

**Hurter Spies Incorporated**  
Reg. no. 2008/009761/21  
Attorneys/Notaries/Conveyancers

**Pretoria-offices:**

Second Floor, Block A, Loftus Park  
416 Kirkness street, Arcadia  
Pretoria, 0007

**Centurion-offices:**

54 Union Avenue (c/o Union Avenue & Kort street)  
Kloofsig, Centurion, 0158

P O Box 14505

0140 Lyttelton

Tel : 012 941 9239

Fax : 012 644 1997

e-mail : [admin@hurterspies.co.za](mailto:admin@hurterspies.co.za)

Internet : [www.hurterspies.co.za](http://www.hurterspies.co.za)

**Our ref. DJ Eloff / MAT3228**

01 June 2020

**Minister Angie Motshekga**

Minister of Basic Education  
Sol Plaatjie House  
222 Struben Street  
Room TF1062  
Pretoria

By email: [mabua.s@dbe.gov.za](mailto:mabua.s@dbe.gov.za)  
[info@dbe.gov.za](mailto:info@dbe.gov.za)

Dear Minister Motshekga,

**RE: SKOLE ONDERSTEUNINGSENTRUM & SOLIDARITY // MINISTER OF  
BASIC EDUCATION – COMPLETE REOPENING OF SCHOOLS**

1. We act on behalf of the *Skole-ondersteuningsentrum* an independent organisation incorporated as a non-profit company that aims to promote quality education in South Africa through the establishment of professional associations of educators as well as Solidarity, a registered trade union with 140 000 members in all occupational fields, collectively and professionally (hereafter collectively referred to as 'our clients').

2. This letter is directed to you in your capacity as the cabinet member with the responsibility of overseeing the Department of Education as well the responsible cabinet member that issued the "*Directions issued in terms of Regulation 4(3) of the regulations made under the Disaster Management Act, 2002, regarding the re-opening of schools and measures to address, prevent and combat the spread of Covid-19 in the National Department of Basic Education, all provincial departments, all education district offices and all schools in the Republic of South Africa*" dated 29 May 2020 (hereafter referred to as 'the directions').
3. The purpose of this letter is to follow up on the letter sent on behalf of the *Skole-ondersteuningsentrum* dated 19 May 2020 which *inter alia* urgently requested the reopening of schools which are able to effectively reopen during the Covid-19 pandemic and which have put in place adequate and satisfactory measures to ensure the safety and wellbeing of its learners.

## **SCHOOL REOPENING ANNOUNCEMENT**

4. We are informed that on **30 April 2020** you announced that schools would be reopening, on a limited basis with only grade seven and grade twelve learners returning on **1 June 2020**.
5. Following a public participation and a consultation process your office published the above mentioned directions on **29 May 2020**, which directions confirmed the announcement made on 30 April 2020 that schools will be reopening for grade seven and grade twelve learners.
6. On **31 May 2020**, your office released a statement on resumption of duty in the basic education sector which effectively postponed the recommencement of schools until **8 June 2020**. Our clients are concerned that the binding and duly issued directions of 29 May 2020 are effectively circumvented and ignored through the media statement. The decision to postpone the recommencement of schools which was communicated

through the above statement is in our client's view *ultra vires* and unlawful.

7. The limitation of risks associated with the complete reopening of all schools was thoroughly traversed in our client's above mentioned letter dated 19 May 2020. Moreover, it is undoubtedly in the interest of all South African school children that, should their school be ready and equipped to safely and effectively reopen, that the particular school be allowed to do so.
8. Our clients wish to highlight the fact that the best interests of South African school children are best served through giving each individual school the ability to determine when they are ready and equipped to effectively recommence with their full school activities, subject to compliance with the minimum health, safety and social distancing measures referred to in the directions of 29 May 2020. School management and school governing bodies should be allowed to determine on an *ad hoc* basis whether they are able to safely reopen.

## **REQUEST**

9. Firstly, in light of the above our clients request the following by **8 June 2020**:
  - 9.1. That all schools that are able to effectively reopen for all grades during the Covid-19 pandemic and who have put in place adequate and satisfactory measures to ensure the safety and wellbeing of its learners, be allowed to do so;
  - 9.2. That the decision to recommence with education activities at a particular school be devolved to individual school level;
  - 9.3. That schools be allowed to make their own health, safety and social distancing arrangements to comply with set criteria and that the

Department provide the necessary funding where needed in order for the schools to ensure the safety of their learners;

- 9.4. That parents be given the freedom to chose on behalf of their children, taking their best interest into consideration, whether they return their children to the reopened schools.
10. Secondly, pursuant to the above, our clients furthermore request the following by **8 June 2020**:
  - 10.1. The minutes of the Council of Education Minister meeting of 30 May 2020;
  - 10.2. The record of decision to postpone the recommencement of schools until 8 June 2020;
  - 10.3. The record of decision to adopt the phased in return of learners, educators and officials (Sub direction 4(1) of the issued Directions);
11. Lastly, our clients request a written undertaking from your office by **5 June 2020** that schools will be allowed to reopen on 8 June 2020.
12. Should schools not be allowed to reopen on **8 June 2020** as *per* the directions mentioned above our clients will be compelled to seek legal recourse to ensure that the best interests of all South African school children are protected through the reopening of schools.

Yours faithfully,



**HURTER SPIES INC**

Per: Daniël Eloff