



Reference: 20201007-8517
File no.: 12/2/8/17/1/2
Enquiries: P SWART

Institutional Resource Support Minute: 0010/2020

To: Chief Director: Districts, District Directors, Deputy Directors: Corporate Services (district offices), Circuit Managers, Principals of ordinary public schools and Chairpersons of governing bodies

Subject: The suspension of Learner Transport Services

1. On 30 September 2020 the South African National Small Bus Operators Council – Western Cape (SANSBOC-WC) took a unilateral decision to suspend learner transport services with immediate effect from 1 October 2020 until further notice, citing that “the provision of learner transport based on current terms and conditions have become financially unsustainable for contractors/members”.
2. SANSBOC-WC subsequently filed an application with the High Court of South Africa on 2 October 2020 that seeks to interdict the WCED from awarding new interim contracts for the transportation of learners to and from schools in the Cape Winelands District while the longer-term open, competitive tenders for transport services in the District, as advertised in March 2020, are finalized.
3. Essential to this dispute around the legality of initiating an emergency procurement process to secure the transport contracts, is the WCED's compliance with its statutory obligations. Our position is that the department is acting lawfully and within the prescripts of the relevant regulatory frameworks that govern the procurement of goods and services. The alleged claim by some parties that this is as a result of non-payment of services is inaccurate.
4. With regards to the sudden suspension of services, the WCED were given very little time to respond to an unrealistic deadline issued by SANSBOC-WC to consider and address the complaints received. SANSBOC-WC then wrote directly to school principals advising of their decision to suspend learner transport services. Not all districts or routes have been affected. However, we are well aware of the effects this has had on many of our schools, and its learners that rely on these services.

5. As the dispute relates to routes in the Cape Winelands only, there is no reason why other routes should not be operational. We are trying to resolve the matter as soon as possible but are also restricted by the legal proceedings brought by SANSBOC. The matter will be heard in the High Court on Wednesday 7 October 2020. We will communicate the outcome as soon as clarity is found.
6. The WCED would have liked to have resolved the matter through other means. A working group, made up of officials from the WCED and representatives from SANSBOC-WC and SABOA, had successfully been established this year to work together to find solutions to the operational challenges raised during the national lockdown. This group has not been able to engage while the legal proceedings are pending.
7. The safety of our learners, who have already missed large parts of the school year, and the resulting impact that this suspension of transport services is having on their learning, are our primary concerns.
8. We appreciate that this could not have come at a worse time, given the time of year and as schools, parents and communities emerge from the various crises resulting from the pandemic. Thank you for your understanding and patience at this time.
9. The department hopes that the court now deals with this matter swiftly so that the interests of our learners can be served.

SIGNED: MS ABRAHAMS

DEPUTY DIRECTOR-GENERAL: EDUCATION PLANNING

DATE: 2020-10-07