

REPORT: VERIFICATION OF TEXT BOOKS DELIVERIES IN LIMPOPO

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LIST OF ACRONYMS

CAPS	Curriculum and Assessment Policy Statement
DBE	Department of Basic Education
FEDSAS	Federation of Governing Bodies of South Africa
LDoE	Limpopo Department of Education
LTSM	Learning and Teaching Support Material
MEC	Member of the Executive Council
NT	National Treasury
NAPTOSA	National Professional Teachers Organisation of South Africa
NASGB	National Association of School Governing Bodies
PEU	Professional Educators Union
POD	Proof of Delivery
SADTU	South African Democratic Teachers Union
SACC	South African Council of Churches
SAPA	South African Publishers Association
SAOU	Suid Afrikaanse Onderwysers Unie
SP1	Service provider 1
SP 2	Service provider 2

1. EXECUTIVE SUMMARY

I was asked by SECTION27 and the DBE to verify the state of delivery of textbooks to schools serving Grade 1-3 and Grade 10 Learners in the Limpopo Province as at 27th June 2012. This was agreed between the parties in order to have an independent authority verify that an order of the court of 17th May 2012 to deliver textbooks to schools in Limpopo by 15th June and a subsequent agreement by the parties that delivery be completed by 27th June 2012 had been complied with. I was also asked to provide an analysis and recommendations that would contribute to ensuring that a situation where textbooks are delivered in the second half of a year is not repeated.

This required intensive investigation of a process and a set of time frames of great complexity in a time period of 14 days, including the finalization of the report. This executive summary will provide conclusions and recommendations but the full report of some 80 pages provides the processes used to reach these conclusions, and their evidence base. Both SECTION27 and the DBE have been given several opportunities to comment on successive copies of the report and that I am satisfied that their views have been adequately responded to. The report also names and thanks the team and others who assisted me to produce a report that has attempted to be as comprehensive as possible in the time frame.

The timing of this investigation (in the school holidays and before the start of the schools term on 16th July) was essential in order to verify compliance with the court order, and to give the DBE an indication of the scale of difficulties before schools begin. The compressed time-frame was also necessitated by the court order relating to the catch up plan, and that both parties understand that a meaningful catch up plan cannot start until delivery of textbooks is complete.

However, many steps lie ahead of the Administrator of the Limpopo Department of Education in order for him to finally verify how many books have been delivered in the right quantities to the right places. This will best be achieved in a climate of cooperation with the sole purpose of getting all the available books to the learners who need them as a matter of urgency. It may be that a climate of distrust, anxiety and pressure will contribute to evasion and concealment rather than the frank reporting needed to solve the remaining problems.

SUMMARY OF FINDINGS

1. Provinces ordinarily order textbooks before the end of a school year so that these books can be available when teaching and learning start at the beginning of the next school year. The Limpopo provincial government was unable to order books in 2011 for 2012 because the province had overspent its budget.
2. The Cabinet in December placed the Department of Education in Limpopo under administration in December 2011

3. For a variety of reasons to be investigated by the Presidential Team (appointed by the President to investigate the reasons for the delay in the delivery of textbooks), orders began to be placed with publishers for textbooks for Grade 1-3 and Grade 10 learners only in the first week of June 2012.
4. The first court deadline for delivery of these books was 15th June, and this was later extended to 27th June. Schools closed on 22nd June.
5. The first books only started arriving in the central warehouse from the 7th June 2012. More than a million books arrived over a 2-week period, more have arrived since, and more are expected.
6. It would ordinarily take an estimated 6 weeks to process these books into school-based delivery lots, generate the necessary paperwork to track delivery, transport them from the central warehouse to the district warehouses, and then deliver them to schools.
7. If the intention was to deliver the material in a 2-week time frame then a much more comprehensive plan was required with greater resources, capacity and infrastructure than was made available.
8. When SECTION27 and the DBE met on 28th June to review compliance against the court order, the DBE presented figures that tracked movement of the books (that had at that stage been received) from the central warehouse to the regional warehouses. In fact, the records of the service providers show that very few of the textbooks had reached schools at that stage.
9. The settlement between DBE and SECTION27 required delivery to and receipt of books by schools by June 27. This clearly did not take place. SECTION27 believed the reports it was receiving should have been about receipt by schools. The DBE maintains that the reports were only of dispatch to and from warehouses, and they did not infer delivery to schools.
10. Whatever interpretation is accepted, both parties agree textbooks were not in schools by the 27th June as agreed in the settlement agreement.
11. By the time deliveries started to schools, they were closed for the school holidays further compounding delivery difficulties.
12. Because there was no money in the Limpopo budget for textbooks, the orders had been rationalized and reduced. When books started arriving many schools could not understand why they had not received what they had ordered.
13. Limpopo schools have the poorest communication infrastructure in the country. Communication with schools had been poor. The circular that explains this was only dispatched on 29th June when schools were closed.
14. The pressure to squeeze this complex process into a 2-week process caused weak systems to buckle, and a full audit of delivery could not be completed because large numbers of proof of delivery notes had not been returned.
15. We are unable to make an accurate assessment of how many books have reached schools as yet, and we are concerned about the number of schools that report that they do not have the correct books – in quantity, in language, or with categories missing.

SUMMARY OF RECOMMENDATIONS

16. It is urgent that rapid and efficient mechanisms be put into place:

- 16.1. To communicate to schools both directly and through stakeholder organisations what they should have received
- 16.2. To facilitate the recovery and delivery of books has been delayed by system breakdown of the non-availability of school personnel
17. The resources that are required to top-up textbooks for all grades in Limpopo at the start of the 2013 school year, and to provide new textbooks for all learners with the roll-out of the Curriculum and Assessment Policy Statement to grades 4 and 11 in 2013 must be quantified and committed to now so that schools can be properly informed of what to expect, and so that the necessary planning processes for efficient delivery can be put in to place.
18. We have confirmed that warehouses belonging to the Limpopo Department of Education have volumes of textbooks from previous years that have not been delivered. These must be audited and distributed, and an investigation must be conducted into the circumstances of
19. Further auditing of the delivery process will need to be undertaken. I have provided the DBE with the formal report of the two audit companies that formed part of my team.
20. Government reporting against orders made by the court must be double-checked for accuracy and completeness against the order so that that information provided to the Executive Authority for subsequent communication or compliance reporting purposes is accurately and fully informed.

This report has attempted only to verify delivery by following the processes established to deliver textbooks in Limpopo in 2012. These processes were designed for error in the time-frames allowed and with the resources made available. I believe that more work needs to be done to improve the entire value chain of LTSM delivery. The annual expenditure on LTSM is a multi-billion Rand budget and deserves the application of the appropriate resources and competencies to ensure the education system reaps the maximum benefit from this investment. The way forward must be more than about fixing a faulty distribution chain.

It is my view that the public interest litigation initiated by Section 27 has directed public attention to a component of the difficult conditions under which teachers teach, and learners learn. All energies must be directed to ensuring that all learners have adequate access to learning and teaching support material. This is in the spirit of the Kollapen judgment indicated that one week or even one day is material to the rights of the affected children.

2. SUMMARY OF RECOMMENDATIONS

GOVERNANCE RECOMMENDATIONS

RECOMMENDATION 1 AND 2:

- The textbook procurement process for 2013 has already begun. It is urgent that clarity is provided urgently if funds will be made available for this purpose from the 2012/13 budget so that the planning can commence timeously and so that there is a sense of optimism that schools will start in 2013 with all the textbooks that are needed.
- If an investigation is not already underway by a competent authority, an investigation must be conducted in procurement practices involving the over-ordering of books.

RECOMMENDATION 3 AND 4:

- Until the proposed legislation is adopted which will put flesh on the skeleton of Section 100(1)(b), Cabinet should adopt a framework or protocol for how the executive will exercise its responsibility in instances where a provincial department is under national administration which it will use until legislation is passed. The framework or protocol will not have the force of law, but at least it will bring clarity for national and provincial officials and executive authorities. This recommendation is consistent with the intention of the President to develop 'a special protocol to manage relations between the spheres and ensure that service delivery is not affected'.
- The DBE and SECTION27 have agreed that I may make a separate submission to the Presidential Task Team on a set of observations made in the first draft of the report.

RECOMMENDATION 13:

- Government reporting against orders made by the court must be double-checked for accuracy and completeness against the order so that that information provided to the Executive Authority for subsequent communication or compliance reporting purposes is accurately and fully informed.

ADMINISTRATIVE RECOMMENDATIONS

RECOMMENDATION 5: AUDIT OF TEXTBOOK NEEDS

The results of the audit of school textbook needs referred to in the DBE court papers should be made public and action taken to remedy any deficiencies identified with firm time-bound plans.

RECOMMENDATION 6: COMMUNICATION

- There must be urgent communication to all schools, including through the channels of stakeholder organisations to communicate:
 - The contents of Circular 124 of 2012 and in particular the reasons for the delivery of LTSM that is different to what schools ordered and the reasons for fewer quantities being ordered than what was requested

- Why a decision was taken to not order the maths and science textbooks for Grade 10 given the shortage of funds, the need to stretch the available funds over the areas of greatest need, and the prior distribution of the national Maths and Science textbooks
- This needs to be communicated in a way that builds an understanding of the challenges faced and the need to make the most use of the existing textbooks despite the lack of top-ups
- The challenges faced in securing LTSM for 2013
- The SMS reporting line should be taken over by the Administrator for the Department of Basic Education, further popularized, and used on a weekly basis until queries are resolved. It could be used to communicate the information above. This is important because in the absence of effective instruments of communication, schools are reliant on mobile networks for rapid communication.
- There must be an immediate intervention to improve connectivity with schools. The DBE and LDoE should work with the Department of Communications as a matter of urgency to develop a plan with clear time frames and additional resources must be sought if necessary.
- District offices must be provided with the necessary resources to communicate more effectively with schools as a matter of urgency.

RECOMMENDATION 7: TEXTBOOK PROCUREMENT AND DELIVERY

- All officials, including service providers, should undergo extensive training to understand the procurement process and the importance of their roles in preserving the integrity of the distribution value chain.
- The entire procurement of LTSM including requisitioning, ordering and delivery in accordance with national mandates, need to be documented and approved by the Department for effective monitoring and evaluation of LSM distribution.
- Taking cognisance of the metrics involved in the procurement process, the Department should ensure that all cleaned requisitions be ordered by at the latest, the end of August of each year, to ensure that books reach schools before the end of the academic year in preparation for the new academic year's learning programmes.
- Terms of engagement and signed contracts should be available to the project managers to tract, monitor and evaluate the performance of service providers.
- Officials of the Department should take greater ownership of the systems to improve their understanding and interpretation of data provided by reports.
- The capacity and infrastructure of the satellite warehouses need to be improved in order to ensure smoother flow and tracking of LTSM and to preserve the integrity of the procurement value chain.
- Any changes to the procurement process should be timeously and effectively communicated to schools to ensure appropriate mediation of unexpected outcomes.
- If key functions are outsourced, all data must remain the property of Government and back-up systems should be kept to cover the event of contract failure. Data on textbook coverage and supply should not be allocated to a third party, but rather be considered as an essential internal competency. How this is collected and verified

would be an important development in improving the current situation and preventing further textbook crisis.

- When key government functions central to the effective provision of education are outsourced, departments must maintain adequate capacity to monitor the service provider. Good practice in monitoring the performance of outsourced LTSM functions needs to be established and institutionalised. The notion of requesting a supplier to provide a report on performance is not an adequate or acceptable form of monitoring and evaluating a supplier's performance. A system of verification based on the triangulation of data, through EMIS and a school-level feedback loop should be established as a minimum requirement. As a basis these should focus on the critical success factors of: on-time delivery, correct quantities and deliveries of the correct material to the correct destination. This will require additional specialised capacity at both national and provincial levels, and a well communicated regulatory framework for compliance with the requirements.

RECOMMENDATION 8: OUTSTANDING VERIFICATION AND CORRECTIVE ACTION

- With specific regard to the current Limpopo textbook situation, it must further be recognised that the verification conducted during this review was severely limited and:
 - A comprehensive verification of all deliveries against requirements and orders needs to be conducted, particularly with the intention of improving future processes.
 - The Administrator for the Department of Basic Education must urgently obtain an explanation from the service providers regarding the numerous absent PODs. Given the volume of absent POD's and the number of books relating to this, it is difficult to understand where these books may currently be, or why these POD's are still not returned to the centre, if indeed these books were delivered. Of particular concern, is that if these books were delivered, but no proof was returned (signed POD's), on what basis would the distributors that delivered LTSM to schools from district warehouses be compensated?
 - The audit team concluded that there is still a significant work that needs to be undertaken to confirm the outstanding POD's, especially given that it is of the view that these books have been dispatched from the central warehouse, as well as have been dispatched from the district warehouses. Either these books are in an extended transit from district warehouses to schools (i.e. deliveries are still not complete) or the process of receiving POD's from schools is taking too long or was poorly managed, giving an impression that books have not been delivered.
 - Due to the imminent opening of schools, the audit team strongly recommends that the Administrator for the Department of Basic Education pay urgent attention to the following districts (depicted in Table 1 below). In these districts, the audit team could not obtain PODs, within the sample verifying delivery of textbooks. The number and percentages represent the

books potentially not delivered (in the absence of PODs) within our SP1 sample for Grade 10 and 11:

NO PROOF OF DELIVERY FOR GRADE 10 AND 11 BOOKS AS AT 11TH JULY

No proof of delivery (books)	Grade			
	10		11	
Capricorn	5 171	20%	109	29%
Greater Sekhukhune	10 868	44%	1 166	70%
Mopani	4 696	22%	335	62%
Vhembe	8 434	32%	399	45%
Waterberg	1 892	34%	44	13%
Grand Total	31 061	30%	2 053	54%

- Due to fact that the SP2 data is inconclusive and provides inadequate information as what books were delivered to schools for Grade 1, 2, 3 and 12 the audit team suggests that urgent attention need to be on all 5 districts.

RECOMMENDATION 9 - 11: CORRECTION OF MIS-DELIVERIES

- A process to investigate wrong deliveries must be urgently instituted so that books incorrectly delivered can be redirected.
- If difficulties have been experienced in delivery to farm schools because of difficulties in securing access to farms, the Administrator for the Department of Basic Education should meet with organized representatives in the agricultural sector to assist in the facilitation of access to farm schools.
- A public call should be made to get all books that are currently ‘misplaced’ or ‘in process of delivery’ into the hands of learners. This should have a short time-frame (possibly the first week of the school term) followed by the measures proposed by the Administrator for the Department of Basic Education (law enforcement agencies to recover the textbooks as assets of the State). The SACC has indicated that they would be willing to part of such an initiative, and all stakeholder groups could be involved.

RECOMMENDATION 13: BOOKS THAT HAVE LEFT WAREHOUSES BUT ARE NOT YET IN SCHOOLS

It is recommended that a system is established as a matter of urgency to clean up the delivery system, including identifying books that are still somewhere between the district warehouses and schools, and to correct mis-deliveries. This is an urgent exercise. In my view this should include an amnesty for a limited period to cover those instances where deliveries were abandoned because of communication difficulties, or because no person could be found at the school to deliver the books.

RECOMMENDATION 15 AND 16: LTSM FROM PREVIOUS YEARS STILL STOCKPILED

- The Administrator for the Department of Basic Education must urgently arrange for a thorough audit of books lying in warehouses and deliver these to those

schools most in need, or to school and community libraries. Books that no longer directly match the new CAPS curriculum could be marked to alert teachers to this where necessary. The DBE has argued that recent textbooks remain relevant for the new curriculum.

- The allegation made in the answering affidavit that orders of books had been inflated to increase commissions and possible links to the stockpiled books must be investigated by a competent authority.

3. THE BRIEF AND THE TIME FRAME

- 3.1. The Department of Basic Education (DBE) and SECTION27 requested Prof. Mary Metcalfe to lead an independent verification of the progress reports relating to delivery of textbooks to schools in Limpopo. The parties agreed that the verification is necessary both;
 - 3.1.1. In order to assess the state of delivery of the current textbooks, and
 - 3.1.2. To analyse system failures in order to provide recommendations that will assist in preventing a recurrence in future years.
- 3.2. It was requested that the verification exercise focus on learning materials for learners in Grades one, two, three and ten¹ in Limpopo, and that it should be complete in two weeks.
- 3.3. There were two reasons for the urgency of the time-frame:
 - 3.3.1. The verification and analysis should assist in clarifying the situation before schools return for the third term on 16th July 10, 2012
 - 3.3.2. The Grade 10 textbooks are essential to the effective operation of the “catch-up” plan for at least the affected Grade 10 learners.
- 3.4. It was understood that any outstanding books would continue to be delivered during the course of the validation process, and that the report would seek to verify:
 - 3.4.1. Delivery of textbooks to schools as at 27th June
 - 3.4.2. Delivery of textbooks when the report is submitted.
- 3.5. It must be noted that there was no mandate for a forensic investigation or an investigation into the circumstances of the cancellation of the EduSolutions contract.**

¹ These are the grades for whom the new Curriculum and Assessment Policy statement has been implemented in 2012

4. LEGAL CONTEXT AND BACKGROUND TO THE BRIEF

- 4.1. In May 2012, SECTION27 applied for an order of court 'directing the Limpopo Department of Education, alternatively the National Department of Basic Education, to place orders for and secure the delivery of textbooks to the Second Applicant² and to all public schools across the Limpopo Province that have still not received their complement of textbooks for the 2012 academic year'.
- 4.2. SECTION27 requested an order:
 - 4.2.1. '(109.2) Directing the Department, alternatively the DBE, to provide textbooks for Grades R,1,2,3 and 10 on an urgent basis, and by no later than 31 May 2012 to .. all ... schools in Limpopo which have not yet received their textbooks';
 - 4.2.2. (109.3) 'Directing the Department, alternatively the DBE, to immediately develop a "catch-up" plan for at least the affected Grade 10 learners in Limpopo. Such a plan should provide for additional classes either after school hours during the week or on Saturdays until the lost curriculum is covered';
- 4.3. On the 17th May, the High Court in Pretoria ruled that the Department's failure to provide textbooks violated the Constitution. Judge Jody Kollapen ordered the Department to devise a catch-up plan to remedy the consequences of the delay, and to supply the affected schools with textbooks by 15 June.
- 4.4. The textbooks were not delivered by 15th June. On 21 June, representatives of the Department of Basic Education (DBE) and SECTION27 reached a settlement agreement that included the following undertakings:
 - 4.4.1. That all textbooks would be delivered to all schools by or on Wednesday 27th June.
 - 4.4.2. The DBE would provide Section27 with written updates of the progress of the delivery on Saturday June 23; Monday June 25; and Tuesday June 26.
 - 4.4.3. That an official DBE circular would be issued on Friday 22nd June to all school principals informing them of this and requesting them to make arrangements with learners to return to school on Thursday 28th June to collect their textbooks. This will ensure that learners are able to study over the coming school holidays.
 - 4.4.4. That the 'catch-up plan' ordered by the North Gauteng High Court is essential in order to remedy the disadvantage that has accrued to the teachers and learners and that the plan will involve extra tuition and support to both learners and teachers. The details of the plan will be developed by the DBE with input from SECTION27. As required by the court order, the DBE will report to the court on the implementation of the plan.
 - 4.4.5. That we will maintain open channels of communication on all the above, but also seek to work constructively together in the interests of good governance of schools and quality education.

² The second applicant was Hanyani Thomo Secondary School, and the third applicant was Tondani Lydia Masiphethu the parent of two learners at Lutandale Primary School in Thohoyandou, Vhembe District.

- 4.5. This agreement was made an order of court on 5 July 2012. Judge Kollapen included a clause in the order to the effect that the settlement agreement does not supersede the order of 17 May.
- 4.6. On 27 June, the DBE and SECTION27 met and shared concerns about reports that books may not have reached all schools and agreed to encourage anyone with information in this regard to report shortages of textbooks so that this can be investigated and corrected where necessary. The DBE and Section27 also shared a concern that the information in the progress reports provided to the DBE and forwarded to SECTION27 may not be accurate.
- 4.7. DBE and S27 agree to appoint a jointly agreed independent competent capacity to do an audit and evaluation of deliveries. On 30 June it was announced that Professor Mary Metcalfe had been appointed by joint agreement of both parties.

5. TIME FRAMES

- 5.1. The terms of reference for the process were confirmed on 2nd July and Metcalfe was appointed to prepare the report within 2 weeks.
- 5.2. Subsequently the team was constituted and then Metcalfe:
 - 5.2.1. Met the MEC Of Education in Limpopo, Dickson Masemola, and senior officials of the DBE and the Limpopo Department of Education (LDoE) on 4th July.
 - 5.2.2. Met the DG of the province, DG Molepo-Modipa, who briefed Prof Metcalfe about the work that is planned by the task team established by the Provincial Executive Committee led by Premier Cassell Mathale. It was understood that the two processes have different terms of reference but both will contribute to the goal of understanding of how to avoid such a delay in the delivery of textbooks re-occurring in the future.
 - 5.2.3. With members of the team, briefed stakeholders in a meeting attended by SADTU, NAPTOSA, PEU, SAOU, the National Association of School Governing Bodies, FEDSAS, the South African Principals Association and SECTION27 on 4th July.
 - 5.2.4. With members of the team, met the senior leadership of the LDoE for a full briefing on processes and systems on 5th July.
 - 5.2.5. With members of the team, began the verification process on 5th July.
 - 5.2.6. Briefed the Parliamentary Portfolio Committee on 5th July.
 - 5.2.7. With members of the team, shared the preliminary report with stakeholders on 11th July.
 - 5.2.8. Presented a draft report to the DBE and to SECTION27 at a meeting on 13th July (and on 14th July requested Minister Motshekga's office to make a copy available to MEC Masemola).
 - 5.2.9. Amended the draft on the basis of discussion of 13th July and sent the revised version to both parties after midnight on 14th July.
 - 5.2.10. Amended the report on the basis of further comment received from both parties on 14th July (which comments was copied to both parties) and submitted the final report to the DBE and SECTION27 on 15th July.
- 5.3. The work was concluded on 15th July, 13 days from 2nd July.

6. MODUS OPERANDI

6.1. Three task teams were established

FIGURE 1: THREE TASK TEAMS



6.1.1. **A team of Auditors** which conducted a verification exercise of reported school deliveries against physical proof of delivery documentation for a sample of 10% of the schools in the Province through the documentary and system records

6.1.2. **A Call Centre Team** that contacted principals of the same sample of 10% of the schools in the Province informed them of the process and asked them if the books had been delivered, and where necessary to share information regarding the circumstances of the delivery. This team also sought to return calls from the DBE Help-line and the public reporting on the SMS line³. We were fortunate in that this team of multilingual individuals spoke all of the languages used in the province and they organized the distribution of work according to regional language patterns.

6.1.3. Our 10% sample covered the following numbers of schools per districts, and the types of schools:

TABLE 1: NUMBER OF SCHOOLS IN THE AUDIT SAMPLE BY DISTRICT

DISTRICTS	NUMBER OF SCHOOLS
Capricorn District Municipality	91
Greater Sekhukhune District Municipality	91
Mopani District Municipality	70
Waterberg District Municipality	43
Vhembe District Municipality	112
Other	4
Grand Total	411

³ An SMS reporting number **32142** was established and publicized in the print and electronic media. Schools that had not received their textbooks were invited to send the name of the contact person and the name of the school to this SMS (at a cost of R1). The provider of this service replied immediately, and will on a weekly basis ask the schools that responded if they have received their books. This should continue (even after our validation process is over) until most of the problems are resolved. We were not able to return all of the calls in the time available.

TABLE 2: NUMBER OF SCHOOLS IN THE AUDIT SAMPLE BY TYPE OF SCHOOL

	Combined School	Intermediate School	Primary School	Secondary School	Other	Total
Number of schools	14	7	253	136	1	411

6.1.4.A **Procurement System Team** which tracked the dispatch and delivery systems in order to be able to interpret the reporting of the first two teams

7. OVERVIEW OF THE ORDERING COMPONENT OF THE TEXTBOOK PROCUREMENT PROCESS IN LIMPOPO IN 2012

7.1. In order to understand when Learning and Teaching Support Material (LTSM) was ordered, it was necessary to clarify the events prior to June. The ordering of textbooks in Limpopo was characterized by several false starts and delays that resulted in the orders only being placed in early June. It is understood that these delays have been related to legal complexities associated with the application of Section 100(b) of the Constitution to the function of Education in the Provincial Executive of the Limpopo Province; the non availability of funds; and legal disputes with a service provider.

TABLE 3: TIMESCALE AND SEQUENCE OF EVENTS LEADING TO THE PLACING OF TEXTBOOK ORDERS FOR 2012

2011	
July	Textbook procurement process begins in Limpopo
October 31	Head of Department of Education in Limpopo sent a circular to district senior managers, LTSM and curriculum coordinators and principals, initiating the procurement process by urging them to circulate the catalogues to school. The circular gave timelines for procurement.
	The LDOE had serious cashflow problems and projected serious overspending at the end of the financial year. It is unable to proceed with the procurement of textbooks at the end of 2011 because the education budget for 2011/12 was exhausted before the end of 2011 and no funds are available as a consequence of a decisions by the Limpopo Provincial Executive to shift the funds allocated to textbooks to other budget lines. This has the inevitable consequence that schools will not have textbooks at the start of the 2012 school year.
December 5 2011	Cabinet decides that Section 100 (1)(b) of the Constitution will be applied to Limpopo Department of Education as from the 12th December
December 12	Section 100(1)(b) takes effect
2012	
January 9 2012	Adminstrator 1 appointed: R Swartz
January 18 2012	Schools start
January 26	The DBE has reported that ' The DBE wrote to Mr Monde Tom on 26 January to request that funding for the requisitioning of textbooks be made available without delay. The DBE did not receive formal correspondence from either Mr Tom, or National Treasury in this regard'.
January 31	Administrator for the Department of Basic Education 1 leaves
February 1	Adminstrator 2 (A Karodia) appointed
	FIRST PROCESS OF ORDERING BOOKS FROM PUBLISHERS BEGINS
Feburary 24	Administrator for the Department of Basic Education 2 appointed as accounting officer
March 8	Publishers Association of South Africa (PASA) email to members: Feedback from a meeting with the DoE – all publishers to check stock availability by the 30 March
March 30	End of first school term
April	Start of 2012/13 Financial year

April 3	Karodia letter requesting DBE to procure on LDoE behalf
April 4	PASA email to members: Publishers to collect orders from the procurement office.
April 10	Start of second school term PASA email to members: Publishers should have received their orders
April 11	PASA email to members: PASA and the DBE had a meeting, discussed the procurement model and orders
April 16	Karodia meeting with publishers (on 11th and 16th) in which he effectively orders books (Reported to me by DBE) PASA expects order to be confirmed after meeting Karodia and DBE. After meeting Karodia informs publishers that DBE has taken over procurement of textbooks and tentative orders cancelled. These were cancelled because the data used for those orders were incorrect
April 20	Communication from DG to Publishers that procurement process would be communicated
	SECOND PROCESS OF ORDERING BOOKS FROM PUBLISHERS BEGINS
April 26	Karodia cancels contract with EduSolutions Karodia letter to Publishers: Minister has finalized plans for procurement of textbooks – this initiated a bidding process PASA email to members: Publishers to match or better the lowest price of titles on the catalogue and CD's to be collected from the DBE
May 8	Publishers supply quotations for supply and delivery
May 10	PASA email to members: Dr Karodia informing publishers that official orders will be released in the week of the 14th May
May 14	Administrator 2 leaves
	An acting administrator is appointed until Administrator 3 is appointed
May 17	Court Judgment – textbooks to be delivered to schools by 15 June
May 22	Administrator 3 appointed – Mzwandile Matthews
May 24	First Orders placed with publishers. These were subsequently withdrawn. Orders were not signed and there were no order numbers. This would have resulted in payment problems
May 25	LDoE indicated that orders will be issued from scratch
	THIRD PROCESS OF ORDERING BOOKS FROM PUBLISHERS
June 1	New orders received between the 1 st and 13 th June. Publishers report that these were completely different and unrelated to earlier orders.
June 8	Textbooks were delivered to the Central Warehouse from the 7th of June 2012 until 10 th July
June 13	Last orders placed with publishers
June 14	First Grade 10 Textbooks leave the Central Warehouse for the regional warehouses
June 15	Court deadline for books to be delivered to schools
June 21	Settlement agreement between DBE and Section 27 extending the deadline of delivery of books to schools to 27th June
June 22	End of 2nd term EduSolutions v DBE case dismissed by Gauteng North High Court
June 25	First Foundation Phase books leave the Central Warehouse
June 27	Revised settlement date for delivery of textbooks The provider database shows that by 27 June 2012, 94% of the ordered books had been delivered to the district warehouses, but only 15% of the books had been delivered to the schools.
July 3	Provider Database shows that at 3 July, 98% of the ordered book had been delivered to the district warehouses, but only 48% of the books had been delivered to the

	schools, with 52% of the books still sitting in the district warehouse.
July 5	The settlement agreement that the deadline for the delivery of books was made an order of court. Judge Kollapen included a clause in the order to the effect that the settlement agreement does not supersede the order of 17 May.
July 6	Additional orders placed for Foundation Phase
July 10	Last delivery of textbooks from publishers to central warehouse
July 16	Start of 3rd Term
July 20	Further deliveries of textbooks from Publishers to central warehouse scheduled

- 7.2. The late ordering of textbooks put enormous pressure on the system to order and deliver textbooks in the 3 weeks between when the orders were finally placed in the first few days of June, when they started arriving in the warehouses on 10th June (more deliveries are expected) and when schools closed on 22nd June.
- 7.3. Valuable time was lost in two processes of ordering books from publishers between January and the end of May. The textbook procurement process currently under way was the third process and it only commenced on 1st June⁴.
- 7.4. Five valuable months were lost. It is not clear, if this was because of:
- 7.4.1. **An inability of the DBE to proceed until the court case between it and EduSolutions was resolved.** This does not appear to be the case as the contract was cancelled on 26th April prior to the dismissal of the case by the Court on 22nd June.
- 7.4.2. **The availability of funds.** Whilst the funds made available for the procurement of textbooks was from the 2012/13 financial year, the procurement process could have begun well before April 1st 2012, as the funds were demonstrably available. (It must be noted that the DBE and I have different views on whether the process of ordering books could have begun before the 1st April 2012. This has not been pursued because I understand this to be part of the terms of reference of the Presidential Task Team)⁵.
- 7.4.3. **Lack of clarity about authority** under Section 100(1)(b) conditions.
- 7.4.4. **Lack of capacity**
- 7.5. It is expected that the Presidential Task Team will be investigating these delays.**
- 7.6. Some observations and recommendations will however be made on the governance context of Section 100(1)(b) and the impact of this on the textbook procurement process as the tensions underlying this process were apparent throughout our work:
- 7.6.1. Whilst the Administrator for the Department of Basic Education by virtue of section 100(1)(b) takes full responsibility for the entire procurement process within the LDoE, his reporting arrangements are complex:
- 7.6.1.1. He reports to the DG of the DBE, and to the Minister of Education who is ultimately accountable to Cabinet for the LDoE;

⁴ Some publishers only received orders faxed on 1st on 4th June because they arrived after working hours

⁵ The press statement issued by the Presidency indicates that the terms of reference of the Presidential Task Team are: Members of the task team will investigate the causes of the non-delivery and delays to affected schools and make recommendations to prevent a future recurrence.

- 7.6.1.2. He also reports to the Head of the National Intervention Team in the province, who reports to Cabinet.
- 7.6.2. It must be noted that the DBE has assumed responsibility for the provincial administrative function without additional capacity and resources.
- 7.6.3. The DBE and the provincial Administrator for the Department of Basic Education (three have been appointed since January) were inevitably dependent on provincial officials to give effect to their instructions;
- 7.6.4. When a national department assumes Section 100(1)(b) responsibility for a provincial administrative function which is not ordinarily part of the competence of the national department, the capacity to intervene directly is limited and the dependence on the line function of the provincial department is heightened;
- 7.6.5. Provincial officials appear to be defensive of their personal and departmental administration and of their political leadership. This has resulted in perceptions of obstruction and non-cooperation and national officials having to take on tasks that might have been shared with provincial officials in conditions of optimum cooperation⁶.
- 7.7. **Secondary legislation is required to provide a regulatory framework to guide the operationalization of Section (100)(1)(b). The lack of regulatory guidance has caused a great deal of uncertainty and confusion, which has had serious implications for the textbook procurement process and caused delays in decision making and in operationalising decisions.** The Presidential Task Team will investigate the impact of Section (100)(1)(b) on the administration of education in Limpopo.

RECOMMENDATIONS 1 AND 2:

- Until the proposed legislation is adopted which will put flesh on the skeleton of Section 100(1)(b), Cabinet should adopt a framework or protocol for how the executive will exercise its responsibility in instances where a provincial department is under national administration which it will use until legislation is passed. The framework or protocol will not have the force of law, but at least it will bring clarity for national and provincial officials and executive authorities. This recommendation is consistent with the intention of the President to develop ‘a special protocol to manage relations between the spheres and ensure that service delivery is not affected’.

⁶ SECTION 27 has expressed concern about a formulation about “systems of optimum co-operation” within the context of a section 100(1)(b) intervention. The view expressed by SECTION 27 – by the time section 100(1)(b) is invoked, responsibility is not shared with the provinces; national assumes full responsibility for the obligations which the province has failed to discharge. My view is that is precisely what the Presidential Task team must address. A handful of officials from the national department require the full cooperation of the public servants in the province in order to discharge their responsibilities. The DBE and Section 27 have agreed that I may make a separate submission to the Presidential Task Team on this matter.

- The DBE and SECTION27 have agreed that I may make a separate submission to the Presidential Task Team from a set of observations made in the first draft of the report.

8. FUNDS AVAILABLE IN 2011/12 RELATIVE TO PREVIOUS YEARS

- 8.1. It is important to understand that LDoE was unable to proceed with the procurement of textbook at the end of 2011 because the education budget for 2011/12 was exhausted before the end of 2011.

‘When Section 100(1) (b) intervention was introduced ... Limpopo had serious cash flow problems, which had serious ramifications for key basic education deliverables, such as the procurement and delivery of textbooks.

This effectively meant that there was no budget allocation to fill vacant posts or for the procurement and the delivery of textbooks for the 2012 school calendar year, which under normal circumstances should have been catered for within the 2011/12 budget allocation, as a result of poor financial and human resource management and planning⁷.

- 8.2. The DBE has provided the following information,

The original order for LTSM developed by the LDOE in 2011 amounted to around R655 million. In January 2012, the order developed by EduSolutions was made available to the DBE. This order was not credible for a number of reasons e.g. some schools ordered 100% for top-ups; ordered various titles for the same grade per subject and ordered Maths and Science books (grade 10-12) which the DBE was providing free of charge. The order was cleaned up by the DBE which reduced the amount from R655million to R249 million. This was further reduced when publishers were requested to provide fresh quotations in a competitive bidding process. This further reduced the amount to R126 million.

This information must be read in conjunction with Section 14 on the volume of books undelivered in textbooks from previous years and allegations made about – over-ordering in the answering affidavit in this case. (see pages 66 -67). It is also important to note that the DBE has indicated that,

The LDOE did not provide schools with a budgetary limit for textbook orders for the 2012 school year, which is an important aspect of ensuring that schools institute measures to ensure that textbooks are effectively retrieved each year and which enable the provincial education department to cost-effectively provide LTSMs to learners. This also explains why some schools were ordering 100% of new textbooks in subjects and grades where top-ups should have been done.

- 8.3. Officials in the LDoE have provided information that in 2010/11, the provincial department spent R318 million on top-ups only, and in 2012/13 R249 million was allocated for both new books for the Curriculum and Assessment Policy Statement (CAPS) and top-up textbooks. This is 22% less than the allocation in the previous year.
- 8.4. It is my view that if is indeed the case that schools were not provided with a budgetary limit and that many ordered 100% of books where ordinarily they should have expected top-ups, this unrealistic expectation will have undoubtedly contributed to the confusion and anger. The R655m of placed orders was more than double the value of the LDoE spend in the 2010/11 Budget year
- 8.5. This meant that:
- 8.5.1. The budget allocation of the 2012/13 year (2012 school year) was not sufficient to meet the needs or requirements of the launch of CAPS **and** top-ups for all learners. Four of the 12 grades (including the largest grades in foundation phase) needed new books for the new CAPS that were

⁷ Statement issued by The Presidency 3 July 2012

implemented for Grades 1 – 3 and 10 in 2012. It was decided that only Grades 11 and 12 would receive top-ups.

8.5.2. Top-ups were not provided for Grades 4 – 9 so the normal replacement of books lost through attrition did not take place in 2012 and there will be shortages in these grades as a consequence of this

8.5.3. Across the province, schools had placed orders with twice the total value of the previous year – there could be no realistic expectation that funds would be available to honour these orders within the provincial budget even if there had not been any overspend and the province had not been not placed under Section 100(1)(b) administration

8.6. We are informed that whilst the allocation was R249m for 2012, orders have only been placed for books to a total value of R146m, and more orders are currently in process for an additional R57m. We were unable to access information about the budget for the costs of warehousing (including infrastructure, HR, IT support, & consumables) and transport⁸, but these costs are unlikely to consume the full amount of R46m that has been allocated for textbooks in 2012 but which remains unspent. Even if this has been preserved as a ‘cushion’, all available funds need to be now focused on relieving the shortage of textbook in 2012.

8.7. It may be that the Administrator for the Department of Basic Education is concerned about the availability of funds for textbooks for the 2013 school year as the budget that is currently being used is from the 2012/13 – which budget should be used for the 2013 school year. It has not yet been confirmed that this is the reason.

RECOMMENDATIONS 3 AND 4:

- The textbook procurement process for 2013 has already begun. It is urgent that clarity is provided urgently if funds will be made available for this purpose so that the planning can commence timeously and so that there is a sense of optimism in the province that schools will start in 2013 with all the textbooks that are needed.
- If an investigation is not already underway by a competent authority, an investigation must be conducted in procurement practices involving the over-ordering of books

⁸ Books were distributed from district warehouses to schools by a total of 65 distributors across the province

9. THE DIFFERENCE BETWEEN WHAT WAS EXPECTED BY SCHOOLS AND WHAT WAS DELIVERED

- 9.1. A major source of the confusion about the non-delivery of LTSM has been the poor communication about the challenges faced by the Education Departments. This has meant that schools were not told that the books that they had ordered after reviewing the catalogue circulated in November 2011 would not necessarily be the one they would receive until a circular was sent (during the school holidays) on 29th June.
- 9.2. The reason for the change in the orders made by the schools is that when funds were made available to purchase textbooks, the amount was insufficient to procure the original requisitioned material, the Department had to devise a more constructive way of ensuring that textbooks were delivered to schools on this budget. This involved:
 - 9.2.1. Making changes to school requisitioning processes to ensure that they stayed within the available budget, thus changing the process from open to centralised.
 - 9.2.2. Negotiation of cheaper rates for titles with the publishers that would later result in different titles being delivered to the schools. Quality was maintained, as all titles were part of the approved catalogue.
 - 9.2.3. Reduction in the number of titles requested by the school per learning area to just one⁹.
 - 9.2.4. The availability of stock played a role in the decision making because of the tightness of time frames.
- 9.3. Schools did not necessarily receive the titles that they had ordered, nor the quantities for the reasons above. This contributed greatly to the public confusion regarding the non-delivery of textbooks. In making sense of this for the public, the following points need to be made:
 - 9.3.1. There is a difference between what schools ordered and the orders that were finally placed
 - 9.3.2. No grades other than Grade 11 and 12 received a top up. No schools will receive 'top-up' texts for Grades 4 – 9
 - 9.3.3. Grade 10 orders were changed – both the specific titles and the quantity
 - 9.3.4. No orders were made for maths and Science in Grade 10.
 - 9.3.5. Grade 1 – 3 orders were changed

⁹ The DBE has informed me that 'Central procurement to ensure a core textbook for every subject per learner is the decision of the Council of Education Ministers (CEM). Negotiating prices with publishers with the view of increasing textbook coverage to 100% for every learner per subject by 2014, is an initiative that has already been taken by provinces such as Western Cape for the 2012 school calendar year. Limpopo Department of Education benefitted in respect of the current process benefitted immensely in following in the footsteps of provinces such as Western Cape'.

10. WHAT RESOURCES DID SCHOOLS HAVE?

- 10.1. It is acknowledged that there may be a perception amongst some members of the public that there are no textbooks at all in Limpopo schools. This needs to be clarified.
- 10.2. The textbook policy of the DBE is that all textbooks are expected to have a minimum of 3 years shelf life. The books are retained in schools and used by at least three successive cohorts of learners. Funds are budgeted annually to 'top-up' this stock to accommodate loss of stock and fluctuations in student numbers.
- 10.3. Whilst we have not been able to receive records of the budget for textbook provision in Limpopo over the last 5 years, we are told that such provision has been made annually.
- 10.4. In 2012, the 2012/13 budget has only allowed 'top-ups' for Grade 11 and 12. Schools have been asked to use existing stocks of Grades 4 – 9 textbooks and make alternative arrangements for shortages.
- 10.5. Because of the introduction of CAPS, new (CAPS aligned) textbooks were ordered for all Grade 10 subjects except for Maths and Science. This decision was taken because Maths and Science had been distributed to all Grade 10 – 12 learners in the country in early 2012, including Limpopo. Minister Motshekga announced in her 2012 Budget Speech that 4 424 500 Physical Science and Mathematics supplementary textbooks had been distributed to all Grades 10-12 learners in partnership with the Shuttleworth Foundation. The team did not verify the delivery of these books in Limpopo but we understand that a formal audit has been conducted¹⁰.
- 10.6. Reading books and phonics packs were ordered for Grades 1 -3.
- 10.7. The DBE has from 2011 introduced workbooks for learners, starting with Language workbooks in all official languages for Grades R – 6; numeracy workbooks for Grades 1 to 3 in all official languages; and in English and Afrikaans for Grades 4 to 6.
- 10.8. This was extended in 2012 to Maths workbooks for Grades 1 -9 in English and Afrikaans, Lifeskills workbooks for Grades 1 – 3 in all official languages, and English First Additional Language workbooks for Grades 1 – 9. A departmental flyer explaining the workbooks is reproduced below.
- 10.9. These workbooks were delivered in Limpopo in 2012, we believe in February/ March, and our understanding is that this has been independently audited¹¹. It must be noted that workbooks are supplementary to textbooks, and are not a sufficient resource on their own.
- 10.10. This means that for the key subjects of Language and Maths, learners from Grade 1 to Grade 9 should have received their own copies of the workbooks. Grade 1 – 9 learners would have had access to the existing textbook stocks in schools, and Grade 10 learners would have received Maths and Science textbooks. Foundation Phase learners would have had access to existing stocks of reading material.

¹⁰ Further information awaited from DBE (only requested on 14th July)

¹¹ Further information awaited from DBE (only requested on 14th July)

10.11. It is however true that Grade 10 teachers would have had to introduce the new CAPS without appropriate textbooks for the new CAPS, and did not have workbooks as these have not been developed for distribution in 2012.

FIGURE 2: DEPARTMENT FLYER FOR WORKBOOKS

FREQUENTLY ASKED QUESTIONS THE RAINBOW WORKBOOKS

Can I use them in multi-grade and multi-language classrooms?
Yes. All the workbooks follow the same format and topic sequences so they can be easily used in multi-language classrooms. The workbooks can also be used flexibly to allow for different groups in the class to do different workbook level tasks.

Are other resources needed to use the workbooks?
The "fun" approach used in the materials requires that learners have a small pair of scissors, a glue stick, colour crayons or pencils in addition to the usual stationery and grade appropriate mathematical instruments.

Can the learners keep the workbooks?
Each and every child should have their own workbooks. They can take them home and they can (and indeed must) write in them.

Do the workbooks replace textbooks and lesson guides?
No. They are workbooks. They save the teacher from writing exercises on the chalkboard and preparing their own worksheets. Though they are very useful in lesson planning, they are not a substitute for the teacher's own lesson planning. The Foundations for Learning material and textbooks still have an important role to play.

New workbooks to be available in 2012

- Literacy/language:** Grades 1 to 6 in all the official languages.
- Numeracy:** Grades 1 to 3 in all the languages. Grades 4 to 6 in English and Afrikaans.
- Mathematics:** Grades 7 to 9 in English and Afrikaans.
- Lifeskills:** Grades 1 to 3 in all official languages.
- First Additional Language:** Grades 1 to 9 in English.
- The Braille versions** of these books will be available in 2012.
- Teacher Guides** for each workbook.

Word attack skills

What is in the workbooks?
Each workbook provides 128 worksheets across 2 volumes. They are organised as follows:
• 4 worksheets per week
• 8 weeks per term

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basic education
Department: Basic Education
REPUBLIC OF SOUTH AFRICA

The content and sequencing of the worksheets conforms to the latest Curriculum and Assessment Policy Statement (CAPS) of 2011.

10.12. The Report of the *Task Team for the Review of the Implementation of the National Curriculum Statement* indicated in October 2009 that

... the panel was in agreement that good quality, content- and methodology-rich textbooks (and teaching guides) and teacher training were both fundamental to successful curriculum implementation... In all nine hearings with teachers across all provinces, this view was justified. The issues constantly emerged as obstacles to teachers' successful implementation of the National Curriculum Statement. Teacher training was reported to be too generic, of poor quality, and inadequate in providing real support for curriculum delivery. Textbooks were reported to often be of uneven quality and insufficiently provisioned to provide for all learners.

10.13. The introduction of CAPS in Grade 10 for the majority of schools did not take place in a resource rich environment. A later section of this report indicates that as many as 8.2% of the principals phoned indicated that they had not received textbook deliveries in previous years. Research conducted by the Southern African Consortium for the Monitoring of Education Quality has documented, for 2007, that only 50% of learners in Grade 6 in Limpopo had access to their own Maths textbook, and approximately 30% shared a textbook with on other learner, and that the situation was similar for access to reading textbooks¹².

¹² Data provided by Nic Spaull, Stellenbosch University, private communication

Figure 3: Mathematics Textbook Access by Province SACMEQ III (2007)

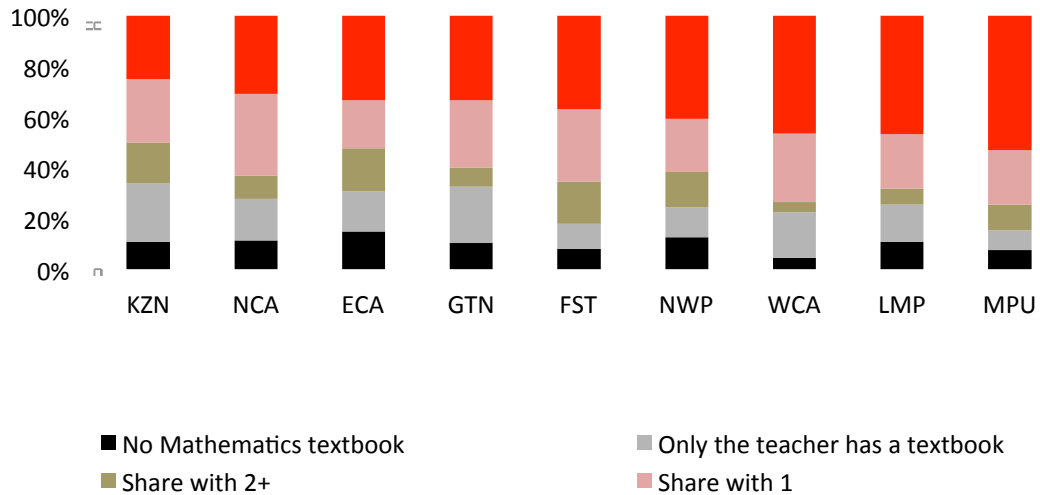
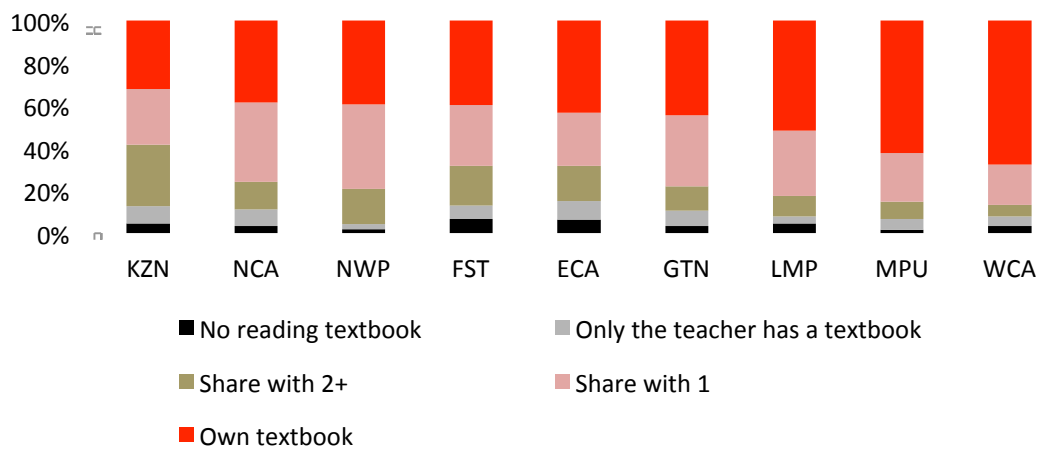
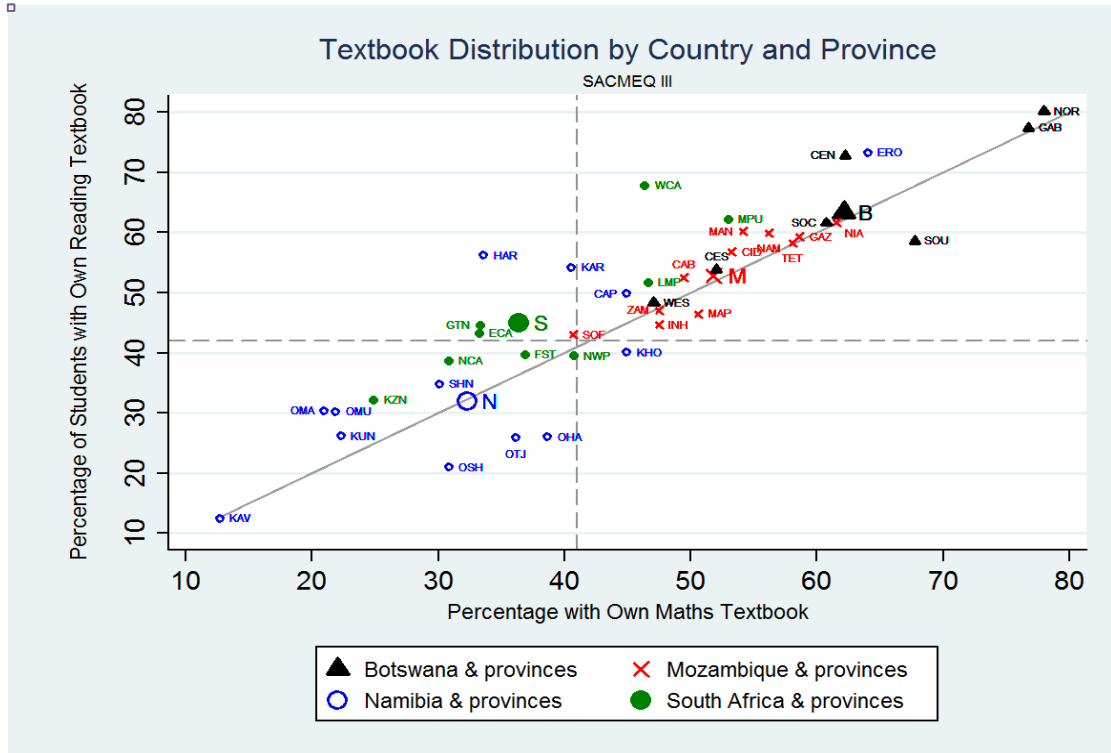


Figure 4: Reading Textbook Access by Province SACMEQ III (2007)



10.14. Comparatively for countries in the region (and provinces in South Africa), Limpopo students have less access to Reading and Maths textbooks than students in Mozambique and Botswana

FIGURE 5: COMPARATIVE ACCESS TO TEXTBOOKS, GRADE 6 2007¹³



RECOMMENDATION 5

The results of the audit of school textbook needs referred to in the DBE court papers should be made public and action taken to remedy any deficiencies identified with firm time-bound plans.

¹³ Spaul, N. (2011). *Primary School Performance in Botswana, Mozambique, Namibia and South Africa*. Paris: Southern and Eastern African Consortium for Monitoring Educational Quality (SACMEQ) Working Paper no.8.

11. COMMUNICATION WITH SCHOOLS

11.1. We have requested the Administrator for the Department of Basic Education to provide copies of all the circulars that have been sent to schools about the textbook ordering and delivery process since the start of the 2012 school year. The following circulars have been received, and stakeholders report that no circulars concerning textbooks were received prior to these in 2012.

- **17th May - Circular 85 of 2012:** DBE in collaboration with LDoE is procuring Grade 1-3, 10 and top up 11 and 12. Publishers will deliver to the central warehouse – will be sorted and packaged for schools and transported to District warehouses for distribution to schools. Books will be delivered by 15 June. District to deploy people for coordination from 28 May. Circuit offices to monitor. Delivery will be before 4pm. Two educators to append signature.
- **18th June - Circular 105 of 2012:** Delivery has started. Principals requested to submit by June 22 the name of the person responsible to receive textbooks. Books must be checked, counted and delivery notes/ invoices stamped, discrepancies reported in writing. Copy of delivery note to be retained at school
- **22nd June – Circular 114 of 2012:** Delivery underway. Will continue through weekend. Instruction re Proof of Delivery record provided. Learners to be asked to collect their books 28 and 29 June.
- **29th June -Circular 123/2012:** Principals urged to be at School to receive textbooks – distributors report Principals not available
- **29th June - Circular 124/2012:** Schools told that they would not receive information based on school choices but on what the schools need

11.2. Circular 124 of 2012 is critical in the communication timeline. It is reproduced below because this important information is likely to be only received by many schools when they return on 16th July as it would have been delivered by hand, if at all, to schools that were closed. Some Principals would have seen this circular, but the majority would have been unlikely to.

FIGURE 6: CIRCULAR 124 OF 2012

29 June 2012	REF: 5/6/P
District Senior Managers Circuit Managers School Principals School Governing Body Members Teacher Unions	
Circular 124 of 2012	
SUBJECT: TEXTBOOKS FOR 2012 SCHOOL CALENDAR YEAR	
1. INTRODUCTION	
1.1 The Department would like to provide the following information regarding the aforementioned matter.	
1.2 The previous procurement process involved schools in the identification and selection of textbooks, based on the approved national catalogue. This arrangement was subsequently changed, given the financial the dire straits that the Limpopo Department of	

Education is currently faced with. When revisited, the previous procurement process revealed that schools were not cost-effective in carrying out this exercise. For instance, some schools placed orders of three textbooks for one subject, when the same content could be provided for by just one textbook. In other cases, schools even ordered quantities of stock not required. The “shredding of books” saga recently revealed by the media, right in the middle of the current delivery process, provides ample evidence to justify this point.

1.3 The procurement process followed for the 2012 school calendar year, was driven the following principles:

- a) pedagogical relevance of the chosen textbooks;
- b) the selection of textbooks was solely based on the approved national catalogue;
- c) the quality and cost-effectiveness of the textbooks in the national catalogue were considered as primary in this exercise; and
- d) linked to (c) above, further consultations with publishers resulted in substantially reduced prices, from the amounts initially quoted on the catalogue. Also of importance was availability of the stock required.

1.4 The current process covered the procurement of textbooks for CAPS-aligned Grades, as well as top-ups for non-CAPS aligned Grades.

2. CAPS-ALIGNED GRADES

2.1 Acknowledging the fact the Department has provided workbooks for Grades R-9, as well as Maths and Science textbooks for Grades 10-12, in addition the following textbooks have been procured and delivered to schools:

2.1.1 Grades 1-3:

- a) 10 packs of Graded Readers in 3 volumes;
- b) 2 packs of Phonics Programmes in 3 volumes; and
- c) 2 packs of Big Books in 3 volumes

2.1.2 Grades 10

Textbooks have been provided for all subjects in accordance with the learner numbers per school.

3. NON-CAPS- ALIGNED GRADES

3.1 Grade 11 and 12

Provision was made in accordance with the titles that the schools are already using to a maximum of 20% top-ups per Grade per subject.

4. CONCLUSION

4.1 In conclusion, it therefore goes without saying that the procurement of textbooks for the current school calendar year, would not have necessarily been based on school choices, but rather on the textbooks that the schools needed to have to meet the pedagogical imperatives.

Kind regards

11.3. A great deal of the current confusion would have been reduced if there had been more effective communication. The calls from our ‘call centre’ to schools frequently involved explaining to principals that they would not necessarily be receiving the LTSM the school had ordered.

11.4. Many of the messages on the SMS reports similarly show a lack of information about what was to be delivered. Some examples are given below, and all of these reflect a lack of understanding of the change in the orders (see 9.3):

- *Our school hasn't received Maths books & those we received are not what we ordered & they are less than the no. of learners. Capricorn district*

- *We have not yet received Maths and Physics text books for CAPS. There are shortages e.g. 43 instead of 55*
- *Book ordered was business studies, platinum, grade 10, published by Maskew Miller Longman.*
- *No delivered text books: physics, maths and LO. Others are not exact number:*
- *Grade 1,2,3 books for CAPS requisitioned by schools according to learner enrolment per class not yet received at schools.*
- *Workbooks and textbooks gr 1 to gr 7 NOT received. Including no workbooks at all*
- *Short text books: physics, maths and LO*
- *No books for foundation phase intermediate phase Gr 8.9.11. Gr 10 caps. Physics. Maths.*

11.5. The confusion about the number of books that were expected relative to what was delivered came through strongly in the calls made by students from the teams' call-centre:

My partner and me contacted approximately 115 of the 410 schools in the sample and all these had various problems that they felt they needed the Minister to know. In terms of Mopani, I found that very few schools had reported not receiving anything at all but the majority of them did say that though they received some of the textbooks, they hadn't received enough for all their students¹⁴

11.6. The mechanisms for communication between the provincial head office and districts, and between district offices and schools are completely inadequate and an immediate investment must be made in improving the technology available for communication. In 2009/10, only 2.7 % of Schools in Limpopo in 2010 had an email address, only 23.6% had a fax, only 28.4% had a landline (see Table 4 below). These are the lowest percentages in the country. Communication is largely dependent on the completely resource intensive delivery of hard copy of circulars. It is as a consequence of this that the province with highest percentage (71%) of Principals in the country with cell phones is Limpopo. It is unacceptable for Principals to subsidise from their personal income the communication deficiencies of the Department.

11.7. The situation in the District offices is no less bleak. The team was not able to visit all the district offices, but of the district offices visited the shortage of basic office equipment such as computers and fax machine and Internet connectivity completely undermines efficiency and effectiveness.

¹⁴Sebastian Mabunda, University of Johannesburg

TABLE 4: PERCENTAGE OF SCHOOLS BY PROVINCE AND SCHOOL ICT IN 2009 AND 2010¹⁵

Province	Email Address		Fax		Landline		Principal's cell phones	
	2009	2010	2009	2010	2009	2010	2009	2010
Eastern Cape	11.0	17.2	21.3	23.1	32.4	30.7	67.9	69.0
Free State	27.4	39.3	62.0	57.4	75.8	74.9	11.6	10.4
Gauteng	58.8	80.6	89.9	94.9	98.5	96.6	1.4	3.9
KwaZulu-Natal	15.7	8.4	38.6	42.8	51.9	48.7	47.4	41.5
Limpopo	10.4	2.7	21.4	23.6	35.6	28.4	64.1	71.0
Mpumalanga	18.5	11.0	45.5	56.3	64.2	65.1	34.9	37.9
Northern Cape	41.1	59.4	73.8	74.9	74.8	75.2	24.9	23.8
North West	38.8	5.7	43.3	49.4	61.3	58.2	38.2	18.6
Western Cape	99.7	97.8	97.2	98.2	99.9	100	0.1	0.0
SA	26.1	25.4	43.6	47.0	56.9	53.6	43.7	41.9

11.8. The team has two meetings with stakeholders. The first meeting had the purpose of explaining the brief and requesting the support and assistance of the stakeholders. The second provided some of the key information and explored some of the recommendations that the stakeholders believed would be helpful. Some of the recommendations made included that:

11.8.1. Stakeholders should be met regularly particularly during this period as organisations are able to communicate with their members and assist in the communication of key messages

11.8.2. There was a strong support for the SMS line to be more widely publicized and used to monitor the situation from the first week of the school term

11.9. **CONCLUSIONS:**

11.9.1. Schools were not timeously informed that they would not necessarily receive:

11.9.1.1. The titles that they had ordered

11.9.1.2. The quantities that they had ordered

11.9.2. The confusion around the delivery of textbooks was exacerbated by poor communication. A major factor in the poor communication is the absence of efficient and rapid mechanism for communication. Two of the student volunteers commented on this in their reports,

- *A principal I spoke to told me that his school, which is in the 'deep rurals', has no fax machine, landline or an admin block. This left me wondering about the effectiveness of the communication from the department to the schools, if the schools do not even have the basics, let alone internet and email services. Sadly, this school was not in isolation, upon asking many schools to fax me PoDs they said they did not have a fax machine at the school and that they would have to go to an internet cafe and use their private funds to send us the PoDs. One school principal even said he would have to drive 120km to Polokwane to fax us the PoDs¹⁶.*

¹⁵ DBE Report on the 2009/10 Annual Surveys for Ordinary Schools

¹⁶ Lukhanyo Neer, University of the Witwatersrand

- *A major problem that hinders efficient administration is poor communication due to lack of resources. A lot of schools don't have emails, faxes; land lines even an administration block. As a result of this, information is not well distributed and a large percentage of schools don't get the information. The schools that perform better have access to information.*¹⁷

RECOMMENDATION 6:

- There must be urgent communication to all schools, including through the channels of stakeholder organisations to communicate:
 - The contents of Circular 124 of 2012 and in particular the reasons for the delivery of LTSM that is different to what schools ordered and the reasons for fewer quantities being ordered than what was requested
 - Why a decision was taken to not order the Maths and Science textbooks for Grade 10 given the shortage of funds, the need to stretch the available funds over the areas of greatest need, and the prior distribution of the national Maths and Science textbooks
 - This needs to be communicated in a way that builds an understanding of the challenges faced and the need to make the most use of the existing textbooks despite the lack of top-ups
 - The challenges faced in securing LTSM for 2013
- The SMS reporting line should be further popularized and used on a weekly basis until queries are resolved. It could be used to communicate the information above. This is important because in the absence of effective instruments of communication, schools are reliant on mobile networks for rapid communication.
- There must be an immediate intervention to improve connectivity with schools. The DBE and LDoE should work with the Department of Communications as a matter of urgency to develop a plan with clear time frames.
- District offices must be provided with the necessary resources to communicate more effectively with schools as a matter of urgency.

¹⁷ Nathi May, University of Johannesburg

12. AN ANALYSIS OF THE DISTRIBUTION SYSTEMS FOLLOWED

12.1. INTRODUCTION: The process to deliver books to schools in Limpopo for the academic year 2012, started in October 2011. The active players in the value chain were the Limpopo Department of Education and EduSolutions, a company contracted to assist the textbook supply processes. This company provided all the systems to be used in the textbook supply processes starting from the processing of requisitioning forms from schools, and reported to LDoE LTSM senior managers. The LDoE would therefore manage and monitor EduSolutions throughout the processes of requisitioning, ordering and delivery to school. Before orders were placed however the contract for Edu Solutions was cancelled. The cancellation of the contract together with the withdrawal of LTSM budget by the department and the placement of the function of education in Limpopo under Section 100 (1b) resulted in changes to the textbook supply process.

12.2. METHODOLOGY USED TO GATHER INFORMATION: The methodology used to assess the systems employed and the processes followed in the delivery of books to schools in 2012 was a combination of:

- 12.2.1. Reviewing documents related to textbook supply: circulars to schools, contracts for service providers, reports received from the department and service providers and a proposal by the department to Treasury requesting permission to overspend on the department's budgetary mandate to provide books to schools;
- 12.2.2. Interviewing relevant officials responsible for the requisitioning, ordering and delivery of books to schools: the Administrator for the Department of Basic Education and other officials from the DBE; the LDoE General Manager for the supply chain; the central warehouse manager and his team; the manager for SP1, a company contracted to provide IT support to the process; SP2, a courier company brought in by DBE to assist in the delivery of Grades 1, 2, 3 CAPS packs and grade 12 textbooks; and staff of one of the Mokopane District warehouses. Most of the respondents were departmental officials, both from DBE and LDoE.
- 12.2.3. Visiting work sites: the team visited the central warehouse and one of the Mokopane District warehouses to understand the lay out and how the floor space was used to process books and also to determine the tracking of the distribution of textbooks in the value chain.

12.3. CONTEXTUAL OVERVIEW: THE PROCESS FLOWCHART: This has been discussed under the following sub-headings:

- Legislative Framework
- The July 2011 Requisitioning process: process break down leading to the current crisis
- The Intervention: September 2011 to 2012 ordering and delivery processes

12.3.1. The Legislative Framework: The legislative framework governing the supply of textbooks to school is the South African Schools Act (SASA) of 1996. This Act mandates the departments of education to allocate budgets to schools for maintenance, services such as water and lights and provision of learning and

teacher support materials (LTSM). The norms and standards, however, specify how these budgets should be allocated and provide clear criteria which must be satisfied. The Act also provides control mechanisms for the expenditure of the allocated budgets. Those schools that qualify as Section 21 schools will be allocated their budgets in accordance with their quintile status. In LDoE all schools are Section 21 and have been paid their first tranche of their 2012 budgets with the balance due in their bank accounts later in the year¹⁸. However, the budgets for the procurement of textbooks are kept and managed by the department, as a decision was taken to centralise this process for all public schools.

- 12.4. **The process flowchart: 2012:** This process will be divided into two phases:
- 2011 Requisitioning process: break down leading to the current crisis
 - The Intervention: December 2011 to July 2012: ordering and delivery processes

12.4.1. The 2011 Requisitioning process: break down leading to the current crisis

The task of supplying textbooks to schools rested with the LDoE and Edu Solutions, a company contracted to lead the process of textbooks supply to schools in the 2012 academic year.

- An initial catalogue was issued by the department to the schools in July 2011. School principals were requested to complete requisition forms in accordance with their learning and teaching support materials (LTSM) requirements.
- This catalogue was later queried by the Publishers Association of South Africa (PASA) resulting in the issuing of a supplementary catalogue in September 2011. The schools were once again requested to submit requisitions based on the new catalogue.
- The requisitions arising from the supplementary catalogue were forwarded to the department for submission to EduSolutions to capture, consolidate and generate orders on their system in September 2011.
- The LTSM budget was withdrawn by the LDoE in 2011 and the orders could not be placed with the publishers due to the unavailability of funds
- This decision of the LDoE at the end of 2011 led to a total breakdown of the textbooks supply process and a crisis was created.
- The contract with EduSolutions was subsequently cancelled in June of 2012.
- At the same time events unfolded that led to a series of challenges for the department:
 - Schools carried on without all the necessary teaching and learning support materials for months after schools opened for 2012.
 - SECTION27 took the department to court, putting more pressure on the department to deliver books.
 - Dates for delivery that the DBE had presented to the court as within their capacity to deliver and proclaimed by the courts could not be met by the department,

¹⁸ I have been informed that this is a separate matter of possible dispute

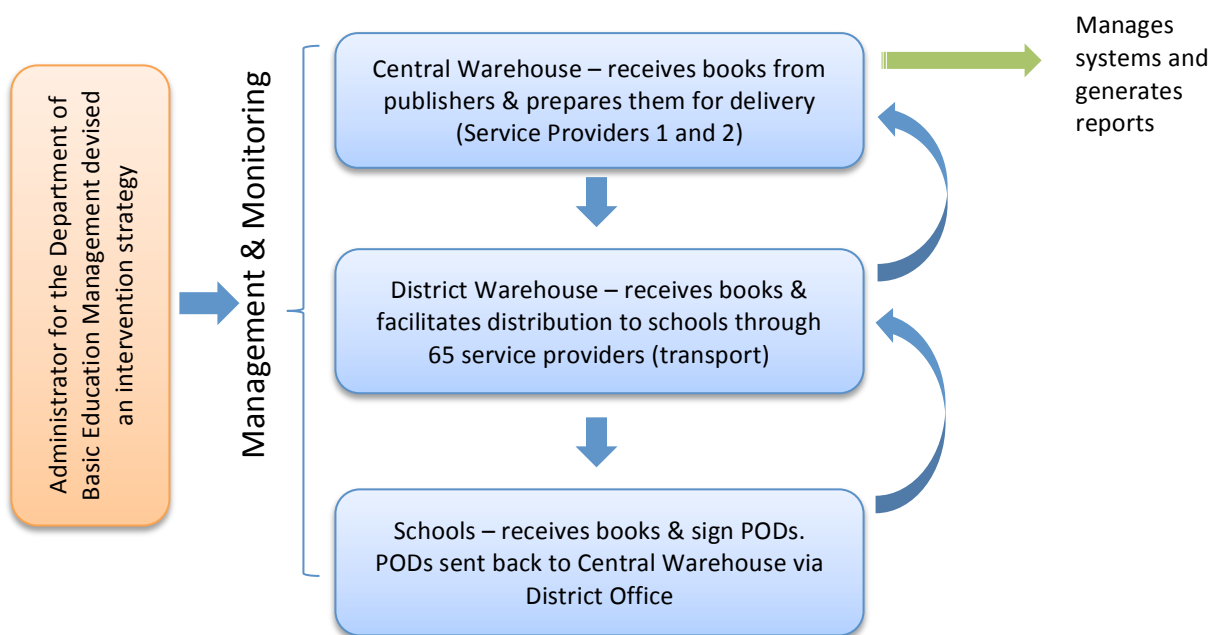
With all of this happening the LDoE had been put under Section 100 (1)(b) with a series of three Administrator for the Department of Basic Education deployed by DBE and there was a complete take-over of the business of LDoE which included the management of the procurement process.

12.4.2. The Intervention: September 2011 to 2012: ordering and delivery processes

12.4.2.1. There were 2 false starts in initiating the textbook procurement process in 2012. On both occasions, publishers provided quotations, orders were ‘placed’, and subsequently withdrawn. This is documented in Table 3.

12.4.2.2. In responding to the crisis a new team that consisted of the Administrator for the Department of Basic Education, officials from DBE and the General Manager for textbook supply within LDoE was constituted to drive the process. The cancelling of the contract with Edu Solution left the department without the required systems and the new team had to come up with an intervention strategy. Even though the intervention strategy was not documented, processes were put in place to improve the process of delivery

FIGURE 7: OVERVIEW OF KEY PROCESSES TO MANAGE THE DELIVERY OF LTSM IN LIMPOPO IN 2012



- The requisitioning process was changed from open to closed: the DBE and LDoE would facilitate and manage all procurement processes;
- A central warehouse was identified to work as a hub of all the activities of textbooks supply
- An IT company, Service Provider 1 (SP1), was contracted to:
 - Provide an LTSM IT solution and other related IT services
 - Project manage services

- Document management processes
 - Manage central warehouse
- Another company, Service Provider 2(SP2), was later roped in to assist with the delivery to the district warehouses of grade 1, 2, 3, and 12 materials when SP1 could not cope with the volumes being received. The DBE has confirmed that 'SP2 was brought in by the DBE as part of the rescue plan in order to meet the negotiated deadline with SECTION27'. Their role has not been adequately explained to our team and we were not able to see their contract with LDoE to be able to understand their terms of reference. This contract has been requested and we have been informed that no contract exists between LDoE and SP2, but that SP2 was brought on board by an existing contract between DBE and a consortium to deliver workbooks of which SP2 became a part. This is problematic as the staff responsible for a service provider's performance need to manage this against the terms of the contract.
- Warehouse staff was appointed to receive and dispatch to district warehouses
- The distributors were not changed because their contracts were still valid. The DBE has reported that, 'The distributors were identified through a formal procurement process, whose terms of reference, as per agreement with Treasury, were published for a shortened period of two weeks. All identified distributors met the tender requirements published'.

12.5. The following is the process flowchart that was ultimately followed to deliver books to schools:

- To take the process forward an amount of R249 000 000.00 was made available on April 2012¹⁹ from the 2012/2013 budget. This amount was insufficient to procure all the original material requested by schools.
- The department had to devise a more constructive way of ensuring that textbooks were delivered to schools on this budget. This involved:
 - Making changes to school requisitioning processes to ensure that they stayed within the available budget, thus changing the process from open to centralised.
 - Negotiation of cheaper rates for titles with the publishers by the department, which would later result in different titles being delivered to the schools (Quality was maintained as all titles were part of the approved catalogue).
 - Reduction in the number of titles requested by the school per learning area to just 1 (one).
- Orders were finally placed with the publishers from the first week of June 2012. It must be noted that this is a process of great complexity involving between 20 and 30 publishers and well over one million books.

¹⁹ The date on which this amount became available has still to be verified

- The first textbooks consignment to be delivered by the publishers was received by the Central Warehouse on 7th of June 2012. The efforts made by the publishing industry to achieve this have been acknowledged by Minister Motshekga.
- Processes in the central warehouse consisted of the following:
 - Receiving of materials from publishers by the warehouse manager (department employee)
 - Verifying the amount of books delivered against the trip sheets. This process was later aborted because the DBE team felt it was time wasting. The DBE has commented, 'The SP1 process had trip sheets, but only SP2 processes did not have trip sheets at the outset, as a process imperative'. It is our view that by virtue of SP2 not having trip sheets it compromised the process from the beginning in attempting to fast track the process.
 - The delivery notes were submitted to SP1 for capturing in their system for payment and for reporting purposes
 - The picking and packing process (by a team contracted for one month and later extended by another month by LDoE) started
 - After verification of the packing, SP1 generated:
 - Stickers for the boxes with the name of school, the school code, the number of books packed
 - A trip sheet for the driver with information on which district office, the schools packed for, the number of boxes or parcels to be delivered
 - Proof of delivery notes (pods) for delivery to schools

It must be noted that this was the case for SP2)
 - LDoE drivers and trucks were used to deliver this material to the district warehouses
 - Districts warehouse managers recorded the delivery and signed the trip sheet
 - Contracted textbook distributors were then called in to pick up boxes for the schools assigned to them. They were provided with the PODs to take to the school. The books were received and checked by the teaching staff of the school. The recipient wrote their name, persal number, ID number and signed to validate the POD. One copy of the POD remained with the school. Any queries of wrong delivery or shortages were indicated on the POD for reporting to the central warehouse via the district warehouse. However there were instances where the books were received by the gardening staff or security guards²⁰, creating problems of lack of vital information on the PODs

²⁰ Whilst this a cause of legitimate concern, it must be noted that for the 1857 audited PODs for Grade 10, there were only 3% of cases where the POD had been signed by Security Guards or Cleaners

- Distributors kept one POD and submitted the white and yellow PODs to the central warehouse for capturing. This information would be used to generate reports and the yellow PODs would be attached to the distributor's POD to facilitate their payment

12.6. FINDINGS

12.6.1. The following reflects key findings in respect of the systems and processes for the distribution of LTSMs to schools:

- While there is no official documentation outlining the procurement process followed by the department, it is evident that an intuitive process was being followed with sufficient control measures to track the movement of books. However the process was negatively affected by several factors including:
 - Lack of capacity to operationalise the process effectively;
 - Different systems used by various service providers and manual systems being used at the district satellite warehouse created a dysfunctional node at the district;
 - Lack of understanding of logistical issues seriously compromised the distribution of learning material to schools.
- In the first few days of the arrival of textbooks into the central warehouse there was checking of the deliveries by publishers. However, when the volume of arrivals overwhelmed the warehouse staff, an instruction was given to speed up receiving processes and the verification of orders received was compromised. The DBE has commented that, 'There was agreement with SP1 that speeding up the receiving process would NOT compromise the systems control measures, as there was enough capacity within the SP1 and its systems to manage emerging risks in the system'. It remains out view that the process was clearly compromised in that they could not account for the actual books delivered by the publishers until the end of the process. Such matters will be resolved in the formal audit process.
- The audit team established that for certain orders no delivery happened (No PODs were generated on the database against these orders). In the audit sample of 411 schools in Limpopo, there were 169 such cases that involved 846 books for our 10% population. Extrapolated over the whole population of Limpopo Schools, this suggests that as many as 8 460 books were not delivered (in this category of non-delivery). The Department said these need to be ordered again and then delivered. Several reasons were provided for this: there was no stock to deliver these books; the Department did not order enough books from Publishers; or there was a shortage of books delivered by Publishers. A full audit will have difficulties in establishing the reasons, as after the fist few days, procedures were not followed to check receipt of books from publishers into the warehouse²¹.

²¹ Contradictory reports have been made on this matter. A formal audit will be able to establish this.

- Taking cognisance of the volumes of books, its weight, the number of vehicles used, the capacity of officials at the distribution centres and the average distance between the central warehouse and the satellite warehouses, it was evident that at least 6 weeks would have been needed to pack the books, and distribute the books from the central warehouse to the schools. However unrealistic expectations were created by assuming that books could have been distributed within a considerably shorter period without significant increases in resources, capacity and infrastructure.
- From the PODs that have been audited, the average days between dispatch and from the central warehouse to delivery at a school has been 3.8 days. This average varies across the districts is as follows:

TABLE 5: AVERAGE DAYS BETWEEN DISPATCH FROM CENTRAL WAREHOUSE TO SCHOOLS BY DISTRICT FOR GRADE 10 LTSM

DISTRICT	DAYS
Capricorn	2.8
Greater Sekhukhune	4.1
Mopani	3.6
Waterberg	3.2
Vhembe	4.5
PROVINCE	3.8

The team did find 13 instances where it took between 16 to 18 days between dispatching books from central warehouse to delivery to schools for Grade 10. It is assumed that the PODs that have still to be returned may have been those deliveries that taken longer than the average to deliver.

The detail of these instances is provided below:

TABLE 6: SCHOOLS IN THE AUDIT SAMPLE WHERE DELIVERY FROM THE WAREHOUSE TO THE SCHOOL TOOK LONGER THAN 16 DAYS

DISTRICT	INSTITUTION	SUBJECT (GR.10)	ORDER QTY	DATE OF DESPATCH	DATE DELIVERED TO SCHOOL ²²	DAYS BETWEEN DISPATCH AND DELIVERY
GREATER SEKHUKHUNE	LEGARE SENIOR SECONDARY	Economics	52	21/06/2012	08/07/2012	17
GREATER SEKHUKHUNE	LEGARE SENIOR SECONDARY	Mathematical Literacy	81	21/06/2012	08/07/2012	17
GREATER SEKHUKHUNE	LEGARE SENIOR SECONDARY	English	133	21/06/2012	08/07/2012	17
GREATER SEKHUKHUNE	LEGARE SENIOR SECONDARY	Tourism	47	21/06/2012	08/07/2012	17
GREATER SEKHUKHUNE	LEGARE SENIOR SECONDARY	Business Studies	52	21/06/2012	08/07/2012	17
GREATER SEKHUKHUNE	LEGARE SENIOR SECONDARY	Geography	31	21/06/2012	08/07/2012	17
GREATER SEKHUKHUNE	LEGARE SENIOR SECONDARY	Accounting	52	21/06/2012	08/07/2012	17
GREATER	LEGARE SENIOR	Life	133	21/06/2012	08/07/2012	17

²² This was not part of the supplier database and was inserted by the audit team on the basis of the audited PODs

SEKHUKHUNE	SECONDARY	Orientation				
VHEMBE	MUSHONGA- MAVHUNGU SECONDARY	Agricultural Sciences	2	25/06/2012	13/07/2012	18
WATERBERG	SEOKETSENG SECONDARY	Mathematical Literacy	31	20/06/2012	06/07/2012	16
WATERBERG	SEOKETSENG SECONDARY	Geography	51	20/06/2012	06/07/2012	16
WATERBERG	SEOKETSENG SECONDARY	Agricultural Sciences	31	20/06/2012	06/07/2012	16
WATERBERG	SEOKETSENG SECONDARY	English First Additional Language	51	20/06/2012	06/07/2012	16

- The existence of a contract between SP1 Information systems and LDoE enabled the Administrator for the Department of Basic Education to project manage SP1 with the reports reflecting the use of an integrated system. However a contract between SP2 and LDoE does not exist. SP2 was brought on board by an existing contract between DBE and a consortium through which SP2 became involved in fast tracking the distribution of books. SP2 systems have not been integrated resulting in reporting and information on distribution packs being significantly different from SP1. The reality that SP2 could not integrate data that was received from the distribution process thus compromising the reporting process. This had to be done manually on a spreadsheet since their systems were not integrated.
- All schools in the province are classified as Section 21²³ and allocation in respect of services and maintenance were made. Budgets for LSM were centralised making it difficult to achieve equitable distribution to the various schools belonging to different quintiles.
- The initial budget withdrawal and the subsequent reallocation had resulted in a decision to change the requisitions received from the schools. This resulted in principals being unhappy, as their initial expectations were not met.
- There exist a major disparity between the capacity and infrastructure between the central warehouse and the district satellite warehouses. Satellite warehouses lacked communication systems including faxes, IT systems and photocopiers and relied on manually tracking the distribution resulting in the distribution value chain being compromised. The Satellite warehouses thus became nodes of dysfunctionality. District offices had manual systems which made it difficult to develop reports that could be verified against the reports generated electronically by SP1. The checks and balances within the value chain were therefore compromised. A fully integrated system could have determined the whereabouts of the PODs.
- The systems used by SP1 and SP2 remained the sole property of these service providers with certain reporting functions delegated for officials to use. Officials were unable to interrogate the system to mediate between information

²³ Section 21 of the South African School Act allows a governing body to apply in writing to the Head of Department of a Provincial Department to be allocated specific functions including to purchase textbooks, educational materials or equipment for the school and to pay for services to the school.

reflected in the reports and the existing perception at the school level. Greater understanding of the system by officials would have resulted in knowledge that even when PODs were not received, the generated report reflected that the books had been distributed. The report generated by SP1 could have reflected that the report may be inaccurate since not all PODs were received. SP1 indicated that if they did not receive the PODs it assumes that the books would have been delivered - a serious flaw not reflected in the reports by the officials.

- As at 10/07/2012, 3 044 packs of Phonic Programme books which would need to be distributed to 1 522 had just arrived at the central warehouse. A further 3 150 packs of graded readers to be distributed to 315 schools have as yet not arrived to the central warehouse.

12.7. CONCLUSION: The procurement process has been seriously compromised as a result of several factors including the lack of an approved documented system for the requisition, ordering and distribution to schools. Further the crisis created by the withdrawal of funds from the LTSM budget and the subsequent lower reallocation of R249m²⁴ resulted in the distribution being managed as an *ad hoc* process. While endeavours were made to rectify the process, the huge logistical issues and time constraints further compromised the procurement value chain. Planning processes for the procurement of LTSM should commence early in the year in order to ensure timely distribution of LTSMs for the following academic year.

RECOMMENDATION 7

The following recommendations are made as a result of the key findings related to system:

- All officials, including service providers, should undergo extensive training to understand the procurement process and the importance of their roles in preserving the integrity of the distribution value chain.
- The entire procurement of LTSM including requisitioning, ordering and delivery in accordance with national mandates, need to be documented and approved by the Department for effective monitoring and evaluation of LSM distribution.
- Taking cognisance of the metrics involved in the procurement process, the Department should ensure that all cleaned requisitions be ordered by at the latest, the end of August of each year, to ensure that books reach schools before the end of the academic year in preparation for the new academic year's learning programmes.
- Terms of engagement and signed contracts should be available to the project managers to track, monitor and evaluate the performance of service providers.

²⁴ We have not been able to ascertain the total value of the original orders made by schools, or the original budget allocation despite requests for this information. The press has reported that in the court papers for the EduSolutions case, the DBE has indicated that "The value of the disputed contract at stake here is in the region of R500 to R700 million for the rest of 2012 and 2013". (http://www.witness.co.za/index.php?showcontent&global%5B_id%5D=83352)

- Officials of the Department should take greater ownership of the systems to improve their understanding and interpretation of data provided by reports.
- The capacity and infrastructure of the satellite warehouses need to be improved in order to ensure smoother flow and tracking of LTSM and to preserve the integrity of the procurement value chain.
- Any changes to the procurement process should be timeously and effectively communicated to schools to ensure appropriate mediation of unexpected outcomes.

13. VERIFICATION REPORT OF THE AUDIT TEAM²⁵

- 13.1. The Audit Team has provided a detailed report of which this is a summary. The team has reported on the basis of fulfilling the mandate of verifying whether or not the LTSM were delivered to schools in Limpopo. Because of the need to complete this work in two weeks (effectively five working days), the team adopted the approach of a limited sample of 10% of schools, which translated to 411 schools.
- 13.2. As this was an amended process to urgently deliver these books, our measure of completion was against the books the National Department of Basic Education (DBE) placed with publishers in June 2012, and not against the consolidated orders directly from schools. This was an acceptable procedure, although we made a comment about the communication relating to these changes.
- 13.3. The key findings that are detailed in the report are as follows:
- 13.3.1. The initial report, issued by the LDE, that about 99% of books were delivered was incorrect, because it compared books ordered against books dispatched from the central warehouse for delivery in the Capricorn District and to the district warehouses;
- 13.3.2. We can confirm that not all books required by LDoE to be issued to schools were 100% received from Publishers. This could be attributed either to the ordering of insufficient books from Publishers, or short-delivery of books from Publishers to the central warehouse. The department upon receipt of books at the central warehouse from Publishers, did not ensure that all books were delivered;
- 13.3.3. Based on the limited information available to confirm that books were delivered, we arrived at the conclusion that the only legitimate delivery would be recognised through a valid signed delivery note (POD) from each school;
- 13.3.4. Out of a sample of 411 schools, we could only find POD's that had been generated for 383 schools (93% of schools), which means that there was no proof of delivery created for the remainder of the schools.
- 13.3.5. For the remaining 7% or 28 schools (mostly primary schools) no books were delivered. There were neither orders, nor PODs, created to suggest that books would be delivered to these schools. Extrapolating the 10% sample we estimate that LTSM have not been ordered for as many as 280 schools. The reason for this is unclear, but it may be due to not ordering enough stock from Publishers.
- 13.3.6. SP1 was only able to provide physical delivery documentation for 58% of the 10% sample by the 11th July (when our permitted time for the exercise expired). This 58% represent 74 603 books delivered of the 107,069 ordered for Grade 10 and 11.
- 13.3.7. It should be noted that it is a reasonable assumption that the physical documentation that could not be provided implied that the delivery to the

²⁵ A more detailed report from the auditors will be given to the DG of the DBE

school had not occurred before or after 27 June 2012, meaning the delivery may have not yet taken place at all.

13.3.8. The SP2 data is inconclusive because there were limited PODs available from schools (12% of PODs were available as proof of deliveries to schools) to indicate that books were delivered for Grade 1, 2, 3 and 12.

13.3.9. The databases provided by both SP1 and SP2 did not include a field to record the date the textbooks were received by schools, which field had to be entered by the audit team during the verification of the databases against physical delivery documentation.

13.3.10. Based on the above findings we can therefore assume that there are schools that have not received their books, which requires to be verified before similar disarrays occur immediately after schools reopen.

13.3.11. It must furthermore be noted that schools may still give a report that says they have not received all their books, even if the LDoE has delivered all of the books ordered. This emanates from the evidence that the communication of changes on the schools requisitions, against what was eventually ordered, was very late.

13.4. **CONCLUSION:** The primary causes of the inadequate performance in the provision of textbooks include, inter alia, insufficient funding, inadequate co-ordination, inadequate communication, poor record-keeping, non-existent project management and piecemeal ordering and delivery of textbooks. There was no proper and reliable monitoring system.

13.5. **I HAVE NOTED** a report from the Administrator for the Department of Basic Education that,

‘The involvement of District Senior Managers and Circuit Managers has enhanced the return rate of the PoDs from 34% of PoDs captured in the system on 05 July 2014 to 72% on 12 July 2012. On 13 July 2012, as part of strengthening our communication in this regard, a spreadsheet delineating exactly what PoDs have not been returned per Circuit and school, has been sent to the responsible District and Circuit senior managers for follow-up. The communiqué is quite explicit that if the PoDs are not returned on or before the end of the first week of the reopening of the schools the contracts with the distributors will be deemed to have terminated, and the department will resort to law enforcement agencies to recover the textbooks as assets of the State’.

My view is that the purpose of securing all the currently ‘misplaced’ or ‘in process of delivery’ books might be more effectively effected by having a public call with a time frame asking for the return of any of these book so that they can be put into the hands of those that need them. The SACC has indicated that they would be willing to part of such an initiative.

RECOMMENDATION 8:

- With specific regard to the current Limpopo textbook situation, it must further be recognised that the verification conducted during this review was severely limited and a comprehensive verification of all deliveries against requirements and orders needs to be conducted, particularly with the intention of improving future processes.

- The Administrator for the Department of Basic Education must urgently obtain an explanation from the service providers regarding the numerous absent PoDs. Given the volume of absent POD's and the number of books relating to this, it is difficult to understand where these books may currently be, or why these POD's are still not returned to the centre, if indeed these books were delivered. Of particularly concern, is that if these books were delivered, but no proof was returned (signed POD's), on what basis would the distributors that delivered LTSM to schools from district warehouses be compensated? ²⁶
- The audit team concluded that there is still a significant work that needs to be undertaken to confirm the outstanding POD's, especially given that it is of the view that these books have been dispatched from the central warehouse, as well as have been dispatched from the district warehouses. Either these books are in an extended transit from district warehouses to schools (i.e. deliveries are still not complete) or the process of receiving POD's from schools is taking too long or was poorly managed, giving an impression that books have not been delivered.
- Due to the imminent opening of schools, the audit team strongly recommends that the Administrator for the Department of Basic Education pays urgent attention to the following districts (depicted in the table²⁷ below). In these districts, the audit team could not obtain PODs, within the sample verifying delivery of textbooks. The number and percentages represent the books potentially not delivered (in the absence of PODs) within our SP1 sample for Grade 10 and 11:

TABLE 7: NO PROOF OF DELIVERY FOR GRADE 10 AND 11 BOOKS AS AT 11TH JULY

No proof of delivery (books)	Grade			
	10		11	
Districts				
Capricorn	5 171	20%	109	29%
Greater Sekhukhune	10 868	44%	1 166	70%
Mopani	4 696	22%	335	62%
Vhembe	8 434	32%	399	45%
Waterberg	1 892	34%	44	13%
Grand Total	31 061	30%	2 053	54%

- Due to fact that the SP2 data is inconclusive and provides inadequate information as what books were delivered to schools for Grade 1, 2, 3 and 12 the audit team suggests that urgent attention need to be on all 5 districts.

²⁶ On 13th July, I followed up on information from the SMS reporting line and spoke to an individual who had been asked by a contractor to deliver books. Because he had not been paid he had stopped delivering, but has all the books and paperwork are at his home. The administrator has been informed, and a member of the verification team will put the person in contact with the administrator

²⁷ It must be noted that Grade 11 was not part of the court order. These reports are included because of the recognition of the public concern about all learners.

14. REPORTS FROM TEAM MAKING DIRECT CONTACT WITH SCHOOLS

- 14.1. **Purpose of the Call Centre:** The primary purpose of the Call Centre was for the Task Team to directly contact 10% of all the schools of Limpopo Province, both Primary and Secondary, to ascertain whether or not they had received textbooks for this school year. The schools contacted were the same schools for which the audit team was tracking the document trail²⁸.
- 14.2. This meant that we were able to understand the patterns of delivery from both ends of the chain: distribution from the department; and the receiving of the LTSM at the schools
- 14.3. **Disclaimer:** In the course of the phone calls with principals and senior school management, other related facts emerged that throw light on the circumstances under which principals run their schools. This report provides some statistics on the findings of the Call Centre as well as less formal impressions that could deepen the understanding of the current schoolbook delivery situation. It is understood that the anecdotal reports do not comprise a rigorous and scientific investigation. **They are included because they provide some texture of the experiences of principals in the affected schools in our sample**
- 14.4. **Methodology:** The Call Centre comprised of eight university students from the Universities of Johannesburg and the Witwatersrand, (UP and Wits), an Administrator for the Department of Basic Education and a coordinator. As the universities were on holiday, the students had volunteered their time for this. For over a week they phoned principals to glean information useful to those planning how best to provide a long-term solution to the current crisis of textbook delivery. Except for one of the students, the callers all came from Limpopo themselves and as a group they could speak all languages of the province. Many of the phone interviews were conducted in the language of choice of the principals.
- 14.5. **The Sample:** The schools on the sample list came from 10% of each of the five regions; Capricorn, Greater Sekhukhune, Waterberg, Vhembe, Mopani and Waterberg. These five regions are of varying sizes and have different population densities and number of schools. The list of 409 schools phoned by the Call Centre was provided by the Auditing Team and was a random selection of 10% of the schools of each of the five regions of Limpopo.
- 14.6. This report is a combination of both statistics gathered during the many phone calls, as well as of stories, anecdotes and trends that were unearthed by the Caller Team. The following three factors are reasons why some statistics might be inconclusive, though still insightful:

²⁸ The DBE has drawn attention to a methodological error. The list of schools provided to the team included independent schools and higher primary public schools. As already indicated, intermediate schools were only 1.7% of the sample. The latest figures available are that independent schools are 3% of the total number of public and independent schools in the province (Education Statistics in SA, 2010). It was not possible to re-check the data to establish if any of these schools were erroneously used in the sample. The conclusions have therefore been amended to adjust for the 5% error in possible inclusion of independent schools and intermediate public schools. It must be noted however, that some private schools contacted reported receiving textbooks.

- The call centre operated during the Limpopo school holiday. Given that the principals were the first port-of- call for gathering information, many were away from their schools so could not verify what books had been delivered to their schools.
- As there was enormous pressure on Service Providers (the drivers of the books to the schools) to deliver books many unconventional means were found to do this, including some clearly unprocedural.
- The decision by the Administrator for the Department of Basic Education to procure different books from the orders placed by the schools was not communicated to schools until after the school break commenced, and this was by circular which may not have reached the schools, so many principals did not know of it. Understandably some who received boxes of books at their schools were under the incorrect impression that the wrong books had been delivered. It is however clear that very few of the schools checked the books delivered to them.

14.7. The questionnaire that the callers used as the basis for their interviews with principals asked both very specific questions with quantifiable answers as well as some that gave principals the chance to provide information that might provide insight into textbook delivery. Early in the process it became clear that many principals appreciated the opportunity to tell the Callers about the conditions under which they run their schools. The following report is based not only the hard and fast statistics that come from the calls but also from the stories and experiences that the volunteers heard whilst phoning.

14.8. This report gives particular attention to the Principals and to the 'Service Providers', the SSME drivers who take the books from the warehouses to the schools as these two sets of players interface at the point of investigation. However we only phoned the principals and could only make assumptions about the service providers based on what the principals said.

14.9. **Principals' Goodwill:** It was heartening that so many principals were primarily concerned for the loss suffered by their students who did not receive textbooks timeously or at all. There is clearly a deep commitment on the part of many school authorities to provide for the students. There were several reports of principals paying for resources from their own pockets for learning resources. A few travelled long distances to fax their Proof of Delivery [PoDs] papers to the Call Centre, so demonstrating their support for its purpose.

14.10. **Delivery Processes:** It was clear that there was no single process followed by all those who transported books from the local warehouses to the schools. If there was stipulated procedure, it was not followed by all. It appears that many staff and drivers alike often used their judgment to do what they believed to be the 'Right Thing' in the circumstances.

- However it was clear that many books were delivered over the weekends and that books were accepted by people who were not authorised to do so such as ground staff, or teachers or students who lived nearby to keep until school was open.

- Some schools fetched their own textbooks from the warehouse but when they arrived there found that the books had not been sorted or that the books they needed were at the bottom of piles so had to come back repeatedly. In some cases it appears that Education Department officials delivered the books to schools themselves.

14.11. **Weakness in PoD process compliance:** Particularly in Primary schools some Service Providers (delivery) seemed to believe that PoDs were not necessary. This may be simple ignorance of the law, or it may be an alarm bell – if the Service Providers indeed do fetch the correct books from the warehouses what do they do with books not delivered to schools? It was not possible in the scope of our calls to establish more than that many books did not arrive at the schools they were destined for.

14.12. **Delivery:** The following table shows per region the proportion of schools that had not received any textbooks at the time that they were contacted. Textbooks were being delivered as the Call Centre worked (July 4th-11th 2012) so it is possible that these figures might have been slightly reduced a week or two after the delivery of this report. It is unlikely that the figures would change considerably though, given the many other factors hampering textbook delivery.

TABLE 8: SCHOOLS THAT HAD NOT RECEIVED DELIVERY OF ANY LTSM IN THE PERIOD 4 – 11TH JULY 2012²⁹

Capricorn	17.3%
Greater Sekhukhune	17.9%
Mopani	31.5%
Vhembe	21.5%
Waterberg	31.9%
Limpopo Region	22.1%³⁰

14.13. We believe that this may be a reliable estimate. If 17.1% (see footnote below) of the schools in this sample across the five districts had not received LTSM when they were called at a point during this time frame, this figure might be extrapolated across the province as a basis for further enquiry and intervention. It was not possible to match the ‘school side’ data with the ‘delivery side’ data as the limited verification performed by the verification team and the shortage of documentation for a large portion of the verification team’s sample has resulted in the verification team being unable to make comment on this aspect. **It is our view that the 17%, as per findings of the call centre, is the best available percentage to indicate books not delivered to school and requires further investigation and enquiry.**

14.14. **Mismatch between Books listed on the PoDs and books delivered.** There was little evidence of a connection between schools that received books and those

²⁹ Schools that had been contacted earlier in the time frame might have received LTSM later in this period.

³⁰ As noted in an earlier footnote, the total count of schools called may have included both independent schools and higher primary schools (which received no textbooks). As it was not possible in the time-frame to re-check this, the estimate should be considered to be 17.1%

that signed Proof of Delivery notes. Though many schools reported having received some books virtually all of them said that they had received far too few. Some Primary schools said they had received fewer than ten Readers, though they had several hundred students at Foundation Phase, for example.

- 14.15. There was very little evidence that the books received were counted, or that they had their titles recorded. Understandably, even if they been recorded and counted in this way, staff would have reported incorrect deliveries due to the miscommunication about the book changes leading to the enormous frustration of those who did follow proper procedures. One principal refused an assignment of books as it was ‘laughably’ small, and there was no paperwork accompanying it, and so has none.
- 14.16. **Service Providers:** Service Providers are a key link in the chain – it is unclear if they have been given sufficient training or support to enable them to deliver books, to the correct people, and to process paperwork correctly. There were disturbing reports of Service Providers refusing to give PoDs to principals who asked for them, and even some of Service Providers who returned to their bakkies to take books from boxes destined for other schools to make up a shortfall of books. Whether the Service Providers were aware that they were to have PoDs signed is unclear. Given that their payment at the district warehouse should be dependent on them producing signed PoDs this is confusing – how are the Service Providers paid?
- 14.17. **The Database:** The Call Centre worked from the most recent database and yet there were schools on it that do not exist and a few some that had not existed for several years. This raises questions as to what happens to the resources allocated to these schools. Several principals listed had not been principals for a few years already, and some schools were listed in the wrong region.
- 14.18. **Principals that were uncontactable:** The following table shows the percentage of principals that could not be reached after repeated attempts not only on the cell phone number listed on the database but even through other regional authorities.

TABLE 9: PRINCIPALS THAT WERE UNCONTACTABLE

Capricorn	13.6%
Greater Sekhukhune	8.4%
Mopani	4.1%
Vhembe	20.6%
Waterberg	11.9%
Limpopo Region	12%³¹

- 14.19. In some cases it took more than 48 hours for the district managers to track down the current cell phone numbers of the principals, implying that they had not had previous reason to find these. Even after this time some were unable to provide reliable contact numbers. The implications of this are obviously serious. As

³¹ Consistent with the previous footnote expanding that independent schools and intermediate schools were included in the sample, this figure might be reduced to 7%

the province is largely dependent on cell phones because of the low number of fax machines and landline connections how are these principals contacted for normal communication? If the database is not kept up to date are these principals out of the information loop in other respects too?

14.20. **Schools that have not received textbooks for more than just this year.** In the sample, as many as 8.1% of the schools that were contacted have not received books for more than just this year. The table below breaks down this figure into regions:

TABLE 10: SCHOOLS IN THE SAMPLE THAT HAD NOT RECEIVED LTSM IN PREVIOUS YEARS

Capricorn	12.3%
Greater Sekhukhune	5.3%
Mopani	6.8%
Vhembe	2.8%
Waterberg	23.8%
Limpopo Region	8.1%

14.21. Some schools reported that they have not received textbooks for as many as four years and others have stopped expecting them. It appears these same schools very rarely see district or provincial officials at all – it looks as though some schools are seriously neglected as they are hard to reach. In stark contrast to this were private schools who are not entitled to textbooks, who never placed orders for books, yet who received them, including textbooks of subjects that they do not offer. Given the problem that has already been noted of inclusion of intermediate schools, this should be reduced to 6.1% - the accuracy of the figure is less important than the need to investigate this matter particularly in the Waterberg district.

14.22. **Reluctance to provide Textbook Delivery information:** Several principals though initially quick to say ‘Yes, I am indeed the principal of such ‘n such a school’, quickly backtracked when they realised they were to be asked questions about textbook delivery. Some said that had been instructed to say nothing about this, as what they said would reflect badly on the authorities. Some principals went so far as to terminate the call, possibly indicating a fear of reprisals. Others understandably needed reassurance that the Call Centre was indeed legitimate, some even coming in person to the office. There appears to be some fear of transparency with regards to the textbook delivery crisis. The few schools principals that said they they’d had absolutely no problem with their textbook deliveries were unwilling to engage in any discussion arising from the other questions regarding recommendations, for example.

14.23. **Trust in the Limpopo Education Department:** Much as many principals went out of their way to support the Call Centre’s efforts at gathering information, unfortunately it appears that there is a widespread lack of faith in the provincial education department to listen to or address principals many concerns. Although these concerns have been expressed repeatedly to the provincial authorities, the principals report that they remain unresolved. Another principal received a text

saying he was required at his school on Sunday morning to receive LTSM. He waited for them from 07h00 to 19h00 in vain.

14.24. Communication facilities During the phone calls it became clear that the lack of communication resources at school, in particular telephone lines and fax lines severely hampered the delivery of LTSM. This was evident in that some schools were unable to send copies of the PoDs to the Call Centre, and reported that they did not have PoDs because they would have had to photocopy them when books were delivered and that they had no machine or perhaps no ink. A related problem was that some schools were asked to fetch the books themselves from the local warehouse and could not because they had no transport to travel.

14.25. Maths and Science Textbooks: Though Grade 10 students were due to receive the new CAPS textbooks, these did not include Maths and Science books as these were going to be supplied by the Shuttleworth Foundation. Though we did not investigate how the Shuttleworth Donation were delivered, many schools reported that these had been received.

14.26. CAPS: Some principals reported that Some CAPs workshops had been cancelled due the non-delivery of LTSM. The team was informed by a teacher union in the stakeholder meeting that this was not the reason for the postponement. This is another example of poor communication.

14.27. FINDINGS:

- Because the delivery happened during the school holidays, the delivery process was compromised
- It is our view that the 17%, as per findings of the call centre, had not been delivered. This is the best available percentage to indicate books not delivered to school and requires further investigation and enquiry
- Principals reported mismatches between Books listed on the PoDs and books delivered. An adequate process must be in place to monitor this – particularly in respect of SP2
- As many as 6% of principals of the schools in the sample reported that they have not received textbooks for more than just this year. This must be further investigated. The highest figure (24%) is in the Waterberg and is likely to be farm schools. If, as suggested by the Administrator for the Department of Basic Education, this is because of difficulties in securing access to farms, the Administrator for the Department of Basic Education should meet with organized representatives in the agricultural sector to assist in the facilitation of access to farm schools.
- Some principals were fearful or reporting difficulties
- The lack of communication resources at school level hampered the delivery process

RECOMMENDATIONS 9 - 11

- A process to investigate wrong deliveries must be urgently instituted so that books incorrectly delivered can be redirected
- If difficulties have been experienced in delivery to farm schools because of difficulties in securing access to farms, the Administrator for the Department of

Basic Education should meet with organized representatives in the agricultural sector to assist in the facilitation of access to farm schools.

- A public call should be made to get all books that are currently 'misplaced' or 'in process of delivery' into the hands of learners. This should have a short time-frame (possibly the first week of the school term) followed by the measures proposed by the Administrator for the Department of Basic Education (law enforcement agencies to recover the textbooks as assets of the State). The SACC has indicated that they would be willing to part of such an initiative, and all stakeholder groups could be involved.

15. REPORTS RECEIVED FROM STAKEHOLDERS

Reports were received from the following stakeholders:

- 15.1. FEDSAS: submitted information on the 5th July for 58 schools across 5 districts. 62% of the schools had not received any delivery of books, and 29% had received partial or incorrect orders (such as wrong language medium). Some of this information may have changed subsequent to 5th July, but it is unlikely that effective mechanisms are in place to correct partial or incorrect

TABLE 11: FEDSAS REPORT

	Waterberg	Mopani	Sekhukhune	Capricorn	Vhembe	Total
No Books received	19	10	5	1	1	36
Partial or incorrect delivery	2	5	2	4	4	17
Books at Circuit office	1	0	0	0	0	1
Delivered with no control (Principal away)	3	0	0	0	0	3
All Books delivered	1	0	0	1	0	2
Total	26	15	7	6	5	59

- 15.2. South African Principals Association (SAPA), Greater Sekhukhune District on 6th July sent a list of 13 primary schools that has received no books, and 20 primary schools that had only received Sepedi books. The report concluded, 'Generally there is still a huge backlog on delivery of text books in this district in primary schools'. SAPA Limpopo sent on 7th July an additional list of 16 schools that had not received all of their textbooks.

- 15.3. The SA Onderwysunie sent the following information on the 7th July:

TABLE 12: SAOU REPORT

	Waterberg	Mopani	Sekhukhune	Capricorn	Vhembe	Total
No Books received	2	1	-	-	-	3
Partial or incorrect delivery	1	2	2	1	1	7
Total	3	3	2	1	1	10

- 15.4. No formal reports were received from any of the other stakeholders that attended the meeting.

- 15.5. All stakeholders that attended the meetings indicated that they had not had adequate access to information that would have enabled them to communicate to their constituencies and all expressed a desire to be regularly informed of developments

16. WHAT WAS THE SITUATION WITH REGARD TO THE DELIVERY OF TEXTBOOKS TO SCHOOLS AS AT 27TH JUNE?

- 16.1. This section of the report is at the heart of the mandate given to the verification team – an independent audit and evaluation of deliveries of the LTSM to schools as ordered by the Court,
- 16.2. It is important to clarify what was the order of the court, and what agreed upon between the DBE and SECTION27 in the meeting of the 21st June 2012. This clarification is somewhat laboured because of discussion that arose on the basis of the first draft of this report. The discussion of first drafts of the report focused on if reporting to SECTION27 was in terms of:
- Delivery of all books to all schools
 - Dispatch of the books that had been received at this stage from the central warehouse to schools

After careful consideration of all the arguments presented, I have taken the firm view that the verification of the ‘delivery’ must be made in terms of delivery to schools as this as the clear and express intention of the court order. This decision is justified in some detail below.

- 16.3. As already outlined in section 4, the order of the Court of 17th May 2012 was **‘to supply the affected schools with textbooks by 15 June’**. A copy of the relevant section of the judgment is reproduced below:

3. The Limpopo Department of Education, alternatively the Department of Basic Education is directed to provide text books for Grades R, 1, 2, 3 and 10 on an urgent basis, commencing on 31 May 2012 and concluding by no later than 15 June 2012 to the Dijannane Tumi Secondary School, Lutande Primary School and all other schools in Limpopo which have not yet received their text books.

- 16.4. There is no doubt that what was agreed in the meeting of 21st June was that **textbooks would be delivered to schools and to learners by 27th June**. This was a clear commitment in the joint statement released on 21st June:

‘On 21 June 2012, representatives of the Department of Basic Education (DBE) and SECTION27 met to try to resolve the ongoing challenge of availability of textbooks to learners in Limpopo and compliance with the court order of Judge Kollapen, which was delivered on 17 May 2012. The parties reached a settlement agreement that included the following undertakings:

- ‘That **all textbooks would be delivered to all schools** by or on Wednesday 27th June.
- ‘The DBE would provide SECTION27 with written updates of the progress of the delivery on Saturday June 23; Monday June 25; and Tuesday June 26.
- ‘That an official DBE circular would be issued on Friday 22nd June to all school principals informing them of this and requesting them to make arrangements with **learners to return to school on Thursday 28th June to collect their textbooks**. This will ensure that learners are able to study over the coming school holidays.

- 'That the 'catchup plan' ordered by the North Gauteng High Court is essential in order to remedy the disadvantage that has accrued to the teachers and learners and that the plan will involve extra tuition and support to both learners and teachers. The details of the plan will be developed by the DBE with input from SECTION27. As required by the court order, the DBE will report to the court on the implementation of the plan.

16.5. It is clear that the intention was to not only ensure that the delivery would be **made to schools by the 27th June, but also that in the case of Grade 10 LTSM, that the textbooks would be in the hands of learners by 27th June** so that the catch-up plan, which was also an order of the court, could proceed. SECTION27 has consistently emphasized the importance of the catch-up plan.

16.6. The intention that LTSM would be **delivered to schools by the 27th June**, was also unambiguous in the joint statement of the DBE and SECTION27 of 28th June which agreed to appoint a 'jointly agreed independent competent capacity to do an audit and evaluation of deliveries'. The text of their joint statement³² indicated that:

On 28 June 2012, the DBE sent a report on the progress in the delivery of textbooks, indicating that **99% of textbooks had been delivered to Grade 10 learners and that all textbooks have been delivered to Grades 1, 2 and 3**. Both the DBE and SECTION27 are concerned about reports that **books may not have reached all schools** and want to encourage everyone with information in this regard to report shortages of textbooks so that this can be investigated and corrected where necessary. The parties are also concerned that the information in the progress reports provided to the DBE and forwarded to SECTION27 may not be accurate.

The DBE and SECTION27 have agreed that Prof. Mary Metcalfe will lead an independent verification of the progress reports relating to **delivery of textbooks to schools in Limpopo**. This is necessary both in order to assess the state of delivery of the current textbooks, and to provide recommendations that will assist in future years. The verification exercise will focus on learning materials to learners in grades one, two, three and 10 in Limpopo'.

16.7. This agreement followed public claims by the DBE that schools had received the LTSM by the extended deadline of 27th June:

'The department said 99% of the 5000 schools in Limpopo had received their textbooks by Wednesday's deadline. It said the foundation phase received 100% of the books. Only 3% of Grade 10s did not receive theirs, it said'³³.

16.8. The text of the report, *Textbooks Delivery Report As At 28 June 2012*³⁴ indicated that,

Last Friday, 22 June 2012, the Minister of Basic Education, after having been briefed about the situation pertaining to textbook delivery, committed that the textbooks would be delivered by Wednesday, 27 June 2012. By as early as 11:30 on 27 June 2012, 97% of the Grade 10 textbooks were delivered from the central warehouse; and 100% of the Grades 1-3 textbooks were delivered from the UTI warehouse. **As early as 16:00 on the same day, reports came in from all the district warehouses, with the exception of the warehouse in Thohoyandou, Vhembe, indicating complete delivery of textbooks from these warehouses.** Delivery delays at Thohoyandou were in the main caused by distributors (SMMEs) who did not pitch-

³² This is reproduced in Appendix B

³³ <http://www.timeslive.co.za/thetimes/2012/06/29/call-for-textbooks-probe?service=print>
2012/06/29

³⁴ This is reproduced as Appendix C

up to receive their consignments, despite several calls reminding them about their commitments. After learning about the Thohoyandou problem, resources were immediately deployed to Thohoyandou to deal with the delivery problems there.

- 16.9. At the end of the *Textbooks Delivery Report As At 28 June 2012* is a paragraph which, if understood correctly by both parties, suggests that the ‘complete delivery’ did not mean that the terms of the court order or the agreement of the 21st June had been fulfilled, and that the ‘complete delivery from’ did not mean delivery to schools:

We can confirm that the Grade 1-3 and the Grade 10 textbooks were moved from the UTI and central warehouses, respectively. The graphic representation below, confirms this fact. The next detailed report will be a consolidation of the movement of the books from the district warehouse to the schools, which report, in the main, will be based on the Proofs of Delivery (PoDs) that are currently being collected by the UTI and LDoE staff from the district warehouses.

- 16.10. However, the data in Table 12 below, which was made available to SECTION27, reported 99% delivery of Grade 10 textbooks by 28th June.

TABLE 13: GRADE 10 LIMPOPO SUMMARY DELIVERY REPORT PROVIDED TO SECTION27: 28/06/12

District	Expected Quantity	Delivered Quantity	% Delivery
Capricorn	237 611	232 338	98%
Greater Sekhukhune	225 679	225 679	100%
Mopani	231 148	227 050	98%
Vhembe	208 372	208 132	100%
Waterberg	69 840	69 840	100%
TOTAL	972 650	963 039	99%

- 16.11. ‘Delivered’ was understood to have meant what the court instructed: that delivery had been made to schools
- 16.12. The information being received by SECTION27 at this time was that textbooks had not been delivered to schools and this is what resulted in the agreement to seek verification.
- 16.13. There were several problems in the reporting of progress to the DBE and to SECTION27

16.13.1. Understanding of the Stages of the Delivery Process

16.13.1.1. This discrepancy in information arose because the system of delivery was not consistently explained in the reports. Textbooks were first delivered by publishers to the central warehouse (some of which were subsequently decanted to a second central warehouse). From there, they were packaged per schools and by subject and then dispatched to district warehouses from which the books had still to be delivered to schools. The percentage delivery reports indicate delivery only from the central warehouse to the regional/ district warehouses, and not to schools as required by the Court order.

16.13.1.2. On the 28th June, the DBE reported to SECTION27 that, ‘By as early as 11:30 on 27 June 2012, 97% of the Grade 10 textbooks were delivered from the central warehouse; and 100% of the Grades 1-3 textbooks were delivered from the UTI warehouse’.

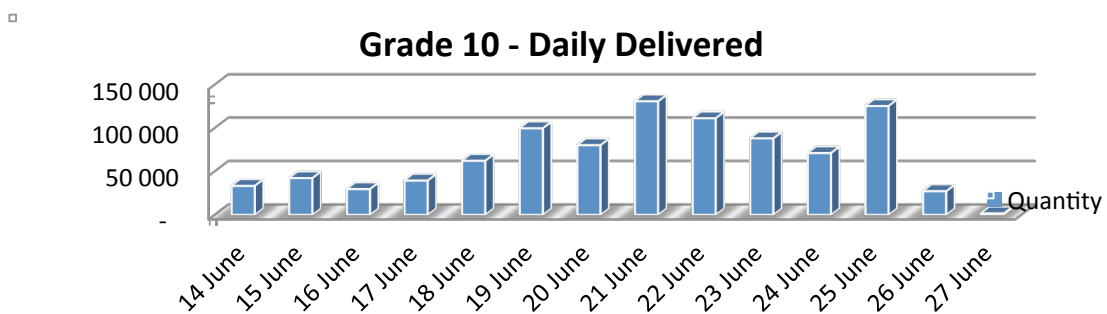
These figures only reflected movement from the central warehouses to the regional offices.

16.13.1.3. The subsequent processes of delivery were included in the text of the *Textbooks Delivery Report as at 28 June 2012* made available to SECTION27, but were not apparent to the DBE representatives and SECTION27.

16.13.1.4. Thus while the DBE representatives and SECTION27 interpreted the claim to be that 97% of Grade 10 textbooks had been delivered to schools, the database of the service provider shows that by 27 June 2012, **while 94% of the ordered books Grade 10 textbooks received from publishers at that point in time had been delivered to the district warehouses, only 15% of the books had been delivered to the schools.**

16.13.1.5. The process of receiving the Grade 10 textbooks from publishers into the central warehouse began on the 7th of June, and according to the supplier database, the movement from the central warehouse to the regional warehouses took place between 14th June and 27th June.

FIGURE 8: REPORT ON VOLUMES OF GRADE 10 LTSM DELIVERED BETWEEN 14TH AND 27TH JUNE



16.13.1.6. A total quantity of 963 039 books were processed and dispatched to the regional warehouses in this 14 day period.

16.13.2. Poor reporting in respect of Foundation Phase delivery

16.13.2.1. Whilst written updates of the progress of the delivery on Saturday June 23; Monday June 25; and Tuesday June 26 were provided to SECTION27 by the DBE in respect of Grade 10 textbook delivery, reports were not provided on a daily basis for Foundation Phase books. The only report received was included in the *Textbooks Delivery Report As At 28 June 2012*. This report was deficient because it indicated dispatch with no indication of books received and books expected.

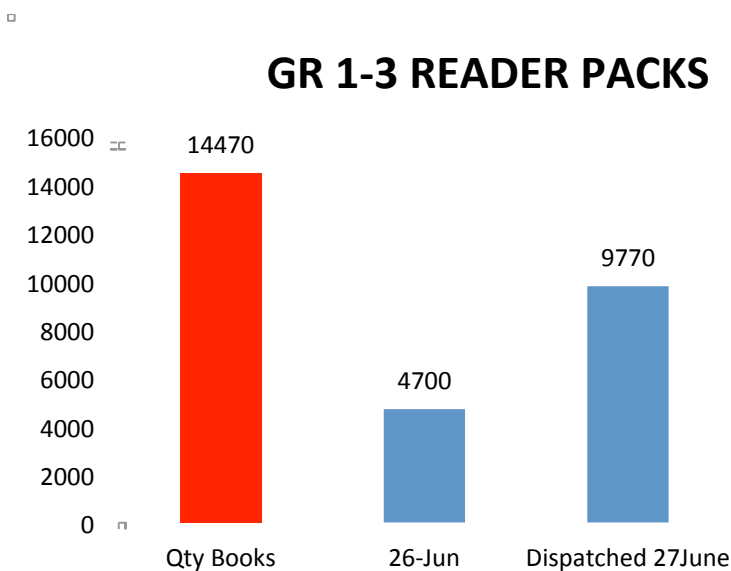
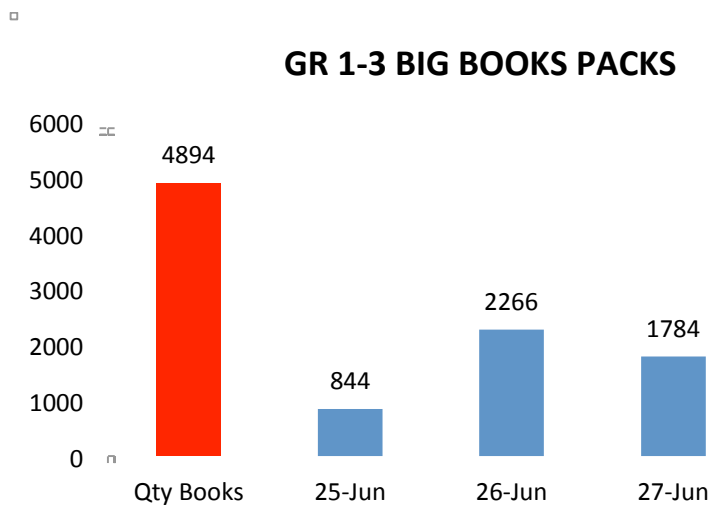
16.13.2.2. The report on the dispatch of phonics programmes was not included in the report. This has been checked with the Administrator for the Department of Basic Education and it was a simple editing error.

16.13.2.3. It has been established that some Foundation phase orders were placed as late as 6th June, (some orders have been placed as recently as

6th July) and these orders were only received in the central warehouse on 26th June, and many later than this.

16.13.2.4. Whilst the Foundation Phase packaging per schools was less complicated than the Grade 10 packaging (with 61 titles involved), the number of primary schools is double the number of secondary schools³⁵ with considerable language complexity. The data provided lacks credibility given that the movement Grade 10 textbooks from the central warehouse to the regional warehouses took 14 days.

FIGURE 9: GRADE 1-3 LIMPOPO SUMMARY DELIVERY REPORT³⁶



³⁵ According to DBE reports, in 2010, there were 2,524 Primary Schools and 1358 Secondary Schools.

³⁶ This is the text of the graphic in report *Textbooks Delivery Report As At 28 June 2012*. It was interpreted to mean delivery to schools as instructed by the court.

- 16.13.2.5. It must be noted that some publishers made up packs as the central warehouse would not have the time to do this and to deliver to the schools quickly
- 16.13.2.6. An analysis has been made, from the available information from publishers, and from the record made available to us of orders. This record in Table 10 below is in black. The Administrator for the Department of Basic Education was asked to comment on this table, and his comments are in red. He has confirmed that many order had not placed, and are currently in process. The reasons for the late ordering include:
- Not in the National Catalogue, not even in the addendum
 - Publisher originally selected, was not registered on the LDoE system. Orders placed with alternative publisher
 - Ordered only now through back order
 - No suitable and cost-effective supplier (my rephrasing)
- 16.13.2.7. I am willing to accept the Administrator for the Department of Basic Education's date with regard to discrepancy between the publishers' record of date of ordering and the Administrator for the Department of Basic Education's, because the publishers' dates covered all orders (not only foundation phase). That notwithstanding, orders were placed firstly between 4th June and 13th June, and many orders are only now in process.
- 16.13.2.8. The Administrator for the Department of Basic Education has not commented on the dates of delivery, but these appear to have been between 6th June and 13th July. The team is aware of a delivery of 3 044 packs that was made on 9th July, and was informed that 3 150 packs were still outstanding on that date.
- 16.13.2.9. An example of SMSs on the reporting line that illustrated the confusion in schools caused by poor communication of these decisions is:
- *'We are hereby reporting to you that we only received two boxes of Big Books for Sepedi Grade 1 to 3 around many schools in Sekhukhune District, especially'*
 - *'Grade 1 2 3 received only Sepedi Big Book sets so far'*

TABLE 14: DATES OF DELIVERY AND ORDER OF FOUNDATION PHASE BY LANGUAGE³⁷

	BIG BOOKS	GRADED READERS	PHONICS PROGRAMMES
AFRIKAANS (Home Language)	Order placed 11 June Correct date is 04 June	Final orders placed 11 June Correct date is 04 June; Delivery between 6 – 29 June	Order placed – date not established Placed on 04 June
AFRIKAANS (First Additional Language)	Final orders placed 11 June Correct date is 04 June; Delivery between 6 – 29 June	Final orders placed 11 June; Correct date is 04 June Delivery between 6 – 29 June	No record of order placed by 3 rd July 2012 Not in the National Catalogue, not even in the addendum
ENGLISH (Home Language)	No record of order placed by 3 rd July 2012 Placed on the 04 June	Order placed 11 June Correct date is 04 June; Delivery between 6 – 29 June	Order placed 5 June Correct
ENGLISH (First Additional Language)	Order placed – date not established Placed on 04 June	Publisher originally selected, was not registered ion the LDoE system. Orders placed with alternative publisher .	Order despatched on 14 June (correct) and 10 July
ISINDEBELE (Home Language)	No record of order placed by 3 rd July 2012 Correct, only now through back order		
ISIXHOSA (Home)	Order placed 13 June- Correct	No record of order placed by 3 rd July 2012 Readers on 04 June; Phonics orders as part of the back order	
ISIZULU (Home Language)	04 June Delivery between 6 – 29 June	Order placed 4 June; delivered 12 June	Orders placed 4 June; delivered 12 Correct June
SEPEDDI (Home Language)	Order placed 13 June Correct	No record of order placed by 3 rd July 2012 No suitable and cost-effective supplier	Order placed– date not established Correct date is 04 June
SETSWANA (Home Language)	No record of order placed by 3 rd July 2012 Not in the National Catalogue, neither the addendum	Order placed – date not established Publisher originally selected, was not registered ion the LDoE system. Orders placed with alternative publisher	Order placed 4 June Correct; delivered 12 June Correct
TSHIVENDA (Home Language)	No record of order placed by 3 rd July 2012 Current back order (through the addendum)	Final orders placed 6 June; Delivery on 26 June	No record of order placed by 3 rd July 2012 Current back orders (through the

³⁷ The DBE has given this explanation, 'It must be reiterated that the textbooks ordered from 03 June 2012 were those included in the National Catalogue, which in the main exclude the textbooks listed above. These materials included in the addendum Catalogue (isiNdebele Big Books and Phonics Programmes, and Graded Readers; isiXhosa Phonics Programmes; as well as Tshivenda Big Books and Phonics Programmes), which was released only on 12 June 2012. Setswana Big Books and Afrikaans FAL Big Books are neither included in the National or addendum Catalogue. Sepedi Graded Readers have a sole supplier listed in the National Catalogue, whose price was extremely expensive and unaffordable (+/-R50.4 million for +/- 15 000 packs). With the exception of the Sepedi Graded Readers, it therefore goes without saying that no provincial education department would have been ordered these textbooks, as the addendum Catalogue was only made available on 12 June 2012 or the books are not in stock'.

			addendum)
XITSONGA (Home Language)	No record of order placed by 3 rd July 2012 current back order (through addendum)	Order placed – date not established 11 June delivery on 13 July	No record of order placed by 3 rd July 2012 current back order (through addendum)
%age of schools for which orders had been placed by 6 July	66%	39%	67%

16.13.2.10. It is clear from this analysis that all LTSM for Foundation Phase were not yet received on 27th June, and in some cases had not yet been even ordered.

16.13.3. Inaccurate Reporting

- 16.13.3.1. The DBE report to SECTION27 also indicated that:
'As early as 16:00 on the same day (27th June), reports came in from all the district warehouses, with the exception of the warehouse in Thohoyandou, Vhembe, indicating complete delivery of textbooks from these warehouses'.
- 16.13.3.2. The DBE official who attended the meeting of 13th July which considered the interim report argued that this report was correct because all the books had left the warehouses. **However the provider database showed that by 27 June 2012, while 94% of the ordered books had been delivered to the district warehouses, only 15% of the books had been delivered to the schools**
- 16.13.3.3. The report is silent on LTSM that had not yet been:
- Ordered
 - Received
- 16.13.3.4. It is my view that the report that was required in terms of compliance with the court order and the subsequent legally binding agreement between SECTION27 and the DBE of 21st June was reporting against full delivery of all LTSM to schools. A report that was compliant with the court order and the subsequent agreement would be obliged to report that not all books had yet been ordered or received.
- 16.13.3.5. Within days of the report of 27th June, the responsible officials would have been aware that Circular 123 of 29th June implores Principals to avail themselves to take delivery of books. This is an acknowledgment of non-compliance with the court order and should have been brought to the attention of the parties to the joint statement of 27th June.

16.14. CONCLUSIONS

- 16.14.1. The report provided to the Minister for the meeting of her representative with SECTION27 on 27th June was deficient in several respects
- 16.14.2. The Minister would have been aware that this report was prepared to reflect compliance with the court order of May 17 that textbooks were to

be delivered to schools by 15 June and the settlement agreement of June 21 (which settlement agreement was made an order of court on 5 July 2012) that textbooks were to be delivered to schools by 27th June.

16.14.3. It is my view that full and accurate information was not provided to the Minister

16.14.3.1. The report to the Minister did not tell her that orders had not yet been placed for any IsiNdebele books, for isiXhosa phonics programmes, for Sepedi graded readers, for Setswana big books, for Tshivenda big books and phonics programmes, for Xitsonga big books and phonics programmes and for Afrikaans FAL big books. Nor did the report inform the Minister that delivery was incomplete for many of the foundation phase orders in process.

16.14.3.2. The report to the Minister did not tell her that the information of the SP1 database indicated that while 94% of the ordered books that has been delivered by the 27th June had been dispatched to the district warehouses, only 15% of the books had been delivered to the schools.

16.14.3.3. The errors in this report could be a consequence of over-worked officials working under great pressure, with limited capacity and inadequate support.

16.14.3.4. The failure to provide full and accurate information to the office of the Minister in full compliance with the court order fundamentally undermined her as her office was communicating information to the public that was incorrect.

16.14.3.5. SECTION27 challenged this misrepresentation on the basis of evidence received from the public. This led to the agreement between the DBE and SECTION27 that a verification exercise should be conducted. The verification team has confirmed the inaccuracy of the information provided to the Minister.

16.14.3.6. It must be noted that the DBE team was working in conditions of enormous pressure without the necessary capacity under the delicate line-function management relationships associated with a Section 100(1)(b) intervention. They appear to be working with enormous dedication and commitment and it is our perception that the context makes their work very difficult.

RECOMMENDATION 12:

- Government reporting against orders made by the court must be double-checked for accuracy and completeness against the order so that that information provided to the Executive Authority for subsequent communication or compliance reporting purposes is accurately and fully informed.

17. CURRENT SHORTFALLS IN ORDERING AND IN DELIVERY – GRADE 10 BOOKS

17.1.1. SHORTFALL IN ORDERS

17.1.1.1. The audit of the SP1 database has shown that no books were ordered for 18 public primary and secondary schools in the 10% audit sample. This can be extrapolated to indicate that as many as 180 schools may be in a similar position and these need to be urgently identified and assisted.

17.1.1.2. The schools affected in the audit sample are listed below³⁸:

1. Elica Primary
2. John Marubini Primary
3. Jonkman Primary School
4. Magandangele High
5. Makgodu Primary
6. Makgwadiba Primary
7. Mashakadzi Primary
8. Matakwe Primary
9. Mathula Primary
10. Mohlaba Primary
11. Morekhure Primary Farm
12. Motsephiri Primary
13. Myakayaka Secondary
14. Ntshiba
15. Ramagohu Primary School
16. Takalani Primary-2
17. Timothy Tshibvumo Primary
18. Tshware Primary

17.1.2. SHORTFALLS IN DELIVERY

17.1.2.1. The report provided by SP1 for 11th July indicates that as at 11th July, PoDs had been received by 71% of schools for Grade 10 LTSM. By 13th July there was little improvement: the percentage of PODs returned were 72% and 52% respectively for Grade 10 and 11.

17.1.2.2. Until the remaining PoDs are analysed, the shortfalls cannot be established. The responsible officials will be meeting with the service providers to seek the remaining PoDs

17.1.2.3. Shortfalls in Foundation phase are difficult to establish because of severe shortcomings in the data base and availability of PoDs

17.1.2.4. As already indicated, It is our view that the 17%, as indicated in the findings of the call centre, is the best available percentage to indicate books not delivered to school and this requires further investigation and enquiry.

³⁸ The Department may want to confirm whether all of these schools were eligible to receive books.

RECOMMENDATION 13

It is recommended that a system is established as a matter of urgency to clean up the delivery system, including identifying books that are still somewhere between the district warehouses and schools, and to correct mis-deliveries. This is an urgent exercise.

18. UNDELIVERED BOOKS FROM PREVIOUS YEARS CURRENTLY IN WAREHOUSES

18.1.1.1. It became clear during visits to the warehouses that some warehouses still house un-opened boxes of textbooks issued in recent years. The photograph reproduced below was taken by a member of the team³⁹ on Saturday 7th July 2012. We have not estimated the quantity of books in this warehouse, but it is clear that the wall of books is several layers deep.

18.1.1.2. These books are a valuable resource and should be put to good use in schools, especially in the light of the poor availability of textbooks in Limpopo schools as described in Section 10. The situation of ‘shredding’ of books has been condemned by the President has indicated ‘that it was unacceptable for service providers or officials to destroy limited and precious education resources like books’⁴⁰.



NON-CAPS TEXTBOOKS INSIDE VECO WAREHOUSE, VHEMBE DISTRICT, 8TH JULY 2012

18.1.1.3. It is further noted that the answering affidavit from the DBE in this case indicated that

³⁹ Dr Hlengani Baloyi

⁴⁰ <http://www.news24.com/SouthAfrica/Politics/Textbook-debacle-Will-be-consequences-says-Zuma-20120703>

- 3.1.2 Allegations of tender irregularities, such as, awarding of the tender to the Service Provider, who, in turn, inflated the numbers of books required by schools in order to claim higher commission from the provincial department of education ("*provincial department*").

RECOMMENDATIONS 14 AND 15

- The Administrator for the Department of Basic Education must urgently arrange for a thorough audit of these books and deliver these to those schools most in need, or to school and community libraries. Books that no longer directly match the new CAPS curriculum could be marked to alert teachers to this where necessary. The DBE has argued that recent textbooks remain relevant for the new curriculum.
- The allegation made in the answering affidavit that orders of books had been inflated to increase commissions and possible links to the stockpiled books must be investigated by a competent authority

19. CONCLUSIONS

This report has attempted only to verify delivery by following the processes established to deliver textbooks in Limpopo in 2012. These processes were designed for error in the time-frames allowed and with the resources made available. It has been clearly established that the books were not in schools by the 27th June and there has therefore not been compliance with the court order. Of greater concern is that all books will still not be in learners' hands at the start of the third term. This report cannot fix that, but it can raise questions as to what went wrong and has tried to do so in a way that gives direction as to what can be done immediately, and in the immediate future to make sure that this does not happen again.

The report has not searched for 'culprits'. It is accepted that officials are accountable for performance of their responsibilities. But the chain of error extends across the process: from the reckless over-spending of the LDoE which precipitated this failure; to the inexplicable 5-month delay in proceeding with the ordering of textbooks; to the system failures in the last few weeks when officials were asked to deliver books in time-frames that were clearly impossible. None of this helps the many learners who have not had the textbooks that they need.

This exercise has exposed the policy faults that have the potential to make the LTSM procurement process unravel as has happened in Limpopo this year. More work needs to be done to improve the entire value chain of LTSM delivery. The annual expenditure on LTSM is a multi-billion Rand budget and deserves the application of the appropriate resources and

competencies to ensure the education system reaps the maximum benefit from this investment. The way forward must be more than about fixing a faulty distribution chain.

The audit team has recommended that consideration be given to a national review led by the DBE, but including all provincial departments in order to drive best practice sharing and to assist in identifying early warning signals. It is our view that this review should urgently undertake a policy review of the outsourcing of supplier contracts. Issues to be considered should include consideration of the following pressing matters⁴¹:

- In terms of textbook provision, some provinces currently effectively outsource the relationship with the supplier, i.e. publishers, to a distribution agency. In these cases, While the DBE selects titles from the supplier in the form of a national catalogue, the logistics of procurement are allocated to a third party based on a negotiable margin-costing basis. This practice creates the conditions for profit gorging, as the actual distribution margin (i.e. cost of distribution) is not transparent or managed by the provincial department.
- As a general practice, the two functions should be separated, and distribution and suppliers managed under two separate contractual arrangements, each focused on achieving cost efficiency and competitive performance.
- It should be noted that the structure of the contractual arrangement orchestrated by provincial officials results in concentrated bargaining power in the hands of a distributor. In the case of Limpopo, one distributor had the contract as official distributor for all schools in the province while suppliers were numerous and obligated to meet the terms set by the distribution agency. In essence, the distributor was positioned as a gatekeeper to supplying schools with textbooks.
- Of most concern is the fact that 'margin cost' contracts provides the distributor with a compelling motive to supply the most expensive textbook available, as this will result in the highest profit, thereby undermining the national imperative to provide all learners with the required resources. In short, the contractual arrangement results in a perverse incentive.
- It is recommended that all current distribution contracts in other provinces be reviewed and amended accordingly to avoid this situation. In future, all contractual arrangements with suppliers and distributors should be guided by a framework stipulated in an LTSM procurement policy that separates these functions.
- If key functions are outsourced, the policy framework should require that the data must remain the property of Government and back-up systems should be kept to cover the event of contract failure. Data on textbook coverage and supply should not be allocated to a third party, but rather be a considered as an essential internal competency. How this is collected and verified would be an important development in improving the current situation and preventing further textbook crisis.
- When key government functions central to the effective provision of education are outsourced, departments must maintain adequate capacity to monitor the service

⁴¹ I am indebted to Garry Rosenberg for his advice and assistance in the formulation of this recommendation

provider. Good practice in monitoring the performance of outsourced LTSM functions needs to be established and institutionalised. The notion of requesting a supplier to provide a report on performance is not an adequate or acceptable form of monitoring and evaluating a supplier's performance. A system of verification based on the triangulation of data, through EMIS and a school-level feedback loop should be established as a minimum requirement. As a basis these should focus on the critical success factors of: on-time delivery, correct quantities and deliveries of the correct material to the correct destination. This will require additional specialised capacity at both national and provincial levels, and a well communicated regulatory framework for compliance with the requirements.

- The best logistical capacity in the country needs to be brought to bear on the distribution problems

Finally, it is a matter of public interest to know:

- What amount was paid to EduSolutions for the aborted 2012 LTSM delivery process and if necessary, whether the Department will seek to recover these monies
- Where trade discounts are negotiated by service providers, it would be in the public interest to know if these are retained by service providers or if the benefit is passed on to the provincial fiscus, and if so where they are located in the provincial fiscus.

It is my view that the public interest litigation initiated by Section 27 has directed public attention to a component of the difficult conditions under which teachers teach, and learners learn. All energies must be directed to ensuring that all learners have adequate access to learning and teaching support material. This is in the spirit of the Kollapen judgment which indicated that one week or even one day that is lost is material to the education rights of the affected children.

20. FURTHER DISTRIBUTION OF THIS REPORT

I have requested Minister Motshekga to make copies of this report available to:

- The MEC of Education in the Limpopo Province, Hon. Dickson Masemola
- The DG of the Limpopo Province, Ms. Molepo-Modipa, in her capacity as Head of the Task Team instituted by the Premier of the Limpopo Province, Hon. Cassell Mathale
- The Deputy Minister of Finance, Hon. Nhlanhla Nene in his capacity as Chairperson of the Presidential Task Team

The DBE and SECTION27 have agreed to make this report publicly available during the course of the day on 16th July 2012.

Submitted by:
Prof Mary Metcalfe
13th July 2012

21. TEAM

I accept full responsibility for the report, but wish to acknowledge the hard-working team whose efforts made the report possible

Prof Tshiledzi Marwala (who provided strategic advice and attended the meeting with stakeholders)

Coordinators

Catherine Hunter

Dr. Hlengani Baloyi

Administration

Thumeka Nakani

Audit Team (alphabetical order)

Bongani Habile

Isaac Havadi

Lovemore Togarepi

Melissa de Graaff

Sandile Gwala

Taznin Tayob

Tendai Mufudza

Procurement Analysis Team

Paddy Padayachee

Tshaks Masemola

Call Centre Team - Students from Wits and UJ (alphabetical order)

Boledi Chuene

Lukhanyo Neer

Modise Moloto

Nathi May

Pfunzo Muligwe

Sebastian Mabunda

Takalani Muloiwa

Thato Phetla

22. THANKS AND ACKNOWLEDGEMENTS

I wish to thank the many people and organisations without whose assistance we would not have been able to complete this report:

- **SECTION27 and the DBE** for supporting the process and providing valuable information
- The DG of the DBE, Mr. Bobby Soobrayan, and the many officials in the Department who gave assistance to the team during the process and in particular for:
 - Making transport and accommodation available in Polokwane⁴²
 - Making Auditors available from OMA Chartered Accountants Inc
 - Appointing 3 team members on a contract basis for 2 weeks, and 1 for one week
- The **MEC for Education in Limpopo**, Mr. Dickson Masemola, and the many officials of the Department of Education in Limpopo for the assistance and cooperation they have given to this team. We could not have completed this task without their assistance.
- The **DBE Administrator for the Department of Basic Education**, Mr. Mzwandile Matthews and the officials supporting him.
- The **Stakeholders** who attended our meetings and who submitted valuable reports and information: Federation of Governing Bodies of South Africa, National Professional Teachers Organisation of South Africa, National Association of School Governing Bodies, Professional Educators Union, South African Democratic Teachers Union, South African Principals Association, Suid Afrikaanse Onderwysers Unie, the Governors' Alliance
- **Deloitte** for making auditors available
- The **Polokwane Campus of Tshwane University of Technology** for making Board Room space and telephony available to our call centre
- Wits PDM for providing meeting space in Johannesburg
- The **South African Publishers Association** and their members which made their records available and for their assistance throughout our process
- **Garry Rosenberg**, an independent consultant, for freely giving of his time at short notice to assist with the conceptualisation of recommendations regarding the improvement of the procurement system
- **Students from Wits and UJ** who volunteered to help and manned the phone lines
- **Digital Solutions Group** for providing the SMS system at a discounted rate
- Xx for covering the costs of the SMS system (tbc)
- **MTN** for providing 5 mobile phones to enable us to contact schools, and for allowing the students to keep these a gesture of appreciation to them for volunteering to assist.
- **Xstrata** which provided a fax/printer and 3G cards to enable internet access
- Those members of the team who used their annual leave to assist in this process.
- **Alida von Bruggen** who provided advice re procurement systems
- The editor of **City Press** for publicising the SMS reporting number
- The many members of the public who provided information

⁴² The estimated cost to the DBE for transport, accommodation and the 4 short-term appointments for the 2 weeks is R300 000.

23. APPENDIX A: REPORT ON VHEMBE DISTRICT TEXTBOOK DELIVERY

Date of Report: 11 July 2012
Takalani Muloiwa and Pfunzo Muligwe

(Student Volunteers from University of the Witwatersrand and from University of Johannesburg)

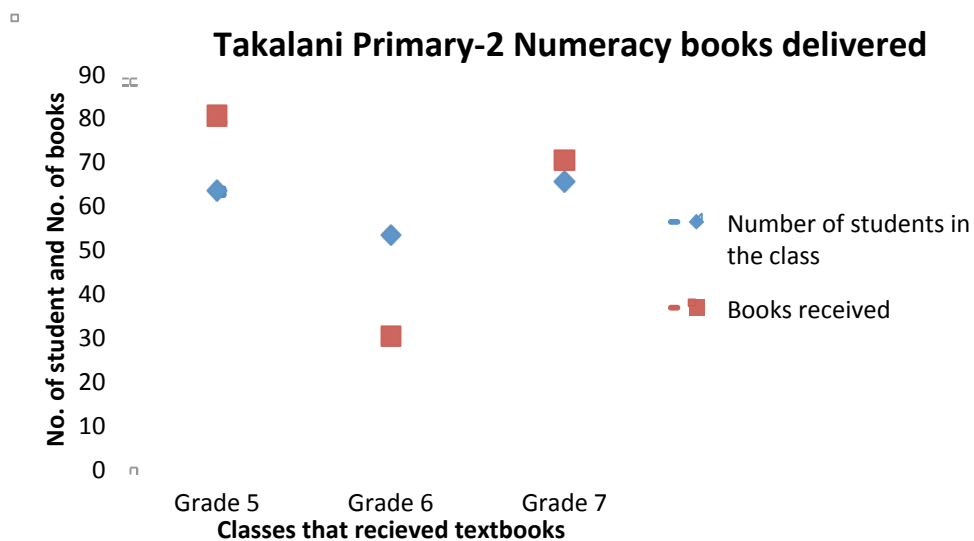
Introduction

This report will explore the findings of the textbook delivery investigation in the Limpopo Province in the Vhembe district. Several case studies will be used to further understand the various trends in the textbook delivery situation.

Trends

The investigation in the Vhembe district has revealed that there are distinct trends in the textbook delivery saga that we need to take note of. Some of these trends include the following; the wrong number of books were delivered in the schools thus there is a shortage of books for students, there was a high rate of deliveries during the 20th of June and the 27th of June 2012, there has been a lack of delivery of books for the foundation phase CAPS, we also detect that a large amount of small Tshivenda Reading books were delivered between the 6th and the 10th of July 2012, we have also surveyed that the 6th of July was the first day for book delivery at a large amount of the primary schools, another trend is in the signing of delivery notes where you find security guards and groundsmen signing for books after hours or on weekends. Finally we have identified that there are quite a good number of schools that have been having problem with textbook delivery since the year 2010 and beyond this year.

The table below indicates to us how there can be a variation in the quantity of books delivered in comparison to the number of students that the school has to cater for⁴³



⁴³ Grade 5, 6 and 7 should read Grade 1, 2 and 3

Something interesting that one could make note of is how the semi private/newly government subsidized schools actually received books whilst having not ordered books as they were previously private. One of the schools Wilmary Christian Learning Center did not order any books at all as the year 2012 was their first year as being government subsidized. Wilmary received a quantity of 12 Sepedi home language books while the school does not offer Sepedi as a subject and furthermore the school is located in an area where Sepedi is not a common language.

Problems with deliverers and signing of invoices

Several principals, heads of department teachers have reported numerous complaints concerning deliveries and proof of delivery documents. A teacher at a certain school testified that he had an argument with a deliverer due to an invoice the deliverer made him sign of 160 books that were apparently delivered the week before but they had forgotten to leave the proof of delivery.

Unfortunately the teacher was not able to call anybody to verify this delivery at the time.

During the year 2011 a particular school had a situation where the drivers told the school that they would come back and deliver the books later due to this particular schools books being at the bottom of the pile. Later that day the school received calling summoning them to collect their books at the circuit office in Louis Trichardt but the school was not able to go and collect them. One of the principals refused to sign a proof of delivery as well as accept books due to the books being in minute quantities. Tshimupfe Secondary School was a school, which received Mathematics Literacy books, and yet the proof of delivery states that they received Economics books. One of the schools was concerned about the alternative book that they received from the one that they ordered as they felt that its contents do not meet the learning outcomes.

Other problems

During the time that the schools had not received textbooks the principal and teachers had to go the extra mile of purchasing teachers copies and obtaining samples from suppliers. One of the greatest challenges about this was that the school has now used its stationery for the year especially with photocopies for the students.

This research was focused mainly on the delivery of textbooks and yet we come to observe that there are more challenges that affect these schools at this point in time. One of the problems is that a large majority of the schools in the Vhembe district are faced with poor technological facilities. We see evidence of a lack of faxes, computers, electronic mail and Internet facilities. This technological challenge impacts the communication between the Circuit/District office and the school. Schools do not receive their circulars well in time due to circulars having to be delivered by hand or collected straight from the office. One could conclude that this is the reason that a large majority of the schools have stated that they have not received the circular stating that they will not receive the books that they ordered. The Department of Education demonstrated a lack of efficiency in the databases that they provided for us. The databases which they had provided us with were to a large extent

outdated comprising of phone numbers of principals who had retired at least two to three years ago. Some of the principals had been changed and moved between schools.

Interesting facts

David Mutshinyalo School received their first delivery during the last week of June, followed by the 5th of July and 7th of July. CAPS books for grade 10 were also delivered during this time and they were only for 8 of the subjects. There is still a shortage of textbooks for 4 CAPS subjects at the school.

On the 6th of July textbooks were found dumped in Tzaneen and during the weekend of the 29th of June and the 1st of July 2012 there were textbooks found dumped in Giyani. On the 2nd of July 2012 the principal of Dzwaboni refused to sign for a delivery which was said to be incomplete in terms of quantity. On the 6th of July 2012 most of the primary schools had their first delivery for the year and it is reported that these schools received deliveries of very few books. A certain school in the district received 6 packs of books which cater for only 6 students where they have a class of 42 students. These observations draw one's attention to the possibility of a link between the dumped textbooks and the returned textbooks and textbooks which were delivered in severely small quantities. We could furthermore question where the books were taken after when the principals refused to sign for them.

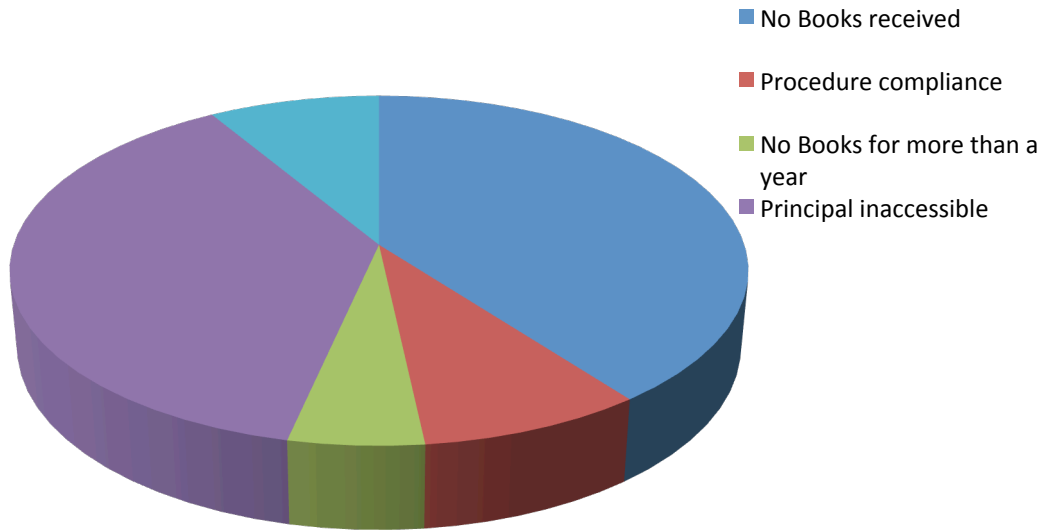
It is also interesting to note how a school like Mbilwi Secondary School in Sibasa that has had a continuous 100% pass rate for several years now pronounces that the textbook delivery situation has not affected them in any way as all is in order on their side.

This report gives us only a simplistic understanding of what has gone wrong and what may have gone wrong with the textbook delivery in the Vhembe district. Other factors from auditors and other parties need to be collected and analyzed in order for us to see the bigger picture and be able to formulate a conclusion.

Appendix 1

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Problem Areas in the Vhembe District



24. APPENDIX B: TEXTBOOKS DELIVERY REPORT AS AT 28 JUNE 2012

The project of the procurement and delivery of stationery and textbooks to schools would ordinarily be carried out within a cycle of 10 to 12 months. This is in view of the fact that, apart from being an extensively involved process, some of the role-players that are part of the procurement and delivery chain, are diverse, many and some, have operations outside the country.

In the case of the Limpopo Department of Education, the process in effect, started in April 2012, after the cancellation of the contract between the Limpopo Department of Education and a service provider that was responsible for the procurement and delivery of learning and teaching support materials (LTSMs) to schools. A word of appreciation must be extended to the publishers, who responded in an unprecedented manner when the textbooks were centrally procured directly to them. For the publishers to have been able to deliver the orders at such tight deadlines is just a miracle.

Given the urgency and the importance of the exercise, a communiqué was issued to District and Circuit officials for school principals to make themselves available for the delivery of textbooks to schools. In their absence, the principals were advised to assign someone who would be available for the delivery of the textbooks to their respective schools.

Last Friday, 22 June 2012, the Minister of Basic Education, after having been briefed about the situation pertaining to textbook delivery, committed that the textbooks would be delivered by Wednesday, 27 June 2012. By as early as 11:30 on 27 June 2012, 97% of the Grade 10 textbooks were delivered from the central warehouse; and 100% of the Grades 1-3 textbooks were delivered from the UTI warehouse. As early as 16:00 on the same day, reports came in from all the district warehouses, with the exception of the warehouse in Thohoyandou, Vhembe, indicating complete delivery of textbooks from these warehouses. Delivery delays at Thohoyandou were in the main caused by distributors (SMMEs) who did not pitch-up to receive their consignments, despite several calls reminding them about their commitments. After learning about the Thohoyandou problem, resources were immediately deployed to Thohoyandou to deal with the delivery problems there.

We were disappointed to learn that some school principals were reported to have refused to come to their respective schools to receive the delivered textbook consignments. Some of the principals even went to the extent of switching off their cellphones, others were very rude to the distributors, and some principals went to the extent of admonishing the distributors for disturbing them while they were on holidays. Some distributors went to the extent of looking for teachers within the immediate vicinity of the schools to come and receive the textbooks.

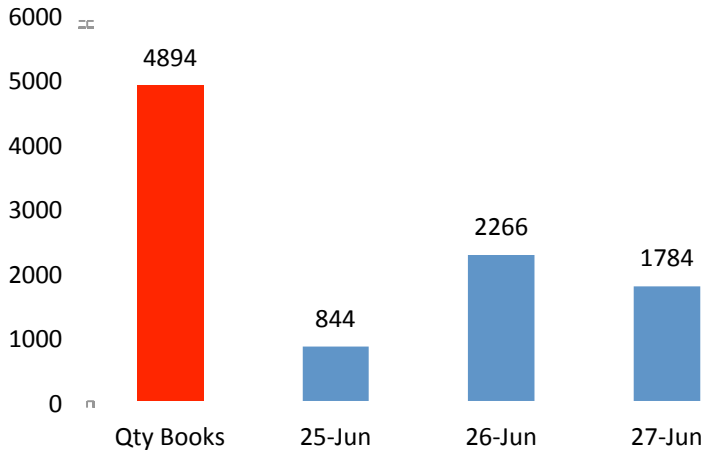
For some reason or another, some distributors who had been regular in collecting and distributing to schools from the warehouses to schools, many of them did not pitch-up yesterday, especially those from the Capricorn District, for the mop-up exercise set-up in motion. In such instances, after repeated unsuccessful calls reminding the distributors to come and collect their consignments, UTI and the Limpopo Department of Education vehicles were brought in to deliver the textbooks to the schools.

We can confirm that the Grade 1-3 and the Grade 10 textbooks were moved from the UTI and central warehouses, respectively. The graphic representation below, confirms this fact. The next detailed report will be a consolidation of the movement of the books from the

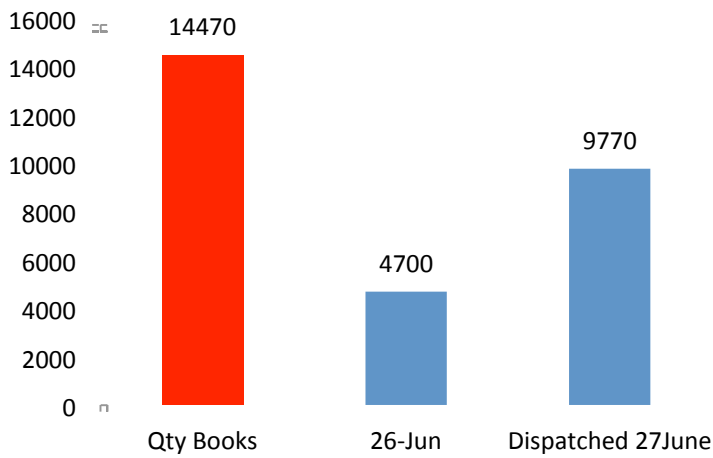
district warehouse to the schools, which report, in the main, will be based on the Proofs of Delivery (PoDs) that are currently being collected by the UTI and LDoE staff from the district warehouses.

FIGURE 1: GRADE 1-3 LIMPOPO SUMMARY DELIVERY REPORT

GR 1-3 BIG BOOKS PACKS



GR 1-3 READER PACKS



GR 1-3 READER PACKS

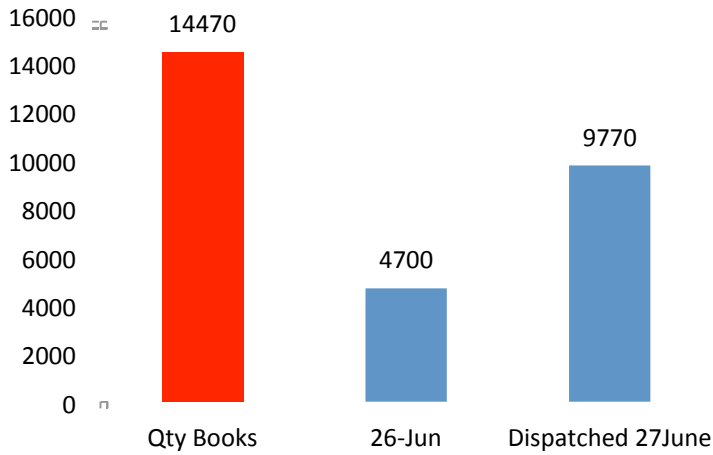
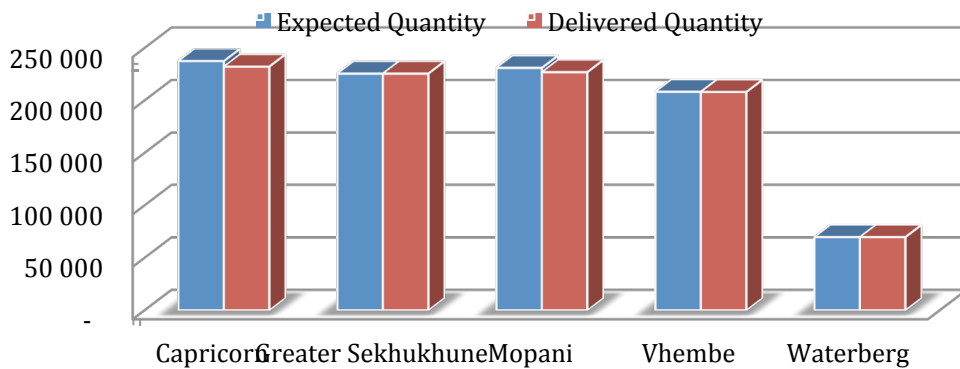
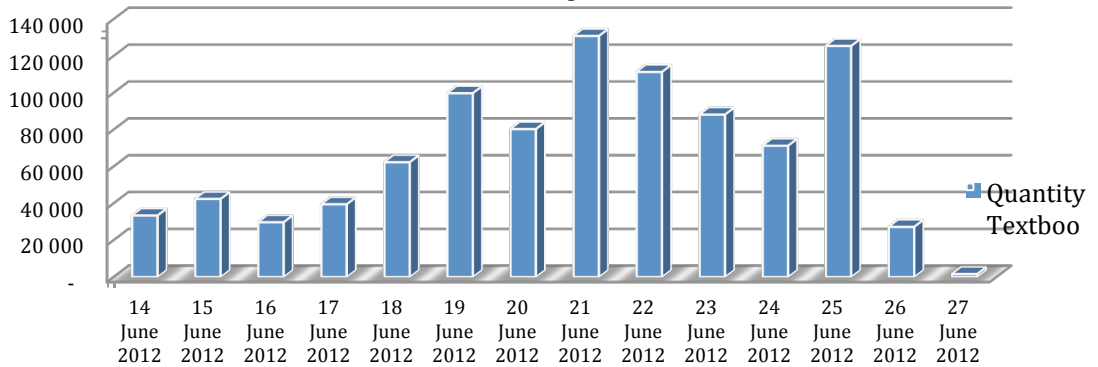


FIGURE 2: GRADE 10 LIMPOPO SUMMARY DELIVERY REPORT

Grade 10 - Daily Delivered



District	Expected Quantity	Delivered Quantity	% Delivery
Capricorn	237 611	232 338	98%
Greater Sekhukhune	225 679	225 679	100%
Mopani	231 148	227 050	98%
Vhembe	208 372	208 132	100%
Waterberg	69 840	69 840	100%
TOTAL	972 650	963 039	99%

***NB:** The 1% variance in the Grade 10 textbooks is the additional stock that is available to mediate any possible shortages reported by schools as a result of increased learner enrolments

25. APPENDIX C: DEPARTMENT OF BASIC EDUCATION AND SECTION27 JOINT STATEMENT ON LIMPOPO TEXTBOOK CRISIS

On 21 June 2012, representatives of the Department of Basic Education (DBE) and SECTION27 met to try to resolve the ongoing challenge of availability of textbooks to learners in Limpopo and compliance with the court order of Judge Kollapen, which was delivered on 17 May 2012. The parties reached a settlement agreement which included the following undertakings:

- o That all textbooks would be delivered to all schools by or on Wednesday 27th June.
- o The DBE would provide SECTION27 with written updates of the progress of the delivery on Saturday June 23; Monday June 25; and Tuesday June 26.
- o That an official DBE circular would be issued on Friday 22nd June to all school principals informing them of this and requesting them to make arrangements with learners to return to school on Thursday 28th June to collect their textbooks. This will ensure that learners are able to study over the coming school holidays.
- o That the 'catch-up plan' ordered by the North Gauteng High Court is essential in order to remedy the disadvantage that has accrued to the teachers and learners and that the plan will involve extra tuition and support to both learners and teachers. The details of the plan will be developed by the DBE with input from SECTION27. As required by the court order, the DBE will report to the court on the implementation of the plan.
- o That we will maintain open channels of communication on all the above, but also seek to work constructively together in the interests of good governance of schools and quality education.

On 28 June 2012, the DBE sent a report on the progress in the delivery of textbooks, indicating that 99% of textbooks had been delivered to Grade 10 learners and that all textbooks have been delivered to Grades 1, 2 and 3.

Both the DBE and SECTION27 are concerned about reports that books may not have reached all schools and want to encourage everyone with information in this regard to report shortages of textbooks so that this can be investigated and corrected where necessary.

The parties are also concerned that the information in the progress reports provided to the DBE and forwarded to SECTION27 may not be accurate.

The parties have agreed to appoint a jointly agreed independent competent capacity to do an audit and evaluation of deliveries.

An independent verification of the progress reports relating to delivery of textbooks to schools is essential, both in assessing the state of delivery of the current textbooks, and in ensuring that the crisis is averted in years to come.

The parties have also reiterated their commitment to an effective and meaningful catch-up plan, which includes extra tuition time for learners and content knowledge support for educators.

The DBE has approached the Nelson Mandela Foundation to convene an education summit

between the Minister of Basic Education and all NGOs and education sector-based organisations to go through issues related to quality education.

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ENDS