unicef
for every child

WASH Budget Brief

@UNICEF South Africa/Spatari

Table of Contents

Preface 04

Key Messages and Recommendations 04

Section 1. Introduction 06

1.1 Overview of the Constitutional Mandate 06

1.2 Institutional Arrangements (Sectoral Roles and Responsibilities) 08

1.3 WASH monitoring of the SDGs in South Africa 10

1.4 WASH Indicators 12

Section 2. WASH Sector Performance in Public Schools 14

2.1 WASH in public schools: an initial analysis of interventions and performance 15

2.2 A closer look at School Sanitation performance in public schools in the Eastern Cape and Western Cape-FY2017-FY2021 17

2.3 Litigation for the right to acceptable WASH standards in public schools 19

Section 3. Financing of WASH in South African public schools 20

3.1 How are provincial education budgets financed? 21

3.2 Conditional grant funding for infrastructure in public schools 21

3.3 Limitations of existing budget process to track government commitments on school infrastructure 24

Endnotes 26

@UNICEF South Africa/Michele Spatari

Preface

This Budget Brief attempts to measure progress in the sanitation infrastructure programme against budget allocations for the public ordinary schools in South Africa in the Eastern Cape and the Western Cape provinces. It is one of **four** that explores the extent to which the national budget and social services sector budgets address the needs of children under 18 years in **South Africa**. For the 2024 Budget Brief series, three briefs are devoted to an analysis of local government financing and service delivery trends, while another brief tackles conditional grant reforms in South Africa.

Key Messages and Recommendations

This Budget Brief examines school sanitation services within the context of a national policy on sanitation and how it is expressed in the budgets of two provincial education departments, namely the Eastern Cape Department and the Western Cape Departments of Education. The study period is limited to 2017-2021, and while budgetary matters are the sole focus of this Budget Brief, attention is also spotlighted on the information and reporting regime that exists in the sector.

@UNICEF South Africa/Michele Spatari

Significant resources have been allocated towards the education infrastructure programme; however access to school sanitation facilities remains a challenge. Whilst the education infrastructure grant remains the largest conditional grant in education generally, some schools continued to use pit latrines that were below "acceptable standards" in 2021.

A substantial number of schools were reported to use pit latrines in 2021, which was in clear violation of the Department of Basic Education's Minimum Uniform Norms and Standards for Public School Infrastructure. In the Eastern Cape alone, 2,236 public schools in 2021 were deemed unfit. Significant efforts are required, therefore, to improve access to school sanitation through the efficient use of resources by government.

Limitations in financial and reporting data on school sanitation pose serious challenges for measuring outputs and outcomes and hinder the analysis of equity, efficiency and effectiveness of public spending. There are severe limitations in modelling the relationship between budgets and outcomes due to the unavailability of disaggregated data for school sanitation facilities delivery.

The fact that school sanitation services is being provided as part of school infrastructure programmes makes the assessment of implementation progress and the adequacy of existing budgets near impossible. There is a need to improve the financial reporting on the school infrastructure programme by introducing new guidelines for reporting and revamping the existing reporting frameworks so as to effectively monitor the delivery of basic sanitation facilities in public ordinary schools. This would be in line with the requirements of framework legislation such as the Public Finance Management Act.

Government is commended for prioritizing sanitation facilities provision through the basic education infrastructure and other special programmes; however progress made is not reflected in the Sustainable Development Goals (SDG) global reports.

No global SDG reporting evidence could be found on the school sanitation status for South Africa, and this is a serious concern.

The decline in the functioning of the National Sanitation Task Team (NSTT) over the years, primarily caused by the lack of participation by sector departments is a major contributor to the country's reporting gaps on school sanitation in the global/SDG reports.

Basic education infrastructure is part of Priority 3 of the governments five-year macro policy framework, the Medium-Term Strategy Framework (MTSF) 2019-2024. The MTSF 2019-2024 is a continuation of the MTSF 2014-2019 outcome-based monitoring framework of the National Development Plan (NDP), which specifically outlines and measures the implementation of South Africa's national development priorities for the sixth administration. In the review of the current MTSF - soon to be called the Medium Term Development Plan, it is critical that clear SDG indicators are built in the 2024-2029 framework to improve both the sector coordination and performance for output and outcome monitoring of school sanitation infrastructure.

There is inadequate attention given to financial planning for the operation and maintenance of existing school sanitation infrastructure. This limited prioritization of maintenance of the existing sanitation infrastructure poses significant risks to sustaining school sanitation services as infrastructure functionality is weakened.

Based on our key findings in this research, we recommend the following to the National government and Provincial Governments:

- **Provincial governments are encouraged to adopt a more sustainable financing mix that balances capital investments with operation and maintenance of the school sanitation infrastructure.** This will assist in ensuring continued functionality and longevity of sanitation facilities in schools.

- **The Department of Basic Education, in consultation with the Department of Water and Sanitation, should address existing limitations in financial and reporting systems** to strengthen the country's monitoring of the school infrastructure programme, and, particularly, the delivery of basic sanitation facilities in public ordinary schools.

- **The Department of Water and Sanitation should aim to strengthen sector collaboration** through the existing structures established for this purpose such as National and Provincial Sanitation Task Teams. Through these structures adherence to the global (SDG) and regional (Ngor) commitments would be better coordinated. This will assist to improve the management of the complex nature of the broader Water, Sanitation and Hygiene (WASH) institutional framework in the country in the areas of programme coordination, policy alignment and country reporting.

@UNICEF South Africa/Michele Spatari

@UNICEF South Africa/Michele Spatari

Section 1.
Introduction

1.1 Overview of the Constitutional Mandate

The policy framework that guides the provision of water, sanitation, and hygiene (WASH) in schools is rooted in the country's Constitution, supported by a suite of sectoral legislation. Section 29(1)(a) of the Constitution of the Republic of South Africa explicitly provides that "everyone has the right to a basic education, including adult basic education."[i] The provision of basic school infrastructure, including sanitation facilities, is an integral part of the right to basic education. This assertion was legally tested during the case of Komape and Others vs Minister of Basic Education and Others (2018, para 63), where the High Court explicitly concluded that "the right to basic education includes provision of adequate and safe toilets at public schools for learners . . ."

Textbox 1: Komape and Others vs Minister of Basic Education and Others, 2018[ii]

[63] Society presently, and future generations still to come, have the right to reasonable action to rectify the current state of affairs. To take remedial action will ensure that the learners in rural areas (and their parents) are recognised as human beings and not as second-rate citizens. **The right to basic education includes provision of adequate and safe toilets at public schools for learners the failure of which compromised the best interests of the children referred to in section 28(2) of the Constitution.**

Provision of adequate toilet facilities at schools is not only basic requirement for daily human existence but it also provides for a healthy environment where the children spend their days. The importance of education as one of the pillars of society since ancient times which is the means by which every child is able to realise their dreams by exercising this right can hardly be overstated. I am satisfied that the evidence proved that the human rights contained in section 9 10, 11, 24, 28 and 29 of the Constitution had indeed been breached.

The constitutional clauses in the Bill of Rights which directly or indirectly imply the right to basic sanitation include the following rights:

- Section 9 – Equality: Prohibits the state from unfairly discriminating directly or indirectly against anyone on one or more ground and explicitly sanctions for full and equal enjoyment of all rights and freedoms through legislative and other measures.
- Section 10 – Human dignity: Recognizes an inherent dignity for everyone with the right to have this dignity respected and protected. Inadequate toilet facilities impair dignity.[iii]
- Section 11: The right to life was linked to sanitation provision due to children tragically losing their lives through falling into the pit latrines in recent years.
- Section 14 – Privacy is linked to dignity.
- Section 24 – Environment: This right provides for an environment that is not harmful to everyone's health or well-being and pollution prevention.
- Section 27- Sufficient water: In this instance, the right relates to the functionality of sanitation facilities and hygiene practices.
- Section 28 (2): Children's best interests to be treated with paramount importance in every matter concerning them.
- Section 29 – Education: This right is linked with school infrastructure provision.

@UNICEF South Africa/Michele Spatari

1.2 Institutional Arrangements (Sectoral Roles and Responsibilities)

The National Department of Water and Sanitation (DWS) is mandated to regulate and support the delivery of effective water supply and sanitation in the country.[iv] This mandate was acquired during the country's transition into a constitutional democracy in the early 1990s, with the primary authority of addressing the country's historical unequal distribution of water and sanitation services.

The White Paper on Water Supply and Sanitation was released in November 1994 and was one of the first comprehensive sector policy documents of the new administration. The White Paper emphasized the political importance of speedy delivery of water and sanitation services and established the ambitious target of ensuring that all South Africans will have access to basic water supply and sanitation services, in full support of the objectives of the Reconstruction and Development Programme. This was followed by a launch of the National Sanitation Programme (NSP) in 1996 with the aim to eradicate the sanitation backlog by 2010. The Water Services Act 1997 (Act No 108 of 1997)[v] was enacted as a legislative instrument for the implementation and regulation of the 1994 White Paper. The Act refers to a right of access to basic sanitation for everyone in section 3(1).

The White Paper on Basic Household Sanitation[vi] **highlighted the impact of poor sanitation on health, environment and living conditions, and promoted greater coherence and co-ordination amongst the different spheres of government and amongst other role players in addressing the sanitation challenge.** The Strategic Framework for Water Services (SFWS) (2003)[vii] put forward a macro strategy for the water and sanitation sector in South Africa over a ten-year period, for the sector vision of universal access to be achieved.

The National Sanitation Policy, 2016[viii] updated a legal definition of sanitation services, thus clarifying the DWS's mandate to develop national policies and a legislative framework that enable and guide the provision of basic water and sanitation across all government sectors, including the education sector.

Sanitation delivery requires DWS to co-ordinate with other national departments on sanitation-related policy, legislation and other sector issues.[ix] For DWS to better coordinate the relevant government departments involved in water and sanitation delivery for their sectors, the National Sanitation Task Team (NSTT) was formed in 1995 with representatives from the Departments of Education, Health, Housing, Environmental Affairs, Public Works and the National Treasury. Unfortunately, the functioning of the NSTT has declined over the years due to less participation by relevant sector departments.

The Department of Basic Education (DBE) has put in place a policy and legislative framework to transform the country's education system, in line with its vision of providing access to lifelong learning, education and training opportunities which aims to contribute towards improving the quality of life for South Africans. The South African Schools Act 196 (Act No. 84 of 1996) intends to provide for a uniform system for the organisation, governance and funding of schools; and provide for matters connected therewith. The Minimum Uniform Norms and Standards for Public School Infrastructure ('Norms and Standards'), are regulations first promulgated in 2013 and again in 2024 to provide guidance to the education sector on the minimum standards for public school infrastructure, including sanitation facilities.

Regulation 12 (1) of the Norms and Standards prescribes that all schools must provide and maintain a sufficient[x] number of sanitation facilities, that are easily accessible to all learners, provide privacy and security, promote health and hygiene standards, comply with all relevant laws, maintained in good working order. Regulation 12 (4) further stipulates that no plain pits and bucket latrines are allowed at schools. In the MTSF 2019-2024, school sanitation infrastructure is included in the school physical infrastructure and environment that inspires learners to learn outcome. By legal definition, sanitation services mean the collection, removal, disposal or purification of human excreta, wastewater and sewage.[vi] The Department of Water and Sanitation, as the leader of the water and sanitation sector, is responsible to oversee the activities of all government sectors, playing a central role in four areas with respect to service provision. The oversight activities include policy, regulation in a form of sector performance monitoring and making regulatory interventions to ensure compliance, support to water services and related institutions and information management[viii]

Local Government has a constitutional mandate in terms of schedule 4B of the Constitution to provide infrastructure for water and sanitation services, including domestic wastewater and sewage disposal systems. The Municipal Systems Act 2000 (Act No. 32 of 2000[xi]) clarifies the role of municipalities in the provision of basic services, which includes water and sanitation. The water and sanitation reticulation function is funded through the Municipal Infrastructure Grant (MIG), which is the largest infrastructure transfer to local government for basic municipal infrastructure in terms of Schedule 5, Part B of the Constitution, and is administered by the Department of Cooperative Governance (DCoG). The MIG allocations are calculated through a formula in which its vertical division allocates resources between sectors, and the horizontal division takes account of poverty, backlogs, and municipal powers and functions in allocating funds to 218 municipalities. The MIG is a schedule 5B grant in terms of the Division of Revenue Act (DoRA), which implies that funding is transferred directly to municipalities. The MIG reportedly represented 37% (R47,3 billion) of the total conditional infrastructure grants allocated to local government over the 2020 MTEF.[xii]

Another funding source for municipal water and sanitation infrastructure is the Water Services Infrastructure Grant (WSIG), which is allocated according to Schedule 5, Part B and Schedule 6, Part B of the constitution exclusively for water and sanitation infrastructure.[xiii] It is administered through the DWS. According to the National Treasury (NT), the DWS must ensure alignment between the MIG programme and the Water Services Infrastructure Grant. The local government grant framework discussed above enables local government to provide infrastructure to the point of connection. The provincial education departments remain responsible to provide infrastructure within the school environment. In rural areas where dry sanitation systems are primarily used, local government still needs to provide for water supply to enable an effective hygienic practice component of sanitation delivery.

1.3 WASH monitoring of the SDGs in South Africa

In 2012, the Presidency launched the National Development Plan (NDP): Vision 2030. Through the NDP, South Africa aspires to achieve universal access to sufficient safe water and hygienic sanitation for all South Africans by 2030. Regarding the quality basic education outcome of the NDP (Outcome 1), improving the quality of teaching and learning through the provision of school infrastructure is sub-outcome 2, where schools are to be provided with infrastructure and facilities in line with agreed norms and standards.

The performance on the NDP is measured through an assessment of the progress made with the achievement of targets set every five (5) years through the Medium-Term Strategic Framework (MTSF). This assessment refers to the MTSF period of 2019 to 2024 where basic education's infrastructure is included as one of the priorities in Apex Priority 3: Education, skills and health of the MTSF 2019-2024. Statistics South Africa (Stats SA) also measures household progress in access to water and sanitation. It does this through the General Household Surveys (GHS) which are conducted annually to determine progress in various aspects of South African households' living circumstances.

The NDP universal access targets for water and sanitation correlate with the 2030 Sustainable Development (SDG) Goal 6, where 'universal' implicitly highlights the necessity of expanding WASH monitoring beyond households to include non-household settings such as schools. In the SDG Framework, the World Health Organization/United Nation Children's Fund (WHO/UNICEF) Joint Monitoring Programme (JMP) for Water Supply, Sanitation and Hygiene introduced service ladders for drinking water, sanitation and hygiene in schools to guide member states. For the purposes on this study, only the sanitation ladder is shared in Figure 1 below.[xiv]

Figure 1. JMP Service Ladder for Global Monitoring of WASH in schools

Sanitation

Advanced Service
May include: facilities are acceptable to all, of sufficient quantity, inspected for cleanliness & appropriate facilities for menstrual hygiene management are provided (to be defined at national level)

Basic Service
Improved facilities, which are single sex and usable at school

Limited Service
There are improved facilities (flush/pour flush, pit latrine with slab, composting toilet), but not sex-separated or not usable

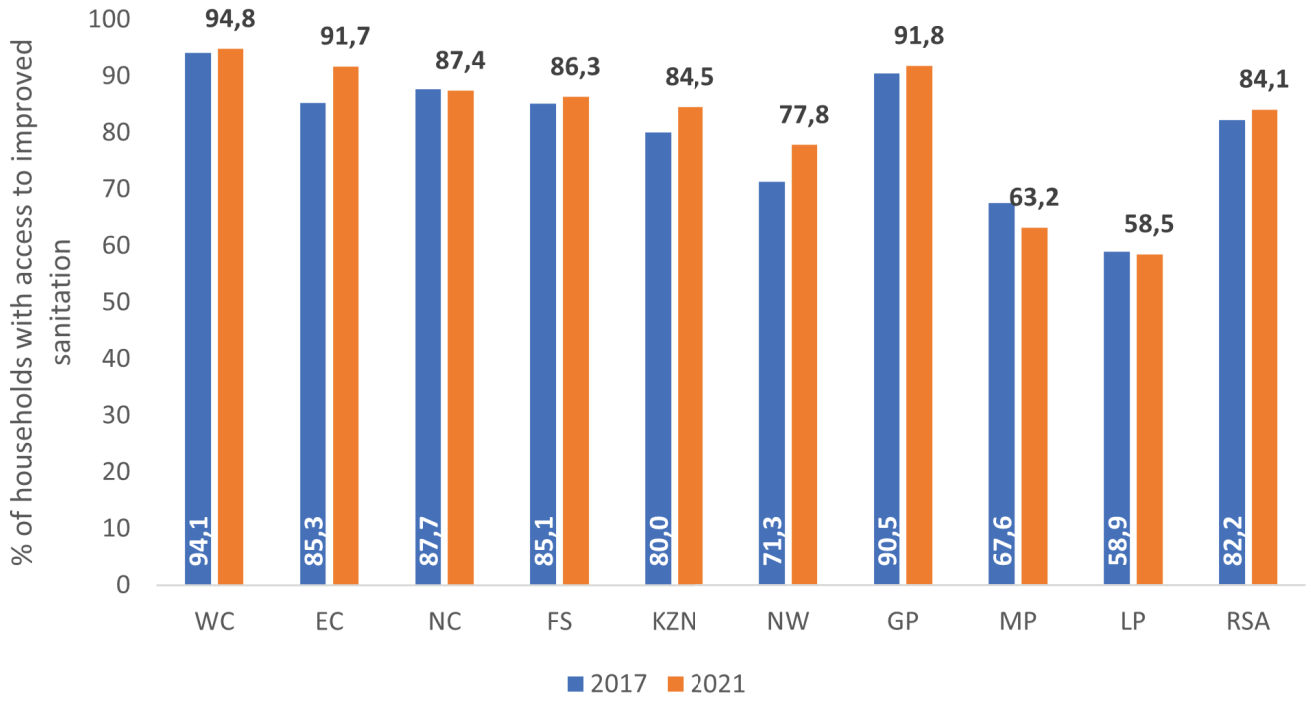
No service
No toilets or latrines, or unimproved facilities (pit latrines without a slab or platform, hanging latrines, bucket latrines)

Source: Scoping Study of WASH in Schools Programing in ESA

The service differentiation makes it simpler to benchmark progress on basic service provision compared to unacceptable standards. As reflected in the matrix, normal pit latrines are considered as "absence of services" as they are below acceptable standards. The assessment focuses on the basic sanitation provision, in green, which are the minimum acceptable standard of service and in line with global standards. The DWS coordinates SDG 6 (6.2 in the case of sanitation and hygiene) country reporting for South Africa. In the 2020 SDG 6 information gap analysis, the DWS highlighted major gap challenges in receiving information from other national departments (the basic education sector included) and called for the strengthening of information sharing and data flows between departments.[xv]

At a household level, the key findings from the 2021 GHS suggest that nationally, the percentage of households with access to improved sanitation increased from 82.2% in 2017 to 84,1% in 2021. Households' access to improved sanitation (i.e. basic service in the JMP service ladder) was highest in Western Cape (94,8%) Gauteng (91,8%) and Eastern Cape (91,7%), and most limited in Limpopo (58,5%) and Mpumalanga (63,2%). In Eastern Cape, households' access to improved sanitation facilities increased by 6,4 percentage points between 2017 and 2021, growing from 85,3% to 91,7%. Households that did not have access to improved sanitation facilities and largely depended on pit toilets without ventilation pipes (i.e. no service in the JMP service ladder), constituted 13,4% nationally. EC was the lowest at 5.1% and Limpopo Province leading at 41.1%.[xvi] The percentage of households per province that had access to improved sanitation facilities in 2021 is presented in Figure 2 below.

Figure 2: Percentage of households with access to improved sanitation per province, 2017-2021



Source: Stats SA, GHS: 2017-2021

1.4 WASH Indicators

For school WASH delivery, the impact on children's health and education has resulted in the global monitoring system to link SDG 4 indicators to SDG 6 when measuring WASH in schools as illustrated in Table 1 below:

Table 1. SDG Targets and Indicators related to WASH in schools

Goals	Targets	Indicators
6: Ensure availability and sustainable management of water and sanitation for all	6.1: By 2030, achieve universal and equitable access to safe and affordable drinking water for all	See 4.a.1 for WASH in schools indicators
	6.2: By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations	See 4.a.1 for WASH in schools indicators
4: Ensure inclusive & equitable quality education & promote lifelong learning opportunities for all	4.a: Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all	4.a.1 Proportion of schools with access to (a) electricity; (b) the Internet for pedagogical purposes; (c) adapted infrastructure and materials for students with disabilities; (e) basic drinking water; **(f) single-sex basic sanitation facilities;** and (g) basic handwashing facilities

Source: WHO and UNICEF Core questions and indicators for monitoring WASH in Schools and SDGs

School sanitation provision monitoring in South Africa. The Department of Basic Education developed a National Education Infrastructure Management System (NEIMS) in 2007 as a planning and management tool which allows for real time monitoring of public schools infrastructure across the country.[xviii] This system assists the department to closely monitor progress made in the provisioning of school sanitation infrastructure among the overall school infrastructure based on the requirements prescribed in Norms and Standards.

Alignment between reporting mechanisms. *Annual norms and standards reports:* Regulation 4 (3) requires that schools with no access to water supply and sanitation be included in infrastructure plans and progress on implementation reported on an annual basis by Provinces. Regulation 12 (3) prescribes that sanitation facilities may include one or more of the following; (a) Water borne sanitation, including closed-circuit systems; (b) septic or conservancy tank systems; (c) ventilated improved pit latrines; or (d) composting toilets. Regulation 4 (4) prohibits the use of plain pit toilets and bucket latrines at schools. *The NEIMS* reports on the status quo with regard to the various technology types provided in schools, including the no service categories which are listed as no facilities, pit and bucket latrines in the JMP service ladder. The *annual performance plans* (APP) reflect an output indicator of number of public schools supplied with sanitation facilities.

Key Takeaways

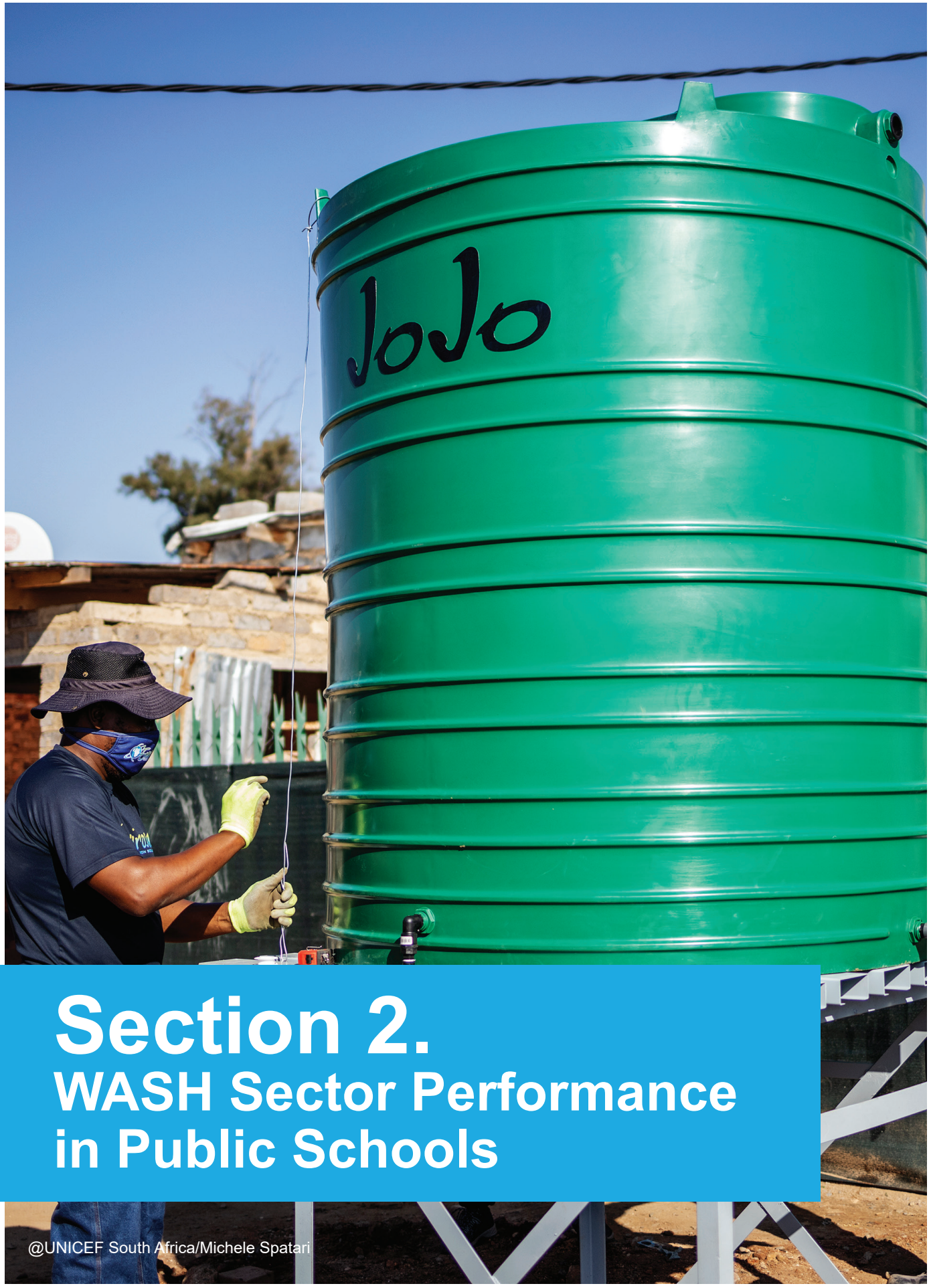
- The policy environment for school sanitation provision is clear, however improving school sanitation requires collaborative effort due to the complex interactions that are required with a range of stakeholders and across the sectors to address school sanitation infrastructure delivery.

- There are reporting gaps between sector departments and DWS, which negatively impact on global/SDG reporting on school sanitation for South Africa.

- The Department of Basic Education's Minimum Uniform Norms and Standards for Public School Infrastructure accommodates a choice for appropriate sanitation technology based on an assessment, however this provision is too generic and needs to be expanded to provide for proper accreditation of appropriate technology by competent authorities to ensure safe and appropriate school sanitation infrastructure.

- There is a need to review the national monitoring frameworks to incorporate regional commitments that South Africa subscribes to.

@UNICEF South Africa/Michele Spatari



@UNICEF South Africa/Michele Spatari

Section 2.
WASH Sector Performance in Public Schools

2.1 WASH in public schools: an initial analysis of interventions and performance

Following the MTSF 2019-2024 approval by Cabinet at the end of October 2019 and its official launch during the SONA 2020 for implementation, the eradication of inadequate sanitation in schools through the Department of Education,[xvii] was one of five commitments of the sixth administration. With South Africa subscribing to the regional commitments, concerns have been raised by the DWS over the Ngor sanitation indicators in Commitment 6 not being included in the national monitoring framework.[xix]

Textbox 2: Ngor Vision and Commitments

'The Ngor Vision on Sanitation and Hygiene is that universal access to adequate and sustainable sanitation and hygiene services will be achieved and open defecation eliminated by 2030. This vision closely aligns with the SDG sanitation and hygiene target.

The Ngor Declaration on Sanitation and Hygiene sets out the Ngor Commitments which recognise the areas of the enabling environment that need to be addressed in order to achieve its Vision. The Ngor Commitments are 'therefore the building blocks of an effective sanitation and hygiene sector. It is only when progress is achieved across all the Ngor Commitments that the enabling environment will support accelerated access.'[xx] The African Ministers Council on Water, which South Africa is a member of, is mandated to monitor progress against the Ngor Commitments.

In operationalizing school sanitation infrastructure requirements, the DBE started by conducting a schools' needs audit in 1996. This audit took form of compilation of a School Register of Needs (SRN-1996), which was the first database that included every school in the country, including their geographical location and the condition of buildings and the facilities available. This database was updated and released later as the SRN-2000. Following the SRN, the National Education Infrastructure Management System (NEIMS) was developed in 2006 to consolidate information on the state of schools.[xxi]

Government's response to the infrastructure needs based on the audit outcomes was the launch of the Accelerated School Infrastructure Delivery Initiative (ASIDI) in 2011, funded through the Schools Infrastructure Backlogs Grant. The ASIDI programmes objective was to replace schools constructed from inappropriate materials (mud, planks and/or asbestos), and eradicate the backlog in schools without water, sanitation and electricity.[xxi] On the ASIDI Programme, DBE reports that 701 schools had no toilet facilities. This number increased to 1 087 later, with all 1087 schools reported to have been provided with toilet facilities in May 2023.

On 14 August 2018, the DBE launched the Sanitation Appropriate[xxi] For Education (SAFE) initiative, following a directive from President Cyril Ramaphosa issued on 16 March 2018[xxiv] and in response to the Komape court case against the Department. The President's directive compelled the DBE to conduct an audit of all school facilities with unsafe sanitation facilities and required the Minister of Basic Education to provide a plan to rectify these challenges. The President also directed that the emergency plan be produced within three months of the directive. The programme objectives are therefore to replace basic pit toilets with appropriate sanitation in accordance with the Minimum Uniform Norms and Standards for Public School Infrastructure.

The number of toilet seats to be provided is determined by learner enrolment. Such number of seats must include age-appropriate facilities in addition to dignity and hygiene requirements, in primary schools, as well as facilities for learners with disabilities in all schools.'[xxv] The SAFE programme is 'also funded from the School Infrastructure Backlog Grant.[xxvi] Initially, 3 898 schools were identified to be dependent on pit toilets in 2018. This number decreased to 3 395 and 2 728 schools were reported to have been provided ventilated improved pit latrines by the DBE in May 2023. Table 2 below presents a summary of DBEs data sets and school sanitation infrastructure published between 2006 and 2023.

Table 2. Progress of DBE interventions since 2006

Intervention	Type	Year	No of Schools with no Toilet Facilities	No of Schools with pit toilets
SRN	Audit	2006	3 265	9,600
ASIDI	Programme	2011	701	939
NEIMS	Audit	2013	822	10,915
SAFE	Programme	2018	-	3,898
NEIMS	Audit	2021	0	5,167
NEIMS/EFMS	Audit	2023	0	3,932
SAFE	Programme	2023	-	667
ASIDI	Programme	2023	0	0

A notable challenge with these various data sets over time has been the inconsistencies among the various data sets and no clear explanations exist on their linkages to demonstrate how they contribute to the broader sector strategy for the provision of school sanitation. In their 2021 report on water and sanitation in schools, the South African Human Rights Commission[xxviii] has used data from the Education Management Information System (EMIS) citing unreliability of the NEIMS/EMIS data and came out with differing statistics. Other key players in the education sector have raised concerns about data inaccuracies, which pose a 'fundamental detrimental effect' on the state's capacity to achieve its objective of providing safe and appropriate sanitation infrastructure to schools.

When zooming in at the Eastern Cape and Western Cape provinces, the NEIMS data for 2017[xxix] and 2021 Table 3 below indicates that by 2021 there were zero schools in South Africa with no toilet facilities, whereas for inappropriate pit latrines there had only been a 41% reduction rate, with 3535 toilets built to replace the inappropriate pit toilets between 2017and 2021. For the Eastern Cape, there was a 25% reduction implying that 472 toilets were built to replace the inappropriate pit toilets between 2017and 2021, which is below the national reduction rate. Thirsty-seven (37) toilets were constructed in schools that had no toilet facilities at all.

Table 3: Progress in sanitation delivery between 2017 and 2021

Province	Year	No of Schools with no Toilet Facilities	% provision of new toilet facilities between 2017 & 2021	No of Schools with pit toilets	% reduction of inappropriate toilet facilities between 2017 & 2021
Eastern Cape	2017	37	100%	1,945	25%
	2021	0		1,473	
Western Cape	2017	0	n/a	0	n/a
	2021	0		0	
South Africa	2017	37	100%	8,702	41%
	2021	0		5,167	

Source: NEIMS data, 2017-2021

2.2 A closer look at School Sanitation performance in public schools in the Eastern Cape and Western Cape-FY2017-FY2021

Reporting against the school physical infrastructure outcome was not found to be consistent in the two provinces that were interviewed through a UNICEF-designed questionnaire. The Eastern Cape reported consistently against its annual performance plan on the provision of sanitation facilities, whereas in the Western Cape, this output does not exist at all due to sanitation infrastructure delivery being planned for within the overall school infrastructure program.

Table 4 below illustrates the provincial reporting on school sanitation for Eastern Cape and Western Cape respectively in the basic education Annual Reports for the study period. The Eastern Cape's school sanitation infrastructure provision reflected on the basic education's annual reports does not correspond with the province's sanitation infrastructure needs as per the planned projects (see Table 4 next page). The province is reportedly lagging behind for numbers of schools with no water for sanitation and for schools using pit latrines that are below acceptable standards according to the SAHRC 2021 analysis.

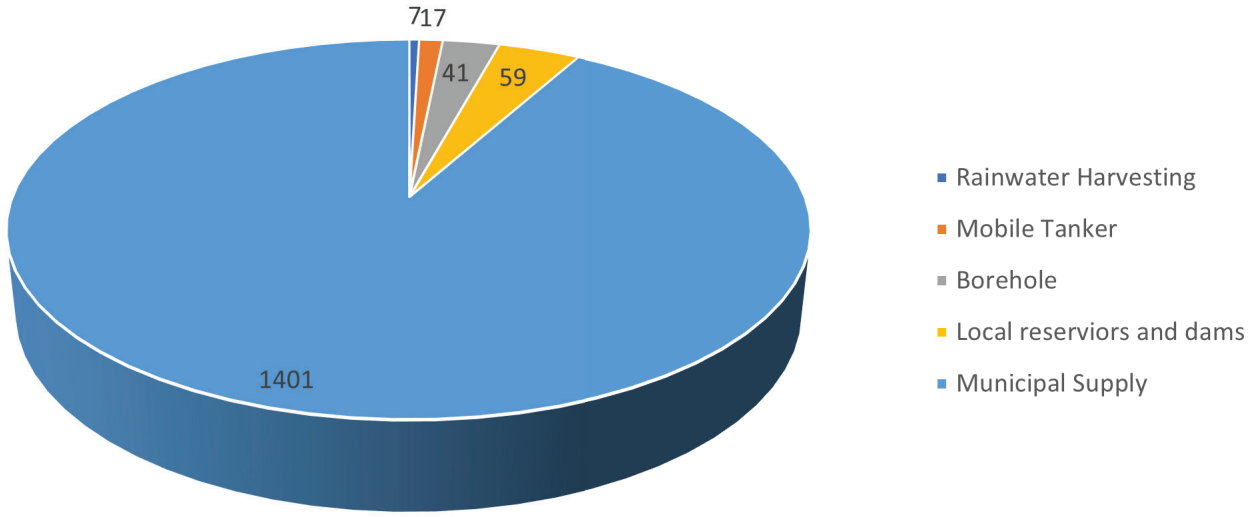
Table 4: Infrastructure Development in the Eastern Cape DoE, 2017 - 2021

Outcome	Output	Output	2017/18		2018/19	2019/20	2020/21	2021/22	Reasons for deviation
School physical infrastructure and environment that inspires learners to learn and teachers to teach	Increase the proportion of schools which reach minimum physical infrastructure norms and standards.	PPM/SOI 603 Number of public schools supplied with sanitation facilities	Planned target	161	169	178	24	39	Disruption from COVID; Delays due to budget constraints and late awarding of projects; Poor performance by contractors; limited internal technical capacity, etc.
			Achieved Target	86 -75	44 -125	32 -146	18 -6	24 -15	

There is no disaggregated data available for WC as the province does not plan for school sanitation as a separate project from the overall school infrastructure project. In the departments' basic education annual report, the output for the number of public schools provided with sanitation facilities is labelled as "not applicable." Despite the province not planning for sanitation infrastructure provision separately from the overall school infrastructure, the sanitation service provision at this province did not reflect any schools to be without sanitation infrastructure, nor using pit latrines that are below the minimum standards in the 2021 EMIS reporting that was used by the SAHRC. The majority (92%) of the schools in the province were reported to rely on the municipal supply for sewerage system.

Figure 3 below depicts the architecture of the reported sanitation infrastructure in the province.[xxx]

Figure 3: Types of sanitation infrastructure in Western Cape public schools in 2021



Source: July 2021 Report on Water and Sanitation in Schools by the SAHRC

2.3 Litigation for the right to acceptable WASH standards in public schools

Civil society has repeatedly taken the Department of Basic Education to court over the provision of school physical infrastructure that inspires learners to learn by eradicating inadequate sanitation in schools that has been promised by government as part of the right to education for learners. The draft Minimum Uniform Norms and Standards for Public School Infrastructure (Norms and Standards) were originally published for public comment by Minister Motshekga's predecessor, Minister Naledi Pandor, in November 2008, stating the intention to have them fully adopted by the end of 2009 and implemented in a phased manner starting from 2010. Despite the approval of the draft Norms and Standards by the Council of Education Ministers (CEM) and Heads of Education Departments Committee (HEDCOM), followed by concurrence from Minister of Finance during 2008/09 financial year, there were substantial delays in promulgating the Norms and Standards for Infrastructure.

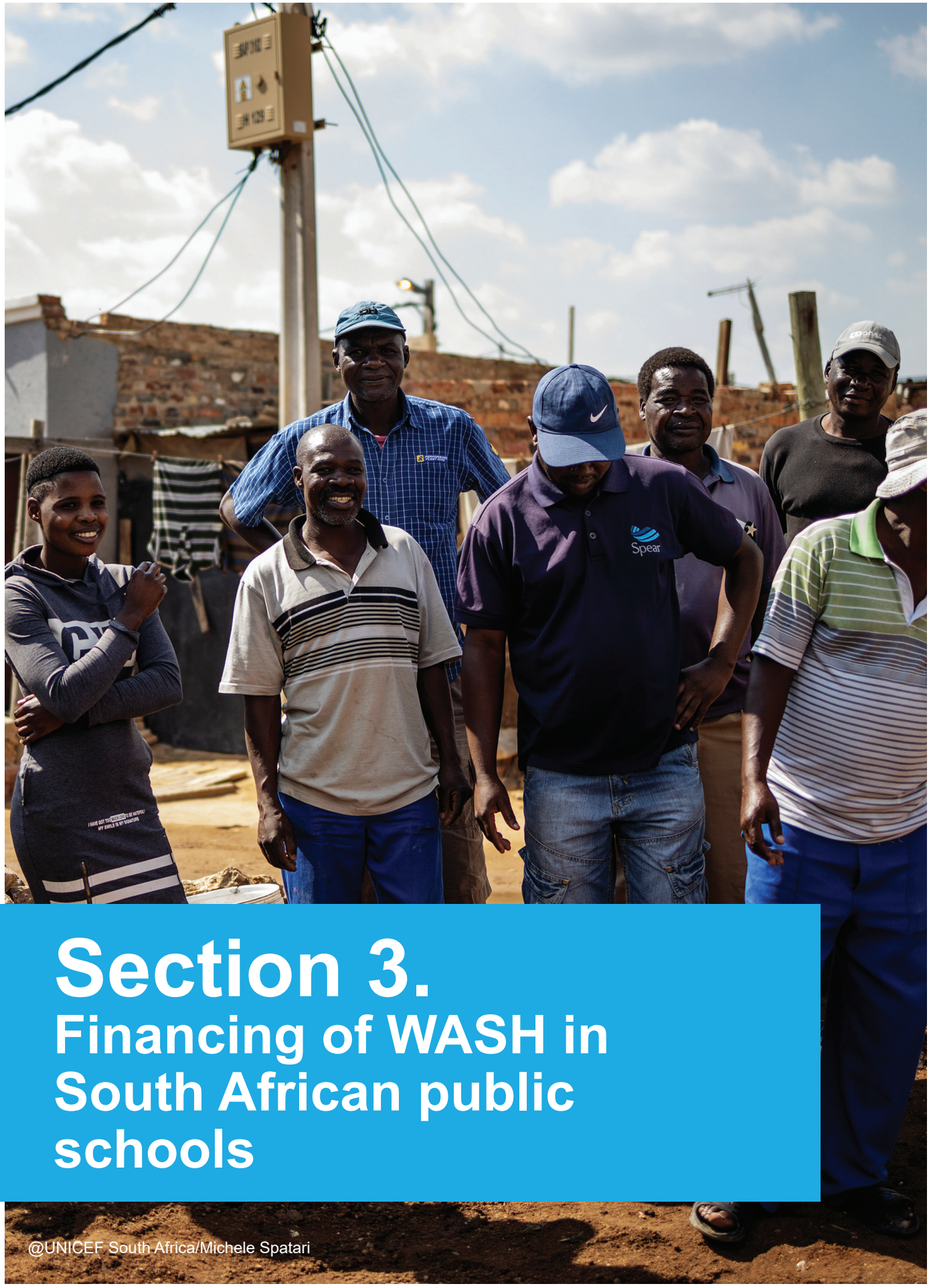
In 2011 the Minister had not prescribed the regulations and on 11 July 2013, the matter was concluded in the Bisho High Court with a court order referred to as "the 2013 court order." In terms of the order, the Minister was ordered to prescribe Minimum Uniforms Norms and Standards, by the promulgation of Regulations for Schools Infrastructure, in terms of section 5A(1)(a) of the South African Schools Act 84 of 1996, which provides for the availability of the school infrastructure referred to in section 5A(2)(a) of the Act by 30 November 2013.[xxxi]

In his address at the launch of the SAFE initiative in 14 August 2018, President Cyril Ramaphosa stated that the gathering was a response to an emergency, citing Michael Komape, drowning in a pit toilet in 2014 and Lumka Mkethwa who also lost her life the same way in March 2018 as reminders of the human consequences of service delivery delayed.[xxxii] In the Komape case,[xxxiii] the court ordered the state to make sure that every rural school in Limpopo is equipped with decent, accessible, safe and hygienic toilets. The court further ordered the state to provide the names of all schools in rural areas which still use pit toilets, an estimate of the time it will take to eradicate these toilets, and a detailed plan for the installation of suitable sanitation. The Department of Education was given until 30 July 2018 to provide this information.

The South African Human Rights Commission also announced its intention to take legal action against five provincial education departments, which included Eastern Cape amongst them, for having sub-standard pit toilets at schools[xxxiv] **following their own investigation into the status of water and sanitation in schools.**

Key Takeaways

- The disjuncture between the policy and operational environment calls for the improvement of sectoral coordination with other sector players and reporting on adequate school sanitation provision at both the MTSF and SDG level.
- The disintegrated information management system needs to be harmonized for improved tracking of the sanitation infrastructure deficit and planning for service provision. The Department of Basic Education citing limited reliable planning data to the Education Portfolio committee is an indication of a dire need to address the sector data systems challenges.
- Despite government interventions through special programmes, sanitation infrastructure delivery was still not moving at a desired pace in 2021, with the South African Human Rights Commission (SAHRC) adding their voice towards the dissatisfying pace of the delivery of appropriate sanitation facilities at schools. Government needs to explore innovative mechanisms for private sector resource mobilization.



Section 3.
Financing of WASH in South African public schools

@UNICEF South Africa/Michele Spatari

3.1 How are provincial education budgets financed?

Provincial government budgets are financed through transfers from the National Revenue Fund and provincial own revenue. Transfers take two forms, namely the provincial equitable share, which is a direct vertical charge on the National Revenue Fund, and conditional grants administered by national departments.[xxxv]

In terms of the vertical division of revenue (Section 214(1)) of the Constitution requires that annually there is a division of revenue raised nationally among the national, provincial and local spheres of government, through an Act of Parliament, namely the Division of Revenue Act (DoRA). This process constitutes vertical division of revenue across the three spheres of government, and provinces receive an equitable share from this nationally raised revenue, which is unconditional. The equitable division of revenue between the national, provincial and local spheres, is in proportion to their fiscal capacity and functional competencies and takes into consideration the limited capacity to generate their own funds.

Secondly, the horizontal division of revenue allocates available national revenue among provinces using a formula, which is (in part) based on the recommendations of the Financial and Fiscal Commission (FFC). This formula takes into account the demographic and economic profiles of the provinces.[xxxvi]

Finally, special allocations or conditional grants exist. Such a funding mechanism provides for national priorities that are not yet fund at the sub-national level. For the education sector, this assessment looks at Schedule 4 allocations, which supplement the funding of programmes or functions, particularly the Education Infrastructure Grant (EIG) and Schedule 6 allocations which are "allocations-in-kind" for designated special programmes, particularly the Schools Infrastructure Backlogs Grant (SIBG).

Section 215(1) of the Constitution requires that "National, provincial and municipal budgets and budgetary processes must promote transparency, accountability and effective financial management." Section 216 further gives National Treasury legislative authority to prescribe the information that must be available in the budgets, how expenditure information must be recorded, and the basis for the budget programme structures and the expenditure classifications for all spheres of government.

3.2 Conditional grant funding for infrastructure in public schools

The DBE's mandate of ensuring a safe and appropriate physical infrastructure and environment in every school is backed by budget allocations to the education infrastructure grant mainly, and the school infrastructure backlogs grant. Sanitation infrastructure provision is provided for within the school infrastructure budget.

The Education Infrastructure Grant (EIG) is set out in Schedule 4, Part A of the DoRA and the Schools Infrastructure Backlogs Grant (SIBG) is set out in Schedule 6, Part A. The purpose of EIG as explained in the Act include the following:

- To help accelerate construction, maintenance, upgrading and rehabilitation of new and existing infrastructure in education including district and circuit accommodation.
- To enhance capacity to deliver infrastructure in education.
- To address damage to infrastructure.
- To address achievement of the targets set out in the minimum norms and standards for school infrastructure.

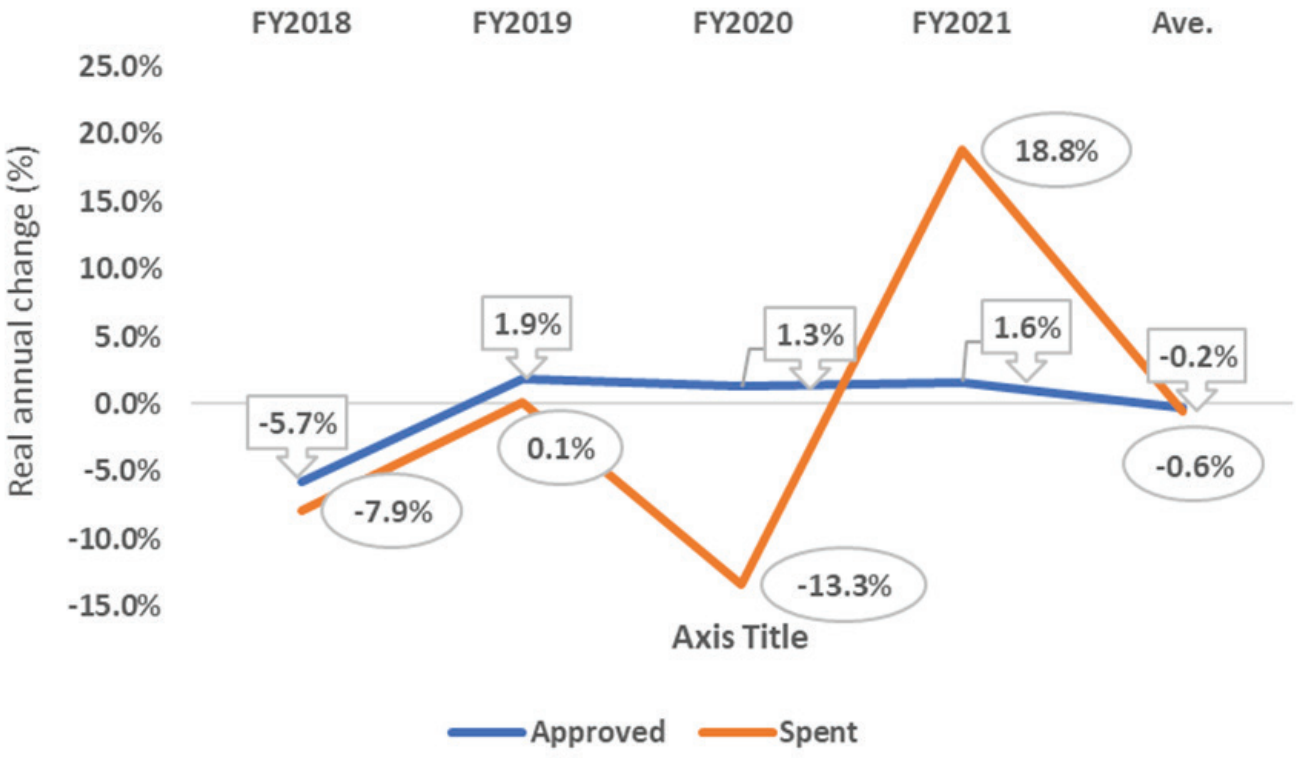
The allocation to the education infrastructure grant is R36,7 billion over the MTEF period 2019-2024, whereas the allocation to the school infrastructure backlogs grant is R6.8 billion, of which R2.3 billion was allocated in 2021/22 to build 21 new schools and provide sanitation to 1 000 schools.[xxxvii]

Since this grant funding is aimed at addressing the broader school infrastructure needs, it is not possible to ascertain the amount spent for sanitation infrastructure with the information available.

The EIG allocations made during the study period are presented in Figure 5 below:[xxxviii]

The national allocation of the EIG increased from R10 billion to almost R12 billion between the period FY2017 and FY2021 at a real average annual rate of -.2 per cent. However, the actual expenditure during the same period decreased from R10 billion to almost R9.5 billion at a real average annual rate of -.6 percent as reflected in Figure 5 below.

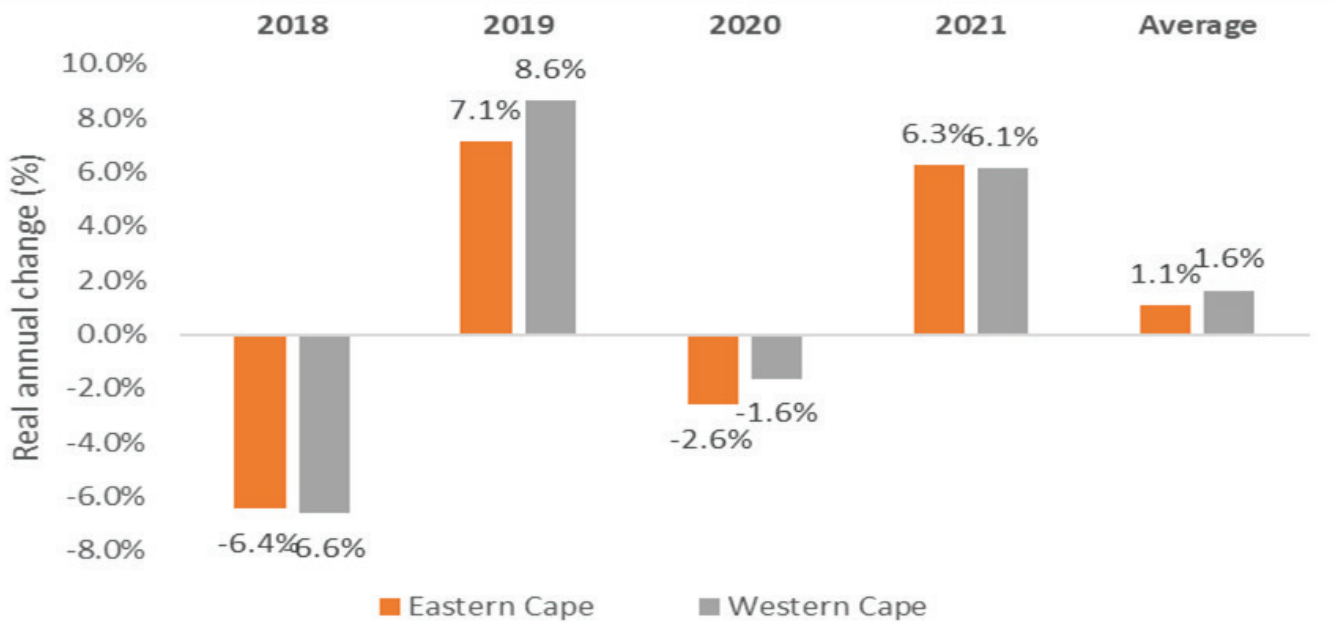
Figure 5: Real annual growth on national allocations compared to spending on the Education Infrastructure Grant FY2017 and FY2021 (%): FY2017=100



Source: DoRA FY2017 and FY2021; Estimates of National Expenditure FY2022 (UNICEF own calculations)

In the Eastern Cape, spending on the EIG increased from R1.5 billion to R1.6 billion for the same period of between FY2017 and FY2021 at a real average annual rate of 1.1 per cent. The Western Cape spending on the EIG increased from almost R1.1 billion to almost R1.2 billion at a real average annual rate of 1.6 per cent. The sharp increase in spending in 2021 is attributed to planned expenditure as well as delayed projects from 2020 due to the disruption caused by the COVID 19 pandemic.

Figure 6: Real annual growth on spending on the Education Infrastructure in the Eastern and Western Cape FY2017 and FY2021 (%): FY2017=100



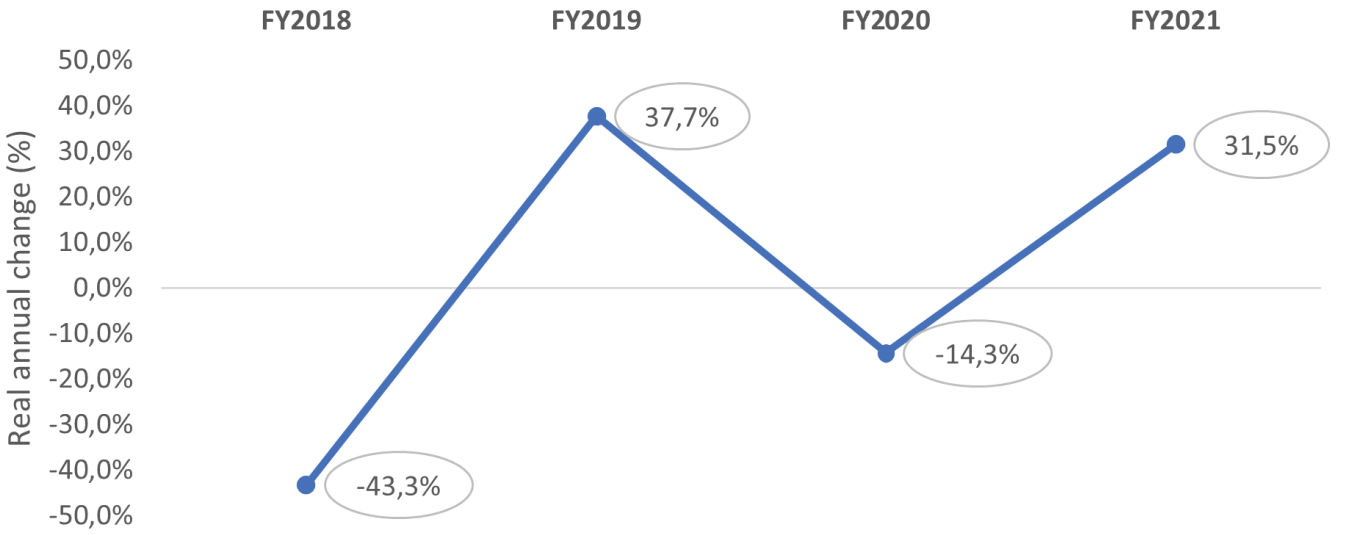
Source: DoRA FY2017 and FY2021; Estimates of National Expenditure FY2022 (UNICEF own calculations)

The purpose of the SIBG is to fund the eradication of all inappropriate school infrastructure provision of water, sanitation and electricity to schools. As mentioned earlier, both the ASIDI and SAFE programmes are funded through this indirect grant, hence administered by the DBE. The allocation to the school infrastructure backlogs grant is R6,8 billion over the MTEF period 2019-2024.

Figure 6 on the next page presents the Schools Infrastructure Backlogs Grant (indirect) spending for the same period between 2017 and 2021.

Spending on the SIBG decreased from R2.5 billion to almost R2.3 billion between the period FY2017 and FY2021 at a real average annual rate 2.9 per cent. The expenditure trend is expected to decline as the programmes funded by the SIBG are targeted interventions towards a fixed number of schools. Whilst the SAFE programme is dedicated to school water and sanitation infrastructure, ASIDI goes beyond school water and sanitation infrastructure, which limits the determination of correlation between the allocations and performance in terms of school sanitation provision.

Figure 7: Real annual growth on the Schools Infrastructure Backlogs Grant (indirect) spending for the same period between FY2017 and FY2021: FY2017=100



Source: DoRA FY2017 and FY2021 (UNICEF own calculations)

In conclusion, improving access to WASH/ sanitation in schools through education infrastructure development and rehabilitation, South Africa has made good progress in addressing sanitation infrastructure backlogs in public ordinary schools since 1996. This is despite current deficits still persisting and resulting in the measured inequality in access to adequate number of acceptable sanitation facilities as prescribed in Regulation 12 of the DBE'S Minimum Uniform Norms and Standards for Public School Infrastructure. There is very limited private sector financing towards school sanitation provision at this stage. Government needs to explore innovative mechanisms for private sector resource mobilization.

3.3 Limitations of existing budget process to track government commitments on school infrastructure

Whilst the financing of school infrastructure is given priority attention by government, with the EIG being the largest grant for the education sector, lack of disaggregated data on school infrastructure to determine water and sanitation expenditure is a main concern. This negatively affects proper tracking of school sanitation delivery.

Whilst the sector performance reporting (MTSF) is standardized, the reality is that it is not followed through as evident in the case of the Western Cape reporting on overall school infrastructure projects, and no reporting done at all on school water and sanitation with this being accepted. This has led to capital projects not being aligned with national priorities according to the DBE in their 2023 report to the Education Portfolio Committee, and therefore requires urgent intervention.

The focus of school infrastructure funding is on providing new infrastructure or refurbishment of dilapidated infrastructure. Both EC[xxxix] and WC[xl] provinces reported in their 2021 norms and standards annual reports the focus of the infrastructure program to be on the provision of basis services to eliminate backlogs, whilst less attention is given towards the allocation of operation and maintenance (O&M) funding. WC reported a –R2.3m maintenance budget deficit across schools in the province by the end of the 2020/21 FY despite the Provincial Finance Management Act placing a legal obligation on government to maintain its assets. With the limited O&M budget, the infrastructure that is currently provided would not be effective in the long-term and require refurbishment in no time, and this

has an impact on government's investment costs which would be locked in the cycle of refurbishing infrastructure and regressing in service provision where refurbishment budgets are not available, nor sufficient.

The limited private sector financing of school sanitation infrastructure requires government's attention. Through the DBE, some private sector organizations have been introduced in the EC province to facilitate private sector contributions in augmenting government interventions. Further opportunities exist from climate financing to introduce climate resilient sanitation infrastructure as well as from the existing ecosystem of innovative sanitation technologies to expand the net on Public Private Partnership arrangements.

Key take aways

- While school infrastructure funding is being prioritized, with expenditure increasing over the study period, the current investment still falls short of the requirements to ensure universal basic coverage.
- Appropriate expenditure mix is required to address both capital investment and operation and maintenance needs to avoid regression and ensure service continuity.
- There is a need to disaggregate expenditure reporting to track the actual investment in school sanitation infrastructure versus delivery.
- Sector performance reporting (MTSF) should be refined and aligned with national priorities.
- The absence of development partner investment in the sector highlights the need for the Government to seek alternative funding sources such as green funds.

@UNICEF South Africa/Michele Spatari

Endnotes

(All publications accessed between June and July 2024)

[i] Constitution of the Republic of South Africa, 1996. https://www.gov.za/documents/constitution/constitution-republic-south-africa-04-feb-1997

[ii] Komape & Others vs Minister of Basic Education & Others. 2018 https://www.saflii.org/za/cases/ZALMPPHC/2018/18.pdf

[iii] SERI. 2011. Basic Sanitation in South Africa. https://sjc.org.za/wp-content/uploads/2018/09/SERI Guide to Basic Sanitation Jul11.pdf

[iv] DWS. Mandate. https://www.gov.za/about-sa/water-affairs#:~:text=The%20mandate%20of%20the%20 Department, the%20delivery%20of%20effective%20water

[v] DWS. Water Services Act 108 of 1997. https://www.gov.za/sites/default/files/gcis_document/201409/a108-97.pdf

[vi] White Paper on Basic Household Sanitation. 2001. https://www.dws.gov.za/Documents/Policies/Sanitation ReviewPolicy.pdf

[vii] DWS. SFWS. 2003. https://www.gov.za/sites/default/files/gcis_document/201409/waterstrat0.pdf

[viii] National Sanitation Policy. 2016. Policy position 3.https://www.gov.za/sites/default/files/gcis document/ 201706/ national-sanitation-policy.pdf

[ix] Position 6 of the National Sanitation Policy, 2016

[x] Quotas defining sufficient numbers of sanitation facilities are contained in Annexure G of the Norms and Standards, 2013.

[xi] Municipal Systems Act. 2000. https://www.gov.za/documents/local-government-municipal-systems-act

[xii] DWS. National State of Water Report. 2021. https://www.dws.gov.za/Projects/National%20State %20of%20Water % 20Report/Documents/10-National%20State % 20 of %20Water%20Report%202021.pdf

[xiii] Local Government Conditional Grant Framework. 2020. https://www.treasury.gov.za/documents/national%20budget /2020/Part%203%20-%20Local%20government %20conditional%20grant%20frameworks.pdf

[xiv] UNICEF. 2018. Scoping Study in ESA https://www.unicef.org/esa/media/4356/file/UNICEF-Wash-in-Schools-Scoping-

[xv] https://www.dws.gov.za/Projects/sdg/gap%20reports/docs/SDG%206_Consolidated%20Gap_Action_2020_ Ver%200.pdf

[xvi] Stats SA. GHS. 2021, p41. https://www.statssa.gov.za/publications/P0318/P03182021.pdf

[xvii] Statistics South Africa, General Household Surveys, 2002 to 2023 (Official Reports)

[xviii] DBE. Education on National Education Infrastructure Management System Report. https://www.gov.za/news/education-national-education-infrastructure-management-system-report-13-sep-2007

[xix] DWS. 2023. Correspondence (Questionnaire). September, Pretoria.

[xx] https://knowledgehub.amcow-online.org/blogs/addressing-africa-s-sanitation-crisis-monitoring-the-sharm-el-sheikh-ngor-commitment-on-sanitation-and-hygiene

[xxi] DBE. 2019. A 25 Year Review of progress in the Basic Education Sector. https://www.education.gov.za/Portals/0/Documents/Reports/A%2025%20Year%20Review%20of%20progress%20in%20%20the%20basic%20education%20sector%20summary.pdf?ver=2019-12-13-133314-377

[xxii] DBE. ASIDI. https://www.education.gov.za/Programmemes/ASIDI.aspx

[xxiv] Section 27. Limpopo Sanitation Report. 2019. https://static.pmg.org.za/191022Section_27_-_Sanitation_Report.pdf

[xxv] DBE. SAFE. https://www.education.gov.za/Programmemes/SAFE.aspx

[xxvi] DBE. Parliamentary Progress Report Presentation. 2023. https://pmg.org.za/committee-meeting/37096/

[xxvii] DBE. ASIDI Newsletter, Volume 1. https://www.education.gov.za/Portals/0/Documents/Publications/Asidi% 20Brief%20vol%201.pdf?ver=2013-02-14-133400-000

[xxviii] July 2021 Report on Water and Sanitation in Schools by the South African Human Rights Commission, https://www.sahrc.org.za/home/21/files/Water%20And%20Sanitation%20Report%20-%2028%20SeptemberPM.pdf

[xxix] DBE. 2018 (Jan) NEIMS Report. https://www.education.gov.za/Portals/0/Documents/Reports/NEIMS%20Report%20%2020172018.pdf?ver=2018-01-30-120305-787

[xxx] SAHRC. 2021. Report on Water and Sanitation in Schools

[xxxi] Equal Education and Another v Minister of Basic Education and Others. https://www.saflii.org/za/cases/ZAECBHC/2018/ 6.html

[xxxii] https://www.presidency.gov.za/address-president-cyril-ramaphosa-launch-safe-school-sanitation-initiative-sheraton-hotel-tshwane

[xxxiii] Komape and Others v Minister of Basic Education. https://www.saflii.org/za/cases/ZALMPPHC/2018/18.html

[xxxiv] https://www.sahrc.org.za/index.php/sahrc-media/news/item/2929-sahrc-drags-provincial-education-departments-to-court-over-pit-toilets

[xxxv] NT. Provincial and Local Government Finance. https://www.treasury.gov.za/documents/mtbps/2001/6.pdf

[xxxvi] NT. Divisions of Revenue. https://www.treasury.gov.za/documents/mtbps/2000/6.pdf

[xxxvii] NT. 2021 Basic Education Budget Vote. https://www.treasury.gov.za/documents/national%20budget/2021/ene/Vote%2016%20Basic%20Education.pdf

[xxxviii] DoRA. 2017-2021. https://www.treasury.gov.za/documents/national%20budget/default.aspx

[xxxix] DBE. 2021. Eastern Cape Norms and Standards Report. https://www.education.gov.za/LinkClick.aspx?fileticket=umWIetTCNrI%3d&tabid=92&portalid=0&mid=5823

[xl] DBE. 2021. Western Cape Norms and Standards Report. https://www.education.gov.za/LinkClick.aspx?fileticket=NUS2wE-BioA%3d&tabid=92&portalid=0&mid=5823

For every child

Whoever she is.
Wherever he lives.
Every child deserves a childhood.
A future.
A fair chance.
That's why UNICEF is there.
For each and every child.
Working day in and day out.
In more than 190 countries and territories.
Reaching the hardest to reach.
The furthest from help.
The most excluded.
It's why we stay to the end.
And never give up.

unicef
for every child

Published by UNICEF South Afica
Publication Date: November 2024

pretoria@unicef.org
www.unicef.org/southafrica

UNICEFSouthAfrica
@unicef_southafrica
@UNICEF_SA
unicef-south-africa
@unicefsouthafrica