion	Works / Final Completion/Handed Over/Close-Out
EC	34	82	32	45			17
FS	71	19	8	58	1		9
GP	19	13	2	12	19	5	2
KZN	163	52	57	224		5	70
LP	21	6	1	20	2	2	10
MP	18		3	52	2	8	2
NC	24	1	1	15	1	1	3
NW	52	13	11	42	2	31	29
WC	68	63	10	22	0	2	23
TOTAL	**470**	**249**	**125**	**490**	**27**	**54**	**165**

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Health

HRT Registrars in training

Province	Target	Actual
EC	267	189
FS	249	214
GT	352	352
KZ	410	334
LP	191	115
MP	63	32
NC	15	11
NW	89	59
WC	1 034	682
Total	**2 670**	**1 988**

HRT Statutory posts

Province	Target	Actual
EC	376	267
FS	1 074	820
GT	496	514
KZ	152	219
LP	214	151
MP	80	70
NC	152	273
NW	470	468
WC	**3 014**	**2 782**
Total		

NHI Number of health care professionals contracted

Province	Target	Actual
EC	40	34
FS	60	55
GT	140	130
KZ	2	14
LP	60	47
MP	30	19
NC	41	43
NW	31	31
WC	**404**	**373**
Total		

NHI Number of mental health care professionals contracted

Province	Target	Actual
EC	10	9
FS	90	85
GT	36	34
KZ	21	19
LP	24	20
MP	7	4
NC	11	17
NW	23	13
WC	**222**	**201**
Total		

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Health – Tertiary services

NTSG Inpatient days

Province	Target	Actual
EC	148 569	149 639
FS	54 907	53 214
GT	680 000	661 885
KZ	113 099	118 915
LP	72 724	78 289
MP	38 802	35 763
NC	26 241	25 203
NW	62 131	76 076
WC	303 460	302 856
Total	**1 499 933**	**1 501 840**

NTSG Outpatients

Province	Target	Actual
EC	29 879	32 367
FS	15 168	14 708
GT	206 395	205 607
KZ	34 287	30 109
LP	7 623	7 266
MP	6 678	5 633
NC	6 536	5 988
NW	16 435	15 142
WC	41 973	33 720
Total	**364 974**	**350 540**

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Human Settlements

HSDG Sites serviced

Province	Target	Actual
EC	1 404	1 728
FS	250	-
GT	1 992	-
KZ	1	-
LP	195	-
MP	431	1 991
NC	108	2 820
NW	496	-
WC	84	177
Total	**4 961**	**6 716**

HSDG Units complete

Province	Target	Actual
EC	1 643	1 380
FS	501	1
GT	898	-
KZ	1 642	2 577
LP	2 176	1 018
MP	553	220
NC	38	16
NW	634	420
WC	89	1 162
Total	**8 174**	**6 794**

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Public Works – Full Time Equivalents

EPWP Integrated FTEs

Province	Target	Actual
EC	912	727
FS	252	82
GT	384	950
KZ	951	689
LP	386	99
MP	290	190
NC	156	31
NW	454	197
WC	266	58
Total	**4 051**	**3 023**

EPWP Social Sector FTEs

Province	Target	Actual
EC	1 548	246
FS	373	76
GT	897	288
KZ	1 582	366
LP	1 010	100
MP	302	73
NC	386	68
NW	429	103
WC	562	224
Total	**7 089**	**1 544**

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Roads and Transport – Road maintenance

PRMG Blacktop patching M_2

Province	Target	Actual
EC	7 677	30 996
FS	73 950	123694
GT	44 000	48 418
KZ	52 028	110 246
LP	50 000	101 578
MP	30 900	56 358
NC	4 150	6 323
NW	71 000	16 581
WC	7 500	3 824
Total	**341 205**	**498 018**

PRMG Regravelling KM

Province	Target	Actual
EC	80	84
FS	-	40
GT	12	14
KZ	69	212
LP	10	27
MP	6	47
NC	59	164
NW	165	39
WC	60	-
Total	**461**	**627**

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