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## Minister Lindiwe Zulu welcomes Gauteng High Court Judgement on ECD's

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### Minister Zulu welcomes the Gauteng High Court Judgement on re-opening of Early Childhood Development Programmes

The Minister of Department of Social Development, Ms Lindiwe Zulu, has studied and welcomes the judgment delivered by the Gauteng Division of the High Court, on 06 July 2020, regarding the re-opening of early childhood development programmes.

The Department of Social Development appreciates that the judgment upholds the Department's position that ECD centres and the partial care facilities should reopen "subject to the appropriate and/or prescribed safety measures being in place." This is in line with the provisions of the Children's Act. The Department has been seized over the past few weeks

with the implementation and roll out of its readiness programme working with all Provinces, ECDs and stakeholders in the sector. This readiness programme is primarily aimed at ensuring that ECDs are ready to open, and to provide guidance or protocols on the operations of ECDs under the current lockdown.

To this effect, the Department wishes to emphasise and reiterate that the re-opening of ECD centres are still subject to meeting the appropriate and/or prescribed safety measures which must/may include the following:

1. Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002, published in Government Notice No. R. 480 of 29 April 2020 (Government Gazette No 43258), as amended, as far as it pertains to the measures to address, prevent and combat the spread of COVID-19 under risk level 3.
2. Standard operating procedures and guidelines for an early childhood development programme and/or partial care facility that provides an after-school service on measures to address, prevent and combat the spread of COVID-19 that was published by the Department of Social Development on 23 June 2020.
3. The relevant provisions and requirements as set out in the Children's Act 38 of 2005 for the registration and management of early childhood development centres.
4. The completion of the self-assessment form (Form 1) as required in terms of the Department of Social Development's Circular dated 21 June 2020 accessible on <https://forms.gle/c7y8ZL5W94diuqTS6>. The forms are also available at local social development offices and service points within which ECD centres or partial care facilities operate.
5. Any Directions that the Minister of Social Development may issue in terms of Regulation 4(5) of the Regulations issued in terms of section 27(2) of the Disaster Management Act, 2002.

The responsibility and the establishment of the measures and procedures, including physical, material and programmatic requirements, as well as the requirements for the return, orientation and/or training of the staff to prepare for re-opening and the maintenances of these measures rests with the management of the ECD centres. The Department will continue to work closely with ECDs to ensure that they are ready to open.

An ECD centre that is not compliant with the minimum COVID-19 health, safety and social distancing measures on COVID-19, may not re-open until all the health, safety and social distancing measures are in place.

It should be noted that the judgment does not apply to other forms of early childhood development programmes such as child minders, playgroups, toy libraries, among others, or any partial care facility, other than a partial care facility that provides an early childhood development programme (ECD centres) as contemplated in section 93(5)(a) of the Children's Act 38 of 2005.

The matter pertaining to the re-opening of Grade R attached to independent schools falls under the provisions of the South African Schools Act 84 of 1996, and is not included in the information provided in this media statement. It is the prerogative of the Minister of Basic Education to provide information in this regard.

Therefore, the Department of Social development requests all ECD programmes operating under the Children's Act to follow all processes put in place to ensure compliance with safety measures for opening ECD programmes. The Minister of Social Development will issue directions to be published in the Government Gazette to further guide the opening of all ECD programmes including those in public schools. We wish to encourage all ECD centres to continue registering through our Vangasali campaign which can be accessed at <https://www.nelsonmandela.org/vangasali>.

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