



5 November 2019

Advocate Busisiwe Mkhwebane  
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PRETORIA

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Dear Advocate Mkhwebane,

**INRE: COMPLAINT AGAINST MEC PANYAZA LESUFI AND THE GAUTENG EDUCATION  
DEPARTEMENT WITH REGARD TO THE ONLINE LEARNER INTAKE SYSTEM**

The above matter refers.

We would like to submit the attached complaint for your attention and investigation.

### **Background:**

The MEC and Department implemented a centralised learner intake system that places learners in public schools on the basis of certain criteria. With this tool the MEC and Department have centralised the placement of learners and made the Department the sole custodian of the responsibility to ensure that learners are placed in schools early, effectively and completely.

However, since the inception of the system it has been dogged with problems resulting in learners not being placed in schools or being allocated to wrong schools in violation of the system's own criteria. As we lodge this complaint, 25% of learners have not been placed in schools as yet for the 2020 school year.

### **Typical problems experienced:**

1. Learners who live near schools that provide instruction in their home language are placed in schools further away and that do not teach in the particular home language. This is the case for the four official languages accepted in Gauteng, namely Sepedi, Zulu, Afrikaans and English.
2. Learners who are siblings have been arbitrarily split and allocated to different schools.
3. Learners who have not been placed as yet at this time of the year experience great stress and insecurities while they have to write examinations.

We will submit further problems in this regard as we are still collating information on all of the problems experienced.

### **Source of the problem:**

It is our submission that the source of the problem is the software of the system that does not work properly, but also that the algorithm in the software is designed to force learners to attend schools that are not providing instruction in their home language. We submit that the algorithm is especially designed to place Afrikaans learners in non-Afrikaans schools so that the MEC and the Department can circumvent the High Court judgment in the Overvaal Hoërskool matter that full (Afrikaans) schools do not have to accept learners who want to be instructed in another language. This case confirmed and applied the Constitutional Court judgment on this issue. It is important to note that the court found in that case that a Department official intimidated two school principals from two nearby non-Afrikaans schools to depose affidavits that their schools were full when it was not the case so that Overvaal Hoërskool would be forced to take in non-Afrikaans learners.

It is our submission that the genesis for the creation of the online system is based on two motivations:

1. The systematic destruction of home language instruction in favour of one dominant language, namely English. We will submit further evidence of MEC Lesufi's negative attitude towards specifically Afrikaans and the various ways he has demonised the whole Afrikaans community in Gauteng who are Coloured, Black and White.
2. The MEC and Department's inability to build enough schools for Gauteng's needs and as a result now use this online system to force learners into schools, even if those schools are far away or does not provide instruction in the preferred language.

**Remedy Requested:**

1. To investigate whether the MEC and Department is in dereliction of their duties to build sufficient infrastructure and schools in accordance with the needs of the province and the budget allocated. In this regard take note that the Auditor-General's report has noted that the Department had underspent more than R1 billion and also wasted more than R1 billion in the last financial year alone.
2. To investigate the origin and nature of the online system and its built-in criteria and algorithm in order to establish whether it contains, biases, faults, inaccuracies, arbitrary factors and is designed to violate the law regarding the right to instruction in one's home language.

We request that should the MEC and the Department be found to be culpable of any such harmful actions, that the Public Protector make a finding that more schools be built in accordance with the needs of the people of Gauteng, that the four official languages of Gauteng be honoured, protected and promoted and that any prejudice against a language be remedied.

We also humbly request that any criminal conduct be noted and referred to the appropriate authorities for investigation.

We shall submit further evidence as we receive same to ease your own investigative burden.

We shall appreciate your urgent attention in this regard for the sake of all South African residents and the public in general. As per the Public Protector's known *modus operandi* we, therefore, humbly request that an investigation is launched.

We thank you for your consideration herein.

Yours truly,

p.p. 

**Adv. Anton Alberts, MPL GAUTENG and**

**Chairperson: FF Plus**

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