The Deputy Information Officer
The Department of Basic Education
222 Struben Street
Pretoria
0002

BY HAND

For Attention: Mr C.A. Leukes

SUPPLEMENTARY APPLICATION IN TERMS OF SECTION 18 (1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 – POLICY ON HOME EDUCATION

1. Please find enclosed a supplementary application in terms of section 18(1) of the Promotion of Access to Information Act 2 of 2000 (hereinafter referred to as the “PAIA Act”), completed on “Form A” as accessed on the Department of Basic Education’s website, with Annexures.
2. The Eastern Cape Home Schooling Association’s PAIA application of 22 August 2018, and the Department of Basic Education’s response received on 5 October 2018, refer.

3. Your assistance in processing our application for information is appreciated. Should there be any technical shortcomings, your further assistance and co-operation will be appreciated.

Yours sincerely,

[Signature]

Phillip Doubell

Chairperson

Eastern Cape Home Schooling Association
ANNEXURE B

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

Published under GN R187 in GG 23119 of 15 February 2002, in terms of Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).}

FOR DEPARTMENTAL USE

Request received by ___________________________ (name, surname and rank of information officer or deputy information officer) at ___________________________ (place) on _____________ (date).

Request fee (if any): R _____________

Deposit (if any): R _____________

Access fee: R _____________

INFORMATION OFFICER OR DEPUTY INFORMATION OFFICER (signature)

A. Particulars of public body

The Deputy Information Officer:

Mr CA Leukes
Deputy Information Officer
Legal Services
Department of Basic Education
Private Bag X895
Pretoria
0001

Tel.: 012 357 3712/3710
Fax: 012 323 9430
Email: leukes_c@dbe.gov.za; mokonyane_i@dbe.gov.za

B. Particulars of person requesting access to the record

Notes

c) The particulars of the person who requests access to the record must be recorded below.

d) Furnish an address and/or fax number in the Republic to which information must be sent.

e) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: Phillip Rudolph Dourell

Identity number: 730812501031

Postal address: 29 Portulaca St, Vincent Heights, East London

Fax number: N/A

Telephone number: 071 850 8333
Fax number: N/A
Email address: philip.jared.doubell@gmail.com
Capacity in which request is made, when made on behalf of another person: Acting Chairperson: Eastern Cape Home Schooling Association (ECHSA).

C. Particulars of person on whose behalf request is made

Note: This section must be completed only if a request for information is made on behalf of another person.

Full names and surname: Eastern Cape Home Schooling Association
Identity number: See attached Resolution, Annexure 1

D. Particulars of record

Notes:
(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
(b) If the provided space is inadequate please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record: See Annexure A, attached
2. Reference number, if available: Unknown
3. Any further particulars of record:

E. Fees

Notes:
(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
(d) If you qualify for exemption of the payment of any fee, please state the reason therefore.

Reason for exemption from payment of fees:

F. Form of access to record

Note: If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

State your disability: N/A

Notes:
(a) Your indication as to the required form of access depends on the form in which the record is available.
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate option below with an "X":
1. If record is in written or printed form –

   copy of record*  | inspection of record
2. If record consists of visual images – N/A
   (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)
   | view the images | copy of the images* | transcription of the images* |

3. If record consists of recorded words or information that can be reproduced in sound – N/A
   | listen to the soundtrack (audio cassette) | transcription of soundtrack* (written or printed document) |

4. If record is held on computer or in an electronic or machine-readable form –
   | printed copy of record* | printed copy of information derived from record* | copy in computer readable form* (stiffly or compact disk) |

   * If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

   We will collect via courier once notified that it is ready.

   A postal fee is payable.

   YES NO

   In which language would you prefer the record? English

   (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.)

G. Notice of decision regarding request for access
You will be notified in writing whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record? email

email to: echsa@gmail.com and phillip.jared.douville@gmail.com

Signed at East London (place) on this ___ day of ___ month ___ year.

Signature of requester

OR PERSON ON WHOSE BEHALF REQUEST IS MADE
ANNEXURE A TO FORM A

(ECHSA SUPPLEMENTARY PAIA APPLICATION)

1. Background

1.1. The ECHSA PAIA application, dated 22 August 2018, and the Department’s response, dated 5 October 2018, refer.

1.2. The attendance register of the CEM meeting, dated 19 July 2018, was provided by the Department (Annexure B).

1.3. The attendance register reflects that the following MEC signatures are omitted:
   i. Mr Makapula (Eastern Cape);
   ii. Mr Makgoe (Free State);
   iii. Mr Lesufi (Gauteng); and
   iv. Mr Dlungwana (Kwa-Zulu Natal)

1.4. The media statement issued by the Department on 30 July 2018 (Annexure C) stated that “a fully constituted meeting of the Council of Education Ministers (CEM) has approved the Home Education policy for promulgation by the Minister of Basic Education, Mrs Angie Motshekga.”

1.5. The media statement (Annexure C) further reads:
   “The CEM of 19 July 2018 approved the policy. The Department is currently preparing a gazette for promulgation.”

1.6. Section 9(5) of the National Education Policy Act 27 of 1996 stipulates that the CEM may draw up rules regarding various aspects of its meetings.

Request

1.7. Provide a copy of the rules drawn up in terms of section 9(5) of the National Education Policy Act 27 of 1996.

1.8. Was the CEM meeting of 19 July 2018 “fully constituted” in accordance with the provisions of section 9 of the National Education Policy Act 27 of 1996? If so, provide documentation to that effect should there be documentation to support such contention other than the attendance register (Annexure B) already provided.

1.9. Was the Home Education Policy an agenda point and discussion during a CEM meeting after 19 July 2018? If so, provide the attendance register/s of the meeting/s.
30 July 2018

COUNCIL OF EDUCATION MINISTERS APPROVES HOME EDUCATION POLICY FOR PROMULGATION

A fully constituted meeting of the Council of Education Minister’s (CEM) has approved the Home Education policy for promulgation by the Minister of Basic Education, Mrs Angie Motshekga. This approval comes after a lengthy consultation process that spanned almost four years.

As far back as October 2014 the first consultation meeting with home education community and other key stakeholders was held. The meeting was attended by representatives from Home Education Associations, Pestalozzi Trust (the legal arm for some parents); Independent Curriculum Providers; ISASA, Umalusi; South African Comprehensive Assessment Institute (SACAI); South African Institute for Distance Education (SAIDE); Department of Higher Education and Training (DHET); and the Department of Basic Education (DBE). In this meeting Home Education stakeholders presented national and international research to the DBE. The home education community expressed appreciation for the opportunity as it was the first time ever that the state engaged them on the practice, whether pre- and/or post 1994.

A second consultation meeting with stakeholders was held in July of the following year where a discussion document was presented and a working group was set up involving all stakeholders. Unfortunately some of the stakeholders resigned from this process citing disagreements with the document, and that they would not be seen as part of the DBE team to review the 1999 policy.

The Working Group however was able to continue with its work until the draft policy was gazetted in November 2017 for the public to make submissions within 21 days. The Department received numerous requests from the public to extend the submission date to which it obliged and the new closing date for submissions, 31 January 2018, was communicated to the public.

A total of 740 submissions were received and DBE acknowledged receipt to all who submitted. Between February and July 2018, the Working Group captured submissions received, analysed them and reviewed the policy after having considered progressive inputs.

The policy was presented to DBE management structures, and approved by Heads of Education Department Committee (HEDCOM) to be tabled at a CEM meeting for promulgation. The CEM of 19 July 2018 approved the policy. The Department is currently preparing a gazette for promulgation.
The Department is aware that a small grouping is opposed to the policy and has been spamming departmental officials requesting that the policy not be promulgated. However considering the extensive and all-encompassing consultation process the Department of Basic Education is confident that all comments on the policy have been adequately ventilated, all in the best interest of ensuring that every child has a right to basic education as enshrined in the constitution and the approved policy will get promulgated as approved by CEM.

Enquiries: Elijah Mhlanga – 083 580 8275
Troy Martens – 079 899 3070

ISSUED BY THE DEPARTMENT OF BASIC EDUCATION
COUNCIL OF EDUCATION MINISTERS (CEM) MEETING

DATE: 19 JULY 2018

VENUE:
222 STRUBEN STREET
TF 1086, EXECUTIVE BOARDROOM
SOL PLATJE BUILDING, PRETORIA

TIME:
09h00

CHAIRPERSON: MRS AM MOSHHEKA

ATTENDANCE REGISTER
Council of Education Ministers (CEM) Meeting

TF 1065, Executive Boardroom, Sol Plaatje Building, 222 Stretlen Street, Pretoria
11 May 2018
<table>
<thead>
<tr>
<th>Western Cape</th>
<th>Northern Cape</th>
<th>North-West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member of Executive Council</td>
<td>Member of Executive Council</td>
<td>Member of Executive Council</td>
</tr>
<tr>
<td>S. D. Ms. (MPL)</td>
<td>M. Ms. (MPL)</td>
<td>J. Mr. (MPL)</td>
</tr>
<tr>
<td>23rd Floor, Golden Building, Adderly Street</td>
<td>155 Barad Road Homestead</td>
<td>2nd Floor, East Wing Private Bag X 5023</td>
</tr>
<tr>
<td>Cape Town</td>
<td>Kimberley</td>
<td>MMABATHO</td>
</tr>
<tr>
<td>Private Bag X 9161</td>
<td>Private Bag X 5023</td>
<td>Private Bag X 2544</td>
</tr>
<tr>
<td>Tel (021) 497 2979/2959</td>
<td>Tel (053) 830 7160</td>
<td>Tel (016) 369 2559/2539</td>
</tr>
<tr>
<td>Fax: (021) 422 5656/5671</td>
<td>Fax: (053) 830 7177</td>
<td>Fax: (016) 369 5016/1872</td>
</tr>
<tr>
<td><a href="mailto:mbisega@nscp.co.za">mbisega@nscp.co.za</a></td>
<td><a href="mailto:mbarrett@nscp.co.za">mbarrett@nscp.co.za</a></td>
<td><a href="mailto:mmabaso@nscp.co.za">mmabaso@nscp.co.za</a></td>
</tr>
<tr>
<td><a href="mailto:audrey.frazemburg@westerncape.gov">audrey.frazemburg@westerncape.gov</a></td>
<td><a href="mailto:lkb@nscp.gov.za">lkb@nscp.gov.za</a></td>
<td><a href="mailto:lmatladi@nscp.gov.za">lmatladi@nscp.gov.za</a></td>
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<table>
<thead>
<tr>
<th>Department</th>
<th>Northern Cape</th>
<th>North West</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Head of Education</strong></td>
<td>Fares GT, M.R.</td>
<td>Ms. Simone SM, Acting Head of Education</td>
</tr>
<tr>
<td><strong>Office Address</strong></td>
<td>Education House, Private Bag X 5020</td>
<td>Executive Block, Private Bag X 2044</td>
</tr>
<tr>
<td><strong>Contact Information</strong></td>
<td>Tel: (053) 5765192, Fax: (053) 5765087</td>
<td>Tel: (012) 3883432, Fax: (012) 3883433</td>
</tr>
<tr>
<td><strong>Email</strong></td>
<td><a href="mailto:info@education.gov.za">info@education.gov.za</a></td>
<td><a href="mailto:info@education.gov.za">info@education.gov.za</a></td>
</tr>
<tr>
<td><strong>Website</strong></td>
<td>education.gov.za</td>
<td>education.gov.za</td>
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<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Office Address</th>
<th>Tel.</th>
<th>Fax.</th>
<th>E-mail Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Minister of the Office of the Ministry</td>
<td>Matthews M, Mr.</td>
<td>Pretoria Private Bag X 895</td>
<td>(012) 357 3821</td>
<td>(012) 357 4059</td>
<td><a href="mailto:Matthews.m@dbie.gov.za">Matthews.m@dbie.gov.za</a></td>
</tr>
<tr>
<td>Acting Director</td>
<td>De Been C, Ms.</td>
<td>Pretoria Private Bag X 895</td>
<td>(012) 357 3821</td>
<td>(012) 357 4059</td>
<td><a href="mailto:DeBeenC.Ga@dbie.gov.za">DeBeenC.Ga@dbie.gov.za</a></td>
</tr>
<tr>
<td>Deputy General Social Support Services and Planning Delivery Unit</td>
<td>Witthite G, Dr.</td>
<td>Pretoria Private Bag X 895</td>
<td>(012) 357 3821</td>
<td>(012) 357 4059</td>
<td><a href="mailto:WitthiteG@dbie.gov.za">WitthiteG@dbie.gov.za</a></td>
</tr>
<tr>
<td>Deputy Director</td>
<td>Tybekela P, Ms.</td>
<td>Pretoria Private Bag X 895</td>
<td>(012) 357 3821</td>
<td>(012) 357 4059</td>
<td><a href="mailto:TybekelaP@dbie.gov.za">TybekelaP@dbie.gov.za</a></td>
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<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Address</th>
<th>Phone</th>
<th>Fax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milkoq A. M.</td>
<td>Chief Director</td>
<td>226 Strathmore Street</td>
<td>Tel. (012) 357 432 657</td>
<td>Fax (012) 357 432 657</td>
</tr>
<tr>
<td>J. Dr. M.</td>
<td>Director</td>
<td>226 Strathmore Street</td>
<td>Tel. (012) 357 432 657</td>
<td>Fax (012) 357 432 657</td>
</tr>
<tr>
<td>S. Dr. P.</td>
<td>Minister of State</td>
<td>226 Strathmore Street</td>
<td>Tel. (012) 357 432 657</td>
<td>Fax (012) 357 432 657</td>
</tr>
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<thead>
<tr>
<th>Provincial Representative</th>
<th>Official</th>
<th>Designation</th>
<th>Physical Address</th>
<th>Postal Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mollie Maize</td>
<td>Mmeka T. Mr</td>
<td>Assistant Director</td>
<td>FF 330 So Place Building</td>
<td>Private Bag X 865 PRETORIA</td>
</tr>
<tr>
<td>222 Stulen Street</td>
<td>0001</td>
<td>Tel: (012) 377 3393</td>
<td>Fax: (012) 323 0146</td>
<td><a href="mailto:MmekaT@dbe.gov.za">MmekaT@dbe.gov.za</a></td>
</tr>
<tr>
<td>Cheryl Maize</td>
<td>Gordon Huddle</td>
<td>822 3rd Floor Building</td>
<td>Private Bag X 865 PRETORIA</td>
<td><a href="mailto:MollieMaize@dbe.gov.za">MollieMaize@dbe.gov.za</a></td>
</tr>
<tr>
<td>D.F.T.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Contact Details**

**Mollie Maize**

Email: MollieMaize@dbe.gov.za

Phone: (012) 377 3393

Address: FF 330 So Place Building, Private Bag X 865, PRETORIA, 0001

**Cheryl Maize**

Email: CherylMaize@dbe.gov.za

Phone: (012) 323 0146

Address: 222 Stulen Street, Mmeka T. Mr., Private Bag X 865, PRETORIA, 0001
Dear Advocate

I appreciate your call and the email. I will provide you with a response on how your submission was taken into consideration during the review. It’s a bit hectic for me these days, please give me time.

Regards
Phindi

From: ECHSA Chairperson [mailto:echsa1@gmail.com]
Sent: Thursday, July 26, 2018 10:03 AM
To: Ngcobo, P
Subject: Policy on Home Education

Dear Mr Ngcobo

[Quoted text hidden]

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Policy on Home Education

To: "Ngcobo, P." <Ngcobo.P@debe.gov.za>
Cc: Megan Puchert <megan.puchert@gmail.com>

Fri, Jul 27, 2018 at 1:57 PM

Dear Phindi,

Thank you so much for your reply. I appreciate it. I can well imagine how busy you must be and I look forward to receiving your response as soon as you are able to.

Just a quick question for clarity:
Do you know on what date the Council of Education Ministers (CEM) approved the Policy?
And, does the Policy still need to go to the Head of Education Departments Committee, or will the Policy be published directly in the Gazette within 21 days of the CEM approval?

Kind regards,

Megan

ECHA Chairperson <echsa1@gmail.com>
Policy on Home Education

Ngcoobo.P <Ngcoobo.P@dbe.gov.za>
To: ECHSA Chairperson <echsa1@gmail.com>
Cc: Megan Puchert <megan.puchert@gmail.com>

Mon, Jul 30, 2018 at 1:29 PM

Good day

Please note that DBE is preparing a media statement which I hope will cover your questions as well as many questions we are receiving. I will let you know when the statement is out.

Regards

Phindi

From: ECHSA Chairperson [mailto:echsa1@gmail.com]
Sent: Friday, July 27, 2018 1:59 PM
To: Ngcoobo.P
Cc: Megan Puchert
Subject: Re: Policy on Home Education

[Quoted text hidden]
[Quoted text hidden]
Draft Policy on Home Education

ECHSA Chairperson <echsa1@gmail.com>
To: Ma Nqobho <nqobho.p@dbe.gov.za>
Cc: Megan Puchert <megan.puchert@gmail.com>

Dear Phindi,

Are you in a position to indicate on what date the approved Policy will be published?

Regards

Megan
Draft Policy on Home Education

Ngcobo, Phindile <Ngcobo.P@dbe.gov.za>
To: ECHSA Chairperson <echsa1@gmail.com>

Good day

Unfortunately I'm not, the submission is still in the process. I will email as soon as it is approved.

Regards

Phindile

---

From: ECHSA Chairperson [mailto:echsa1@gmail.com]
Sent: Tuesday, August 07, 2018 10:08 PM
To: Ngcobo, Phindile
Cc: Megan Puchert
Subject: Draft Policy on Home Education

|Quoted text hidden|

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Fwd: emails

Thu, Aug 16, 2018 at 11:39 PM

Dear Mr Mhlanga,

The Policy on Home Education and the media statement, dated 30 July 2018, which appears on the Department of Basic Education’s website, refer.

I am the Chairperson of the Eastern Cape Home Schooling Association (ECHSA). ECHSA has been in existence since 1998 and represents approximately 500 home educating families.

We have been trying to establish on what date the approved Policy will be published in the Gazette, as we have been unable to obtain a copy of the approved Policy.

Ms Phindile Ngcobo has been very helpful in communicating with me. She has however referred me to you to inquire about the specific details of the release of the Policy.

Kindly assist me in understanding the process:

According to the media statement, the Policy was approved on 19 July 2018 and will be published in the Gazette.

Section 7 of the National Education Policy Act 27 of 1996 reads as follows:

Publication of national education policy.—The Minister shall within 21 days after determining policy in terms of section 3 —

(a) give notice of such determination in the Gazette and indicate in such notice where the policy instrument issued with regard thereto may be obtained;

(b) table the policy instrument referred to in paragraph (a) in Parliament within 21 days after the notice has appeared in the Gazette. If Parliament is then in ordinary session, or, if Parliament is not in ordinary session, within 21 days after the commencement of the first ensuing ordinary session of Parliament.

My reading and understanding of section 7, and the media statement released by the Department, therefore indicates that the Policy must be published within 21 days from 19 July 2018, which should have been on 9 August 2018. Am I correct in this interpretation, and if not, kindly clarify it for me?

If the approved-by-CEM-Policy has not been signed off and approved by various other role players in the Department (such as the CFO or the Deputy Minister) or by the Minister herself, can it then be understood that the Policy has not yet officially been approved, and that the 21-day prescribed period in section 7 will only commence on the date on which the Minister signs the approval of the Policy submission?

Your urgent response will be much appreciated.

Regards

Adv. Megan Puchert
Chairperson
ECHSA
072 237 8226

---------- Forwarded message ----------

Date: Wed, Aug 15, 2018 at 12:16 PM
Subject: emails
To: "Megan Puchert (megan.puchert@gmail.com)" <megan.puchert@gmail.com>

Dear Advocate Puchert,

http://www.echsa.net/Legislation/Supplementary_Paia.htm?fbclid=IwAR33vAkhCINhwnmnM3B-Qtp3tLnyHx5I4JvRiSo7boTRFJ2yDSidqnasU
8/2/2018

As discussed, please direct your queries to Mr Mhlanga and copy Dr Simelane. Addresses are provided below:

Chief Director, Communications: Mr Elijah Mhlanga Mhlanga e@dbe.gov.za
Director, Inclusive Education: Dr Moses Simelane Simelane.m@dbe.gov.za

Kind regards,

Ms Phindile Ngcobo

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https://mail.google.com/mail/u/0/?ui=2&ik=0dd6535356&shar=OC7a1Q8okB4.4.en&plhl=en&bypass=1&um=1&ie=UTF-8&sa=X&ved=0ahUKEwiG8razltG8AhXHJvQIHYJkCvYQ Alejandro Calvo Pudro
RESOLUTION - SUPPLEMENTARY APPLICATION TO THE DEPARTMENT OF BASIC EDUCATION IN

TERMS OF PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

At a meeting of the Eastern Cape Home Schooling Association, held on 29 October 2018

It was resolved that ECHSA would lodge a supplementary application to the Department of Basic Education in terms of the Promotion of Access to Information Act 2 of 2000.

It was further resolved that Phillip Doubell, the Acting Chairperson of ECHSA, be authorised to lodge the application on behalf of ECHSA.

Signed

[Signature]

Full name: Natascha Yazbek
Designation: ECHSA Secretary
Location: Port Alfred

[Signature]

Full name: Jansen van Rensburg
Designation: ECHSA Treasurer
Location: East London