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**Our ref. DJ Eloff / MAT 2664**

**Your ref:**

17 September 2019

**EXTREMELY URGENT**

**TO: HARRIS NUPEN MOLEBATSU INC**

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**AND TO: MR EDWARD MOSUWE**

HEAD OF DEPARTMENT EDUCATION

GAUTENG PROVINCE

Email: [Edward.Mosuwe@gauteng.gov.za](mailto:Edward.Mosuwe@gauteng.gov.za)

Dear Sirs,

**RE: GAUTENG DEPARTMENT OF EDUCATION AMENDED ADMISSIONS  
REGULATIONS, ADMINISTRATION OF ADMISSIONS AND ONLINE  
PLATFORM**

1. With reference to the above mentioned matter and our previous correspondence with your instructing attorneys. We once again confirm that we act on behalf of AfriForum and the *Skole-ondersteuningssentrum* (SOS) (hereafter 'our clients').
2. This letter is addressed to you on an **extremely urgent** basis following previous correspondence addressed to the Gauteng Department of Education (hereafter 'GDE').
3. Our clients have been informed of numerous anomalies and irrationalities that have arisen during the Gauteng school admission and placement process. Below a number of examples that our clients have been informed of are highlighted.
4. The schools have approached our clients as a number of anomalies and discrepancies have arisen regarding the allocation of learners for placement on the online system.
5. All of the listed schools are schools within the province.
6. We list here hereunder some of the particular difficulties experienced.
7. It appears that parents and learners are at risk of suffering severe prejudice unless the issues are going to be urgently addressed.
8. Inevitably more time will be required to sort out the difficulties and to this extent the offers for placement and the placement period will have to be postponed immediately so that these difficulties can be resolved.

#### **LAERSKOOL DANIE MALAN**

9. We are informed that *Laerskool Danie Malan* has received placement waiting lists from the GDE. These lists have been vastly amended without consultation with the school or the school governing body. Nothing has

been done to correct the discrepancies despite them having been pointed out to the GDE and an undertaking to given that they will be attended to.

10. Furthermore, various discrepancies are clear on the list. These discrepancies include but are not limited to learners being added to the list by the GDE who are indicated to residing within 2 km of the school when in actual fact and upon further inspection in fact reside further than 10 km away. Each and every kilometre distance has been erroneously calculated.
11. More English learners have been added than the school can accommodate. The school has always provided for 3 Afrikaans and 1 English class.
12. The staff and representatives of *Laerskool Danie Malan* have been in contact with the GDE pointing out the above mentioned discrepancies. Despite the continuous dialogue attempted by the school, these concerns and discrepancies remained unaddressed and ignored by the GDE.

## **HOËRSKOOL PRETORIA-NOORD**

13. We are informed that *Hoërskool Pretoria-Noord* in consultation with the GDE determined their school feeder zone and their capacity for grade 8's at 180.
14. Moreover, in terms of the school's language policy which has been noted and vetted by the GDE, the language of learning and teaching (LOLT) is Afrikaans.
15. The school submitted a list of 180 Afrikaans applicants in chronological order (with due regard given to the principle of *prior in tempore potior est in iure* namely ranking in the order when the applications were received) with applicants who had a WA1 number.

16. On Friday 13 September 2019 the school received a list from GDE. This list has the following discrepancies and gross irregularities:
  - 16.1. 72 learners with their LOLT indicated as Afrikaans and who had WA1 numbers have been removed by the GDE;
  - 16.2. 38 learners with their LOLT indicated as Afrikaans and who had WA1 but who submitted chronologically their applications later than others numbers were suddenly added to the list by the GDE;
  - 16.3. 34 learners with their LOLT indicated as English have been added to the school list contrary to the school's language policy which has been noted and vetted by the GDE and which are in conflict with the National Norms and Standards for Language Policy;
  - 16.4. Of the 34 learners who had been added to the list by the GDE, only 13 were in the original list sent by the school to the GDE and 12 learners on the list had now fallen away and 21 learners who were chronologically lower on the list than the others were suddenly added to the list.
17. Vast confusion exists within the school on how these list were determined without clarity being provided by the GDE despite requests by the school. The school received the above mentioned defective and incorrect list less than a week before the school is required to inform applicants and their parents/guardians of their application.

### **LAERSKOOL BAKENKOP**

18. We are informed that on 8 August 2019 the school sent a list of 193 applicants to the GDE. This list consisted of applicants who were marked

as “Successful – ready to submit to District” due to their paperwork being in order.

19. The school has capacity for 180 learners in grade 1.
20. On 23 August 2019 at a meeting held at *Hoërskool Eldoraigue* a GDE representative Mr Khosana sat with the school representatives and went through each individual application where after the list was approved by him.
21. On 15 September 2019, less than two days before the school is due to communicate to applicants and their parents/guardians regarding the outcome of their application, the school receives a list from the GDE with only 141 learners.
22. On this list 49 learners are indicated as unsuccessful applicants, 17 of which have siblings in the schools and 32 of the learners who have a WA1 number.

### **LAERSKOOL KENMARE**

23. We are informed that *Laerskool Kenmare* submitted a list of 165 applicants, 161 of whom were accepted at the school.
24. *Laerskool Kenmare* then received an amended list of 118 learners from the GDE which are not correct.
25. The school representatives have since addressed correspondence to the GDE and their district but have not received any feedback regarding this unusual difference in both the lists.

### **HOËRSKOOL ZWARTKOP**

26. We are informed that there are 21 siblings who have not been placed at the school. This is highly prejudicial to parents and learners.

27. A further 27 applicants who dutifully applied early during the application process and ensured their verification documentation were upon application correct and complete have not been placed.
28. The school can place 350 learners for Grade 8 and place exists to place the aforesaid unsuccessful applicants.

### **HOËRSKOOL OVERKRUIN**

29. We are informed that at *Hoërskool Overkruin* there are a number of applicants who have been included in the latest list sent by the GDE despite several of the applicants not having submitted any verification or supporting documentation.
30. Moreover, 6 applicants who applied as siblings have not been included in the list.

### **LAERSKOOL TUINE**

31. We are informed that *Laerskool Tuine* submitted an initial list of 152 applicants. The GDE responded with an amended list which only contained 129 learners.
32. Various applicants are listed by the GDE as WA4 when in actual fact they are WA1 applicants residing within the feeder zone. The school then corresponded with the GDE to inform them of these discrepancies. Despite contacting the GDE and informing them hereof and an indication that they will be corrected because of a "system problem" the GDE's latest list still includes 40 learners indicated as WA4 applicants.
33. It seems that the system problems still exists.

**OTHER**

34. We are informed that similar discrepancies regarding the lists received from the GDE have emerged at the following schools:

34.1. *Hoërskool Overvaal;*

34.2. *Hoërskool Kempton Park;*

34.3. *Laerskool Impala;*

34.4. *Laerskool Protearif;*

34.5. *Hoërskool Montana.*

**PROBLEMS WITH ADMISSIONS**

35. The above mentioned are merely examples of the widespread irregularities and discrepancies that have emerged during the admission and placement process.

36. We wish to place on record that our clients have previously warned of the impending anomalies and expected irregularities that have now since emerged.

37. In previous correspondence, which for ease of reference our clients raised their concerns regarding the following issues:

37.1. The fact that it seems the GDE disregards the LOLT and language policies of schools;

37.2. The fact that the GDE does not correspond with the various schools in the spirit of cooperation;

37.3. The incorrect usage of school feeders zones that are determined through a consultation process with both the school and the GDE;

38. It has now become clear that the admission and placement process is rife with discrepancies and irregularities. Distances from school for example have been incorrectly calculated. That qualify for preferential placement in

certain cases lower down on lists and others that are chronologically lower on the WA1lists are have allocated for placement.

39. We are informed that schools are due to inform applicants of their placement **via SMS on 18 September 2019.**

## **REQUEST TO POSTPONE**

40. On 27 August 2019 the GDE sent correspondence to all ordinary public schools in Gauteng. In this letter the GDE states the following:

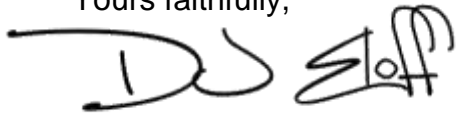
*“Discrepancies will be cleared before offers of placement are sent to parents”.*

41. The above correspondence is attached as **Annexure A.**
42. The fact of the matter is that many discrepancies still exist and that more time is required to address them in the spirit of the cooperative governance between the GDE and the schools before offers of placement are sent to parents.
43. The offers for placement by the GDE and the SMS notification to parents should be postponed until the discrepancies have been cleared.
44. It is our clients’ submission that it is in the best interest of each applicant, the school and school communities that the process of informing learners be postponed to **16 October 2019** (considering also the school holidays that starts on 20 September 2019 – 1 October 2019) in order to provide opportunity for the GDE to address the copious amounts of discrepancies and irregularities.



45. Our clients remain committed to ensure quality education for all applicants. In the spirit of cooperation, which our clients have maintained throughout all correspondence with the GDE, we make this request.
46. We request your urgent response to this letter by no later than **close of business 17 September 2019**, before the schools are due to communicate with learners *via* SMS.
47. Failure to respond to this letter, will leave our clients and the schools with no other choice than to approach the court on an urgent basis.
48. Our clients' rights remain reserved.

Yours faithfully,



**HURTER SPIES INC.**  
Per Daniël Eloff

And To: **NATIONAL MINISTER OF BASIC EDUCATION**  
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