



Providing Nutrition Support for ECD

Synthesis Report

of the Real Reform for ECD
Right to Nutrition Series

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EXECUTIVE SUMMARY

Every child has a right to basic nutrition, yet far too many young children in South Africa are malnourished. One in four children under five, for example, are stunted as a result of chronic undernutrition. Proper nutrition is critical in early childhood and has an impact on lifelong health, well-being, and productivity. Real Reform for ECD (RR4ECD) is thus calling on the Department of Basic Education (DBE) to **provide nutrition support to all eligible children at all attendance-based early learning programmes (ELPs) regardless of their registration status**. As a routine gathering place for young children, ELPs offer an ideal opportunity for the DBE to take a targeted, coordinated approach towards meeting their nutrition needs and, as important, towards meeting its duty to fulfil their constitutional right to basic nutrition.

This report synthesises the three research papers that form the campaign's evidentiary bedrock. The first, by Tatiana Kazim (Equal Education Law Centre or EELC) with input from Nurina Ally (University of Cape Town), considers the legal basis of children's right to basic nutrition and the state's duties in respect of the right. The second, by Anna-Marie Müller (DG Murray Trust or DGMT), Jessica Ronaasen (Do More Foundation), and Donela Besada (South African Medical Research Council or SAMRC) focuses on what constitutes adequate nutrition from the standpoint of health, and how this is provided at ELPs. The third paper looks at ways of expanding and improving nutrition support to eligible children at all ELPs, drawing on the expertise of Laura Droomer (Ilifa Labantwana), Tarryn Cooper-Bell (EELC), Sheniece Linderboom (Legal Resources Centre), Kayin Scholtz (DGMT), and Donela Besada (SAMRC).

Key points

Current provision of nutrition support is limited and insufficient: The ECD subsidy—R17 per child per day, of which R6.80 is allocated to nutrition—is the main government mechanism for providing nutrition support to children at ELPs. But it reaches too few children. Only registered or conditionally registered ELPs serving poor children (as determined by an income means test) are eligible for it, yet a majority of ELPs are unregistered, with only 33% receiving the subsidy. Further, the real value of the subsidy is insufficient to cover the costs of providing nutritious meals to children at an early learning programme, with ELPs tending to also rely on fees, donations, and private feeding schemes to provide meals. Other measures, such as the Child Support Grant (CSG) and health interventions under the Integrated Nutrition Programme, are similarly insufficient, while the National School Nutrition Programme (NSNP) does not cover ELPs.

Guidance exists, but there is an implementation gap: The Department of Health's Nutrition Guidelines for Early Childhood Development Programmes give ECD practitioners guidance on planning, preparing, and providing nutritious foods/meals to young children (0–6 years). But following the recommended age-differentiated two-week menu cycle is a challenge. While nearly all ELPs provide at least one meal a day, fewer provide all recommended meals and snacks, food quality varies, and the proportion of fruits and vegetables is too low. Affordability is a major issue, with the Nutrition Guidelines offering little advice on managing costs. Also, too few ECD practitioners have received training on the guidelines or on the importance of nutrition.

The state has a duty to provide nutrition support: Section 28 of the Constitution gives every child the right to basic nutrition, while section 29 gives everyone the right to a basic education, which is understood to include early learning and to further include basic nutrition as a necessary component of learning. In respect of a young child, “basic nutrition” is the minimum amount and type of nutrition they need for their holistic development. From the viewpoint of law, this right to basic nutrition is not subject to resource or budgetary constraints, and the state has a duty to implement measures to realise it. Specifically, the DBE has an obligation to provide nutrition, when parents/caregivers are unable to do so, as in the case of eligible young children at ELPs. This duty is not being met fully, but the DBE can leverage existing frameworks to address the gap; both to deliver nutrition support directly and to coordinate supplementary measures better.

The DBE can expand and improve nutrition support provision: ELPs vary, inter alia, in terms of size, capacity, and location. Reaching all eligible children at all attendance-based ELPs requires a dual implementation approach that is context-sensitive, respects ECD practitioners’ agency, and draws on existing resources. This would involve using (1) direct transfers to reach eligible children at registered ELPs and (2) provincial procurement and delivery to reach those at unregistered programmes; in the latter case, with province-specific variations that allow leveraging, where possible, the NSNP and the ECD sector’s existing expertise and experience. More research is needed, though, to identify ways of reaching unregistered ELPs lacking the facilities to benefit from either model. Importantly, taking this approach does not obviate the need to continue to remove and reduce the barriers to registration.



The Do More Foundation



Key recommendations

1 Create an ECD nutrition programme.



As the first step in an adaptive, staged approach,

1. expand the R17 ECD subsidy to reach all CSG-eligible children at registered ELPs and
2. use provincial procurement and delivery—at a cost of R6.80 per child per day—to reach those at unregistered ELPs (with meal preparation facilities).

2 Test two mechanisms of provincial procurement and delivery for providing nutrition support to unregistered ELPs.



As part of the planned DBE nutrition pilot,

- in select provinces using the centralised NSNP model, test whether select existing NSNP service providers can also deliver food/meals effectively to nearby unregistered ELPs.
- in select provinces using the decentralised NSNP model, pilot contracting select strategic implementing partners (i.e. existing ECD-focused civil society and private sector actors) or new commercial service providers to procure and deliver food/meals to nearby unregistered ELPs.

3 Roll out training.



Use the nutrition pilot to also roll out training on the Nutrition Guidelines to improve compliance; and, in the longer term, to assess their accessibility, affordability, and feasibility.

4 Collect data.



To ensure interventions remain evidence-informed and guidance is regularly updated, collect data on children's growth indicators and attendance rates.

5 Improve coordination and oversight.



Revitalise existing mechanisms, such as the Inter-Ministerial Committee on ECD, to ensure varied measures to deliver nutrition support are being implemented efficiently and effectively, and consider creating similar coordination mechanisms at the provincial and municipal levels.

6 Strengthen the legislative, policy, and regulatory framework.



Update the 2015 National Integrated Early Childhood Development Policy and develop a stand-alone ECD nutrition policy for the roll-out of the pilot and/or new ECD nutrition programme; and, in the long term, consider legislative reforms to provide a firmer statutory basis for the ECD nutrition programme.

ACKNOWLEDGEMENTS

This research on the Right to Nutrition was initiated and coordinated by the Real Reform for ECD (RR4ECD) Steering Committee comprising Patience Voller (Bridge); Kayin Scholtz (DG Murray Trust); Pam Picken (Do More Foundation); Tatiana Kazim (Equal Education Law Centre); Tess Peacock (Equality Collective); Rina Mehlomakulu (Ilifa Labantwana); Sheniece Linderboom (Legal Resources Centre); Lashiwe Mparadzi (New Ithembalabantwana ECD Forum); Eric Mahlo (Save the Children); Nonhlanhla Dzingwa (Sisonke ECD Forum); Hopolang Selebalo (SmartStart); and Ruby Motaung (Training and Resources in Early Education, or TREE).

The Steering Committee, individually and as a whole, provided strategic direction and feedback that helped bring the research, including this synthesis report, to publication. In this, we received invaluable support from the team at the Equality Collective, which serves as the secretariat of the RR4ECD movement. We would like, in particular, to thank Tshepo Mantje, Tess Peacock, and Zoe Postman for, inter alia, bringing us all together in Cape Town, in June 2023, to workshop the recommendations emerging from the research; as we would like to express our gratitude to Kudrat Virk for her editorial support in the concluding stages of the research and publication process.

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We further owe deep thanks to all the Real Reformers, ECD practitioners, and other partners and stakeholders, who were interviewed and consulted, and gave generously of their time and energy to this project. This includes, inter alia, all our RR4ECD community partners and supporters, as well as nutrition experts, who participated in a series of consultations, held in July 2023, at which we shared our key findings and then draft recommendations.

*Real Reform for ECD Steering Committee
October 2023*



INTRODUCTION

Every child has a right to basic nutrition, yet far too many young children in South Africa do not get the nutrition they need to thrive: They are malnourished and either underweight and suffering from stunting or wasting or, increasingly, overweight and obese. The prevalence of stunting especially has remained high. The most recent national Demographic and Health Survey¹ showed that more than a quarter (27%) of children under five are stunted (too short for their age). Childhood stunting is the result of chronic undernutrition and infections and has long-lasting consequences, which both reflects and reinforces inequities. Stunted children are more likely to earn less and have a higher risk of obesity and non-communicable diseases such as diabetes and heart disease as adults.² This situation is unacceptable.

Proper nutrition is vital across our lifespans, but it is crucial in early childhood. The research, as Anna-Marie Müller, Jessica Ronaasen, and Donela Besada show,³ is compelling: The rapid rate of brain development in the first 1,000 days of life lays the bedrock for lifelong health, well-being, and productivity, but good nutrition remains essential for the physical, emotional, and cognitive development of children as they grow, with brain development continuing through adolescence. The ages of two to five years, for example, are a critical window of opportunity for children to experience catch-up growth and development, when ensuring that they receive adequate nutrition is similarly crucial.

Young children receiving a nutritious diet are more likely to interact with their caregivers and environments in ways that support brain development, have stronger social and emotional skills, and do better in school. The impact extends beyond childhood into adolescence and adulthood, affecting educational attainment, lifetime earnings, and health outcomes. Interventions, such as meal provision to children in early childhood development (ECD) programmes, can thus be vital for preventing or mitigating the consequences of poor nutrition, supporting optimum development, and potentially reducing inequities.

The movement for Real Reform for ECD (RR4ECD) advocates for holistic, well-funded, inclusive, and quality ECD services, its goal being to ensure an enabling legal, policy, and regulatory environment for all young children to thrive in South Africa. **RR4ECD is thus calling on the Department of Basic Education (DBE) to provide nutrition support to all attendance-based early learning programmes (ELPs) regardless of their registration status.** (See Box 1). The DBE has recently taken over responsibility for ECD from the Department of Social Development (DSD), based on the idea that ECD is a function of early learning, with early learning forming part of a continuum of basic education. The right to basic nutrition is an integral element of the right to basic education. As a routine gathering place for children below school age (0–5 years), ELPs thus offer an excellent opportunity for the DBE to meet its duty to fulfil their right to basic nutrition.⁴



Box 1. Key terms

Early learning programme (ELP)	Any early childhood development programme, service, or intervention provided to children from birth until the year before they enter Grade R/formal schooling, to stimulate and promote their holistic development and provide opportunity for early learning. This may include parent support groups, outreach programmes, play groups, childminders, toy libraries, mobile programmes, and ECD centres.
Early childhood development (ECD) centre	A facility providing an early childhood programme with a focus on early learning and development, for children from birth until the year before they enter Grade R/formal schooling, typically running a half-day to full-day programme.
Registered programme	A programme that has met the requirements for registration in terms of Chapter 5 and/or Chapter 6 and has been registered in terms of the Children's Act of 2005. In this report, registered includes conditionally registered programmes.
Unregistered programme	A programme that has not been registered or conditionally registered in terms of the Children's Act.
Unfunded programme	A programme that does not receive public funding from the Department of Basic Education, i.e. the ECD subsidy, regardless of its registration status.

Source: Anna-Marie Müller, Jessica Ronaasen, and Donela Besada, “Adequate nutrition: A pillar of early childhood development”, *Real Reform for ECD Right to Nutrition Series*, 2023.

Coordinated by the Equality Collective, the RR4ECD campaign is informed by collaborative research conducted by researchers mainly from, the DG Murray Trust, Do More Foundation, Equal Education Law Centre, Ilifa Labantwana, Legal Resources Centre, South African Medical Research Council, and University of Cape Town—all with deep expertise and experience on the matters under consideration. The research has further benefited from consultations with ECD practitioners and stakeholders, nutrition experts, and partners. The DBE, especially, has supported the endeavour from the outset and been available for numerous consultations, which have informed the final output. The consultation process also deeply involved RR4ECD's steering committee,⁵ which provided strategic direction and feedback that has helped shape the research-based recommendations.

This report is a synthesis of the three research papers that comprise the Real Reform for ECD Right to Nutrition Series.⁶ It is divided into five sections. The first situates the research in the current landscape of early childhood nutrition support. The second identifies the legal basis for children's right to basic nutrition and the state's duties in respect of the right, which include taking reasonable and effective measures to ensure young

children receive the nutrition necessary for their holistic development. This, in turn, emphasises the case for focusing on ELPs as a place where the state can reach young children with “nutrition support in an efficient and coordinated manner”.⁷ The third section then focuses on understanding what constitutes adequate nutrition and how, or the extent to which, this is being provided at ELPs. It draws attention to existing health guidelines, which have useful recommendations on providing adequate nutrition for ELPs, but it also highlights the implementation challenges, with many ELPs unable to provide healthy, well-balanced meals to the children in their care.

The fourth section looks at potential modalities for expanding and improving nutrition support to ELPs, arguing in favour of a dual approach comprising provincial procurement and delivery, and direct transfers that is sensitive to the ECD landscape as well as budgetary constraints and recognises the role of civil society and private sector actors. The fifth and final section concludes with the recommendations.



CURRENT STATE OF PLAY OF NUTRITION SUPPORT FOR ECD

Adequate nutrition is one of five key elements of nurturing care in early childhood; the others are good health, responsive caregiving, security and safety, and opportunities for early learning.⁸ South Africa's 2015 National Integrated Early Childhood Development Policy (NIECDP)⁹ incorporates all five elements in its aim of delivering a comprehensive package of quality ECD services. But several services are unavailable and not accessed by many vulnerable young children, with the 2019 South African Early Childhood Review rating the delivery of nutrition support as *poor*.¹⁰ This state of affairs is reflected in the poor nutrition status of young children; in the prevalence not only of stunting but also of “hidden hunger” (micronutrient deficiency), with 44% of children under five, for example, suffering from vitamin A deficiency.¹¹

ECD subsidy: Too little for too few

The ECD subsidy is the main government mechanism for providing nutrition support to young children attending early learning programmes. The subsidy—currently R17 per child per day, of which 40% (or R6.80) is intended for nutrition—is funded through the ECD conditional grant and the equitable share. However, it is actually inadequate, and neither reasonable nor effective in terms of the law (as discussed later).¹²

Limited access and availability

Only registered or conditionally registered ELPs serving poor children (as determined by an income means test) are eligible to receive the subsidy. According to the 2021 ECD Census, just 41% of ELPs are registered and only 33%, whether registered or not, are receiving the subsidy.¹³

The inability of unregistered programmes in particular to access the ECD subsidy presents a significant problem. As Kazim points out, these programmes are more likely to be based in vulnerable communities and attended by children from vulnerable households, with the barriers to registration tending to overlap with socio-economic disadvantage.¹⁴ Further, about 1.7 million children are enrolled in ELPs, with enrolment rates varying across provinces and ranging from 40% in Gauteng to 26% in the Eastern Cape.¹⁵ Altogether, this means that many young children are not enrolled in ELPs, and of those who are enrolled, most do not benefit from the subsidy.

Inadequate amount

Moreover, with past increases not having compensated adequately for inflation, the real value of the R17 subsidy and, along with it, its nutrition allocation have essentially decreased over time. The subsidy is simply not enough to cover the costs of running a quality ECD programme, let alone the costs of providing nutritious meals to the children in the programme. The World Bank has suggested increasing the subsidy to a minimum of R31 per child per day. Applying the current nutrition allocation of 40%, the recommended subsidy increase would translate to an increase from R6.80 to R12.40 per child per day for nutrition—underscoring the extent to which the current amount is insufficient.¹⁶

Other measures to provide nutrition support

The National School Nutrition Programme (NSNP) provides one meal a day to learners in primary and secondary schools (mainly quintiles 1–3), but it does not cover children in ELPs. In other words there is no public programme to meet the nutrition needs of children attending an ELP or ECD centre before they enter formal schooling—akin, for example, to India's Saksham Anganwadi and Poshan 2.0 for children up to the age of six; or Brazil's National School Meal Programme for all learners, including those in early childhood

education, in the public education system.¹⁷ In this context, the DBE's planned pilot programme for providing ECD nutrition support, from 2024/2025 to 2025/2026, is a positive development.

That said, there are several measures to deliver nutrition support for young children that have been put in place by various government departments, especially the Department of Health (DoH) but also the Departments of Social Development and Agriculture, Land Reform, and Rural Development. Under the NIECDP, the DoH is responsible for implementing several interventions under the umbrella of the Integrated Nutrition Programme, including regular growth monitoring, breast-feeding support, food fortification, micronutrient supplementation, and deworming.¹⁸ Also of note is the Child Support Grant (CSG), which is intended to assist parents in lower-income households meet the basic needs of their children, though it provides general assistance; i.e. it does not target

specific needs like nutrition. Moreover, the grant amount is insufficient, and some may use it to fulfil the needs of the child as well as those of the household more generally.¹⁹

All in all, these measures have not been sufficient in helping meet the nutrition needs of young children such as to support their holistic development.²⁰ They have also been implemented in a mostly uncoordinated manner. The Inter-Ministerial Committee for ECD envisaged by the NIECDP, to coordinate the delivery of ECD services such as nutrition, has not met regularly. Similarly, the advisory committee envisaged by the 2014 National Policy on Food and Nutrition Security,²¹ to provide overall leadership for the achievement of its strategic goal of making safe and nutritious food available, accessible, and affordable, is yet to be established.



Jujurha ECDC, Bulungula Incubator



THE STATE'S DUTY TO FULFIL CHILDREN'S RIGHT TO BASIC NUTRITION

Adequate nutrition is a child's right, and in South Africa, this is a constitutional right, enshrined in the Bill of Rights.²² Under section 28, every child (0–18 years) has the right to basic nutrition (see Box 2). Section 29 gives everyone (children and adults) the right to a basic education, which is understood to include basic nutrition as a necessary component of learning. Further, there is increasing recognition that basic education includes early childhood development, or at least its early learning component. This broad interpretation of the right to education is arguably reflected in the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights and in readings of international treaties including, among others, the Convention on the Rights of the Child.²³ It is further implicit in the ECD function shift to the Department of Basic Education.

Box 2. South Africa's Constitution on the right to nutrition

Section 28. Children	Section 29. Education
<p>(1) Every child has the right—</p> <p>[...]</p> <p>(b) to family care or parental care, or to appropriate alternative care when removed from the family environment;</p> <p>(c) to basic nutrition, shelter, basic health care services and social services;</p> <p>(d) to be protected from maltreatment, neglect, abuse or degradation;</p> <p>[...]</p> <p>(2) A child's best interests are of paramount importance in every matter concerning the child.</p> <p>(3) In this section "child" means a person under the age of 18 years.</p>	<p>(1) Everyone has the right—</p> <p>(a) to a basic education, including adult basic education; and</p> <p>(b) to further education, which the state, through reasonable measures, must make progressively available and accessible.</p>

Source: Tatiana Kazim, "Early childhood development and the state's duty to provide basic nutrition to young children in South Africa", *Real Reform for ECD Right to Nutrition Series*, 2023.

The question then arises as to what constitutes "basic nutrition" under the law. "Nutrition" is different from "food" in that it has a specific purpose. Nutrition is what we need to consume for our health, growth, and development (well-being). Food is a broader notion: While we consume food for

survival and sustenance, this is not the only purpose of food. Aside from the point that food can include nutrients (e.g. carbohydrates, proteins, and vitamins) and non-nutrients (such as artificial food flavours) as well as harmful substances (like pesticide residue), it also has social, cultural, and religious uses. “Basic nutrition” is thus different from “sufficient food”, and in the case of a young child, it is the minimum amount and type of nutrition they need for their holistic development as defined in the Children’s Act of 2005. (This interpretation is consistent with the African Charter on the Rights and Welfare of the Child.)

Both the right to basic nutrition and the right to basic education are unqualified in the sense that they are not conditional on the availability of resources or subject to budgetary constraints; i.e. they are immediately realisable.²⁴ Further, the state has a duty, under section 7 of the Constitution, to respect, protect, promote, and fulfil them. This duty encompasses both the obligation to refrain from actions that may hinder the realisation of these rights and the obligation to implement “reasonable and effective” measures to realise them. When it comes to the right to basic nutrition, though the state is not the primary duty-bearer—parents/caregivers are—it has a duty to provide such nutrition when they are unable to do so. This is reflected, for instance, in the eligibility criteria for the ECD subsidy. Generally, children attending a registered ELP who are either receiving the means-tested Child Support Grant or eligible to receive it are also eligible for the ECD subsidy, though eligibility does not equate to access.²⁵ It is worth emphasising here that the state’s obligations in respect of both rights (basic nutrition and basic education) are underlined by its constitutional duty to uphold the values of human dignity, equality, and freedom when interpreting the Bill of Rights.

Bearing in mind the current state of play of nutrition support for ECD, two points are of note. First, in order to be reasonable and effective, a measure must not only record statistical gains but also “respond to the needs of those most desperate”.²⁶ This has particular relevance when considering the inability of unregistered early learning programmes, which often serve the most vulnerable communities, to access nutrition support through the ECD subsidy. As Kazim writes, “It may be that a programme’s unregistered status has a bearing on the specific measures it is reasonable for the

state to adopt..., but it does not negate the obligation to put reasonable and effective measures in place”.²⁷

Second, the ECD subsidy’s coverage and value are not only inadequate in practical terms but such that it arguably “falls short of being a reasonable and effective measure”.²⁸ This places an immediate onus on the DBE to act to reach all eligible children. At the same time, the ECD function shift to the DBE has created a fluid moment to explore the potential of ELPs for delivery of expanded and improved nutrition support. ELPs are a structured setting where many young children aged five and under congregate daily for much of the year, and as the Kenyan experience suggests, there may be reason to believe that providing meals can increase attendance,²⁹ benefitting early learning.

The National Integrated Early Childhood Development Policy recognises the state’s obligation to provide nutrition support and, as mentioned earlier, sets out the goal of delivering a comprehensive package of quality ECD services, including such support, for the health and well-being of young children. Though this provides, in principle, the basis for an early childhood nutrition programme, the comprehensive food and nutrition strategy for children younger than five envisaged in the NIECDP is yet to be established. Thus, as Kazim suggests, while there are no laws or policies that specifically call for an ECD nutrition programme, those that exist can be leveraged to create an enabling legislative and regulatory framework to address the programmatic gap that clearly exists.³⁰ Notably, the National School Nutrition Programme targeted at school-going children is also grounded in sections 28 and 29 of the Constitution—strengthening the case for expanding public nutrition support programming to all children, whether in school or attending ELPs.³¹



ADEQUATE NUTRITION: ON PAPER AND IN PRACTICE

The previous section considered basic nutrition for young children from the viewpoint of law, understanding it in terms of the food required to meet their developmental needs and establishing the state's duty to implement measures for children to get adequate nutrition. It also drew out the potential of early learning programmes as a locus for meeting this duty more effectively. The discussion now turns to what constitutes adequate nutrition from the perspective of health and how, or the extent to which, this is currently being provided at ELPs.³²

Guidance for parents/ caregivers and ECD practitioners

The Department of Health has developed Nutrition Guidelines for Early Childhood Development Programmes (hereinafter Nutrition Guidelines),³³ which give ECD practitioners guidance on planning, preparing, and providing nutritionally adequate foods/meals to young children in their care, by age group: 6–8 months, 9–11 months, and 12 months to six years. The Nutrition Guidelines recommend exclusive breastfeeding for babies or children aged 0–6 months. Beyond six months, they encourage dietary diversity to ensure proper nutrition and prevent micronutrient deficiency. To that end, the guidance recommends a two-week menu cycle, differentiated by age group, and includes recipes, with some suggestions for replacements based on the cultural appropriateness and local availability of foods. According to the guidelines,

- if the ELP opens before 07:00, breakfast should be provided.
- if children spend under five hours at the ELP, they must get a snack and lunch.
- if children spend five to eight hours at the programme, they must get lunch and two snacks.

These guidelines are aligned to the revised draft Paediatric Food-based Dietary Guidelines for South Africa³⁴ and the Road to Health Booklet, both of which cover the period from birth to five years of age, with the booklet providing advice and being used to track varied aspects of a child's growth and development. While the latter is a resource for parents/caregivers at home, the Nutrition Guidelines are intended for ELPs, where many children receive food/meals for the first time outside their home and family contexts. According to Müller, Ronaasen, and Besada, "if the Nutrition Guidelines are followed, children should consume an adequate diet at an ELP".³⁵

Implementation gap

There are challenges in practice though, with the reality being that many ELPs are often unable to provide healthy, nutritious foods/meals to the children in their care. The ECD landscape revealed by the 2021 ECD Census³⁶ and Thrive by Five³⁷ is broadly similar: Nearly all ELPs provide at least one meal a day, most often lunch, followed closely by breakfast. But fewer provide all meals and snacks, and food quality varies. Many also rely on parents to send some food (mainly snacks) with their children, but the parents usually lack guidance on the best foods to provide: About a quarter (26%) of the programmes included in the Thrive by Five assessment did not provide any guidance to them on what to send.³⁸

Affordability and training are major issues. As Müller, Ronaasen, and Besada argue, the Nutrition Guidelines assume that the two-week menu included in the guidelines is affordable and that ELPs have the necessary capacities and facilities to follow the menu and recipes.³⁹ This is frequently not the case; certainly not amid the current cost-of-living crisis. For example, limited and unreliable funding, and high food costs were uppermost among the concerns of ECD practitioners recently

surveyed by RR4ECD on the question of nutrition provision. The ECD subsidy, as explained earlier, does not reach a majority of ELPs; moreover, the amount allocated for nutrition is insufficient. ELPs rely not just on the subsidy but also on fees from parents, as well as food donations and private feeding schemes (such as the Do More Foundation, Lunchbox Fund, and Tiger Brands schemes), to provide meals. That said, there are several opportunities to improve training of ECD practitioners and ELP staff that can, in turn, improve uptake and knowledge of nutrition.

From the viewpoint of equity, the dependence on fees, especially, is troubling—given the high rates of poverty and the high numbers of ELPs without access to the ECD subsidy, most of which are likely to be found in socio-economically disadvantaged areas. Further, as Droomer et al. also point out, fees and food donations, especially in the current, constrained economic climate, are arguably an unstable or unreliable funding source for meal provision at ELPs.⁴⁰

Concerningly from the viewpoint of good nutrition, based on Thrive by Five data, fruit and vegetables—a key source of micronutrients—form too low a proportion of the meals; they are dominated by carbohydrates and proteins, and this likely contributes to hidden hunger (micronutrient deficiency). Young children require a balanced diet that includes nutrient-dense and protein-rich foods in adequate quantities, appropriate to the child's age and activity level, at a consistent meal schedule. Compliance with the Nutrition Guidelines is a challenge, certainly, with little monitoring of their use: Over 20% of the sites visited by Thrive by Five provided food that was not aligned to the menu on the day.⁴¹ But, as importantly, the Nutrition Guidelines offer little to nothing in the form of advice on managing costs, for instance, by planting food gardens for fresh produce. Based on Thrive by Five data, ELPs with access to a food garden are more likely to provide vegetables and proteins in meals. Moreover, the accompanying training manual, though finalised, is yet to be rolled out, with too few ECD practitioners having received training on implementing the guidelines or on the importance of nutrition and healthy eating.



IMPROVING IMPLEMENTATION OF NUTRITION SUPPORT

As noted earlier, the Department of Basic Education is now responsible for ensuring universal and equitable access to quality early childhood development. In respect of nutrition, this means it has both direct responsibility for the delivery of nutrition support and coordinating responsibility for the provision of supplementary nutrition and nutrition support by other departments, such as Health.⁴² This section considers the ways in which the DBE could expand and improve the delivery of nutrition support to early learning programmes, in line with its obligation to ensure young children get the nutrition they need to thrive. More specifically, it explores the potential of leveraging the National School Nutrition Programme while drawing lessons from it and considers three potential implementation models of delivering nutrition support to ELPs, before recommending a flexible dual implementation approach.⁴³

Potential implementation models

Provincial procurement and delivery

The first model would entail procurement and delivery of food by provinces, which would be especially suited for ELPs with limited resources and capacities. In provinces implementing the centralised NSNP model, the provincial education department (PED) appoints service providers to procure and deliver food to schools. The model is implemented in Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, and the Western Cape, where PEDs engage service providers to procure and deliver food while transferring funds to the schools to pay stipends to volunteer food handlers and procure fuel. Several private feeding schemes also operate

in a broadly similar manner. The Lunchbox Fund, for example, delivers fortified maize porridge (breakfast) and groceries (lunch) on a monthly basis to partnering ECD programmes, which must supplement them with fresh vegetables. The Pebbles Project, meanwhile, prepares and delivers frozen meals on a weekly or biweekly basis to partnering ECD centres.⁴⁴ Considerable experience and expertise, as well as resources and networks, thus exist for PEDs to potentially draw on.

In the decentralised NSNP model, the provinces (Eastern Cape, Free State, Northern Cape, and North West) make payments of funds to schools, which, in turn, appoint service providers to deliver food to them. Because ELPs are small and not state entities, if this model were applied to the ECD sector, it would be more comparable to direct transfers (discussed next).

Direct transfers

The second model is direct transfers. In this model, funds would be transferred directly to ELPs for the purchase and preparation of nutritious food, requiring them to have bank accounts and the ability—kitchen facilities, refrigeration, and access to water—to prepare meals (as most do). Kenya, for example, uses this model to implement its Home Grown School Meals Programme for children in pre-primary and primary schools in arid and semi-arid counties as well as informal settlements. Closer to home, this is how the ECD subsidy, with its nutrition allocation, is currently provided, though only to some eligible children at registered ELPs. Were this model to be implemented at scale in the ECD space, in particular to reach unregistered ELPs, it would be more feasible and efficient for PEDs to transfer funds, not to the ELPs directly, but to strategic implementing partners as intermediaries, who are likely to be needed for a number of roles, such as beneficiary identification and verification, monitoring, and reporting. This is due to the sector's peculiarities, including the huge variation in terms of where ELPs are located, how they are run, what capacities and facilities they have, and which services they provide.

Digital voucher system

The third model would involve delivering electronic vouchers for the purchase of nutritious foods to verified beneficiaries via SMS on a regular basis. Such a digital voucher system was recently implemented by Ilifa Labantwana and its partners to provide relief to unregistered ELPs during the coronavirus disease 2019 (Covid-19) pandemic. Food vouchers were delivered to verified ELP beneficiaries on a biweekly basis and to their staff (as income relief) on a monthly basis, for redemption at local spaza shops. The project reached 1,700 programmes, 6,210 ECD staff, and more than 30,000 children. ForAfrika (formerly Joint Aid Management or JAM) also piloted a similar voucher system, albeit targeted at households with children (rather than ELPs), during the pandemic, while the Department of Social Development provides food vouchers in varied forms (e.g. supermarket gift cards) for social relief of distress.

Box 3 presents the potential advantages and challenges of using each model to scale up nutrition support to ELPs. Droomer et al. further compare the three models on five attributes: complexity of implementation mechanism, level of choice and food diversity, cost-efficiency, opportunity to support local food economies, and risk of fraud. They find direct transfers to be the most supportive of food choice and diversity, most cost-efficient, and most supportive of local food economies while being the simplest to implement. The model also has the lowest risk of fraud, though a potentially greater risk of mismanagement of funds. The digital voucher system performs better only in terms of supporting local economies, while offering no other significant advantages over direct transfers, given that a majority of ELPs—75% in the 2021 ECD Census—report having a bank account in the programme's name.⁴⁵

If anything, using vouchers has the added disadvantage of requiring the setting up, as well as maintenance arguably, of a new, complex, and technologically intense system. While being the best suited for the smallest ELPs with the least resources, the provincial procurement and delivery model performs worst, according to Droomer et al., on all the attributes. But, as they point out, it cannot be excluded from consideration in view of its ability to reach the most vulnerable programmes—and most vulnerable children. Further, despite the varying risk, all three models require a strong system to support whistle-blowing and address potential corruption and mismanagement.



Box 3. Potential advantages and challenges of three different implementation models

Provincial procurement	Direct transfers	Digital voucher system
Advantages		
<ul style="list-style-type: none"> • Has potential to produce economies of scale • May be easier to manage • May promote transparency • Has lower administrative burden for early learning programmes (ELPs)* • Can reach unbanked early childhood development (ECD) providers 	<ul style="list-style-type: none"> • Uses/leverages existing subsidy systems, with no additional costs except for an increase in capacity for implementation at scale • Supports local businesses and development of local food systems • ELPs can run business processes more efficiently* • Allows ELPs to hold service providers more accountable* • Offers ELPs more choice and flexibility 	<ul style="list-style-type: none"> • Can be easy to run/manage, once set up • May be fairly cost-efficient • Can support local businesses and development of local food systems • Has reduced burden of compliance with respect to procurement, accounting, and reporting for ELPs • Can reach unbanked ECD providers
Disadvantages		
<ul style="list-style-type: none"> • Cost savings may be offset by logistical challenges, including the need for small and frequent deliveries to ELPs with inadequate or insecure storage • May need supplementation with locally procured or home-grown fresh produce • Offers ELPs less food choice and flexibility • Involves lengthy procurement process that may delay delivery* • Can have negative impact on the external market and reduce competitiveness in the long term • Pools risk of failure, fraud, and corruption 	<ul style="list-style-type: none"> • Higher administrative burden related to procurement, accounting, and reporting for ELPs* • Requires ELPs to have adequate kitchen/meal preparation facilities • Requires more training/guidance to be provided to ELPs • Requires better monitoring of ELP compliance with Nutrition Guidelines • Has risk of mismanagement of funds by ELPs / Has greater need for more careful management given potential for delays in funds transfers* • May be challenging for ELPs in areas with few service providers • May not be accessible to the most vulnerable ELPs 	<ul style="list-style-type: none"> • Can be complex to set up, with beneficiary verification posing a particular challenge • Can be technologically challenging to run, or keep up to date (e.g. with beneficiary details) • Likely to require problem-solving support from implementing partners on the ground • Has reduced choice, with voucher redemption limited to a specific retail group

Note: * indicates learnings from the National School Nutrition Programme.

Source: Laura Droomer, Tarryn Cooper-Bell, Sheniece Linderboom, Kayin Scholtz, and Donela Besada, "Implementation strategies for nutrition support to children in early learning programmes", *Real Reform for ECD Right to Nutrition Series*, 2023.

A dual implementation approach

Bearing in mind the nature of the ECD sector, as well as the lessons of the NSNP, Droomer et al. suggest adopting a dual implementation approach using two models—direct transfers, and provincial procurement and delivery—in order to reach all eligible children at both registered and unregistered programmes (See Figure 1), while being context-sensitive, respecting the agency of ECD providers, and leveraging existing systems and resources. This approach would involve the following:

- ↔ Using direct transfers to reach all eligible children at registered ELPs.
- 🛒 Using two variations of the provincial procurement and delivery model to reach all eligible children at unregistered ELPs.
 - In the first variation, in provinces that use the centralised NSNP model, the PED would use existing NSNP service providers to also procure and deliver food/meals to nearby unregistered ELPs.
 - In the second variation, in provinces that use the decentralised NSNP model, the PED would appoint and contract new commercial service providers or strategic implementing partners to procure and deliver nutrition support to unregistered ELPs.

Droomer et al. further recommend additional research to identify suitable modalities for unregistered ELPs that lack the kitchen and storage facilities to benefit from either model. This approach is not entirely novel; rather, it echoes the flexibility and context-specificity of the way in which the NSNP is currently delivered, with some provinces using the decentralised model while others use the centralised model, with further variation in implementation within each model.

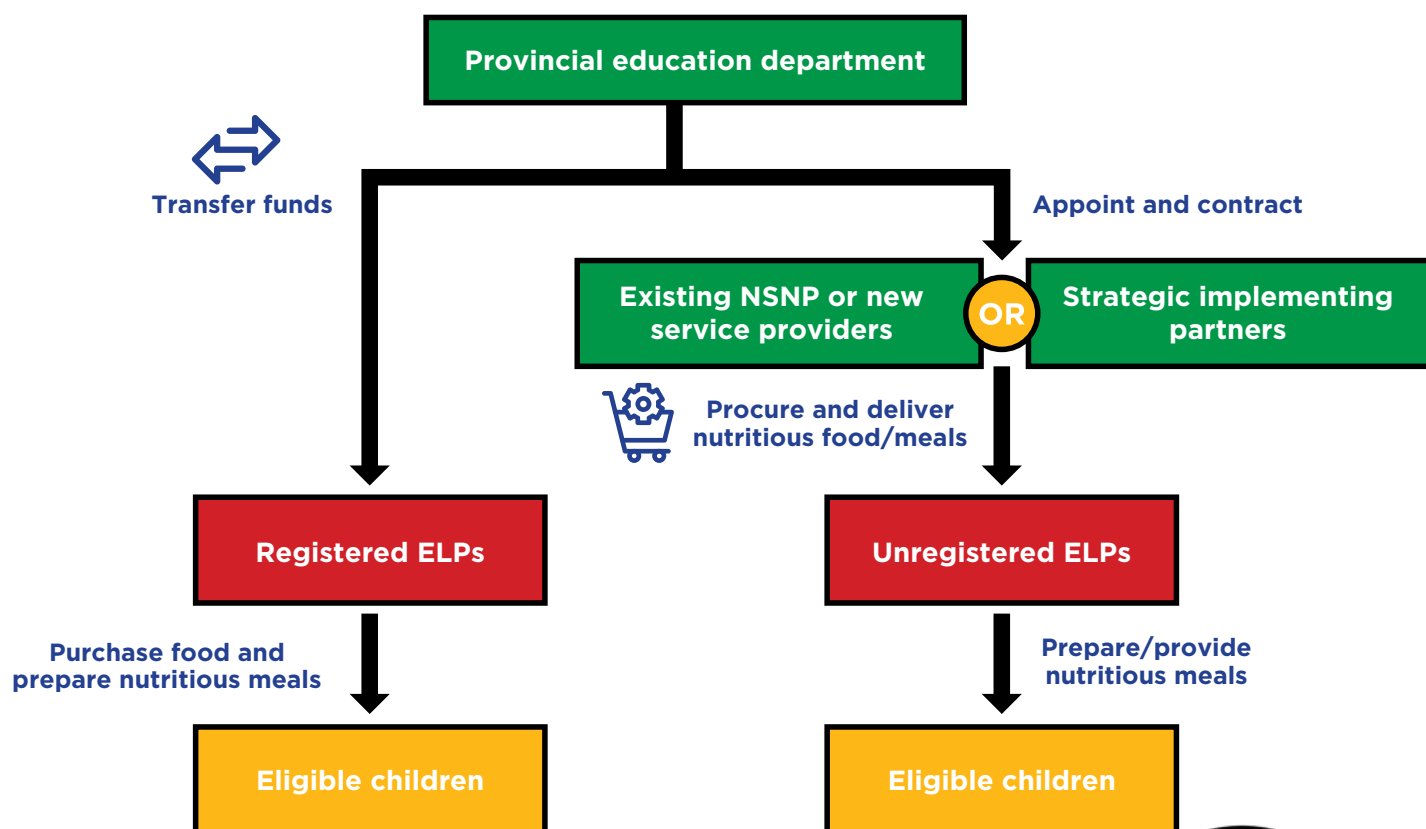


Figure 1. Dual implementation approach



As noted earlier, ECD programmes vary considerably. Some have more resources and are better equipped; some are located in high-density urban areas, while others are located in remote rural areas with more limited access to shops and service providers; and they are run in varied formal and informal ways. In other words, while a majority of ELPs are able to prepare food on-site, not all are, and there is considerable variation in terms of kitchen infrastructure and capacities. Given this, as Droomer et al. point out, “A one-size-fits-all approach is highly likely to become exclusionary for many ELPs”.⁴⁶ They suggest implementing the dual implementation approach flexibly, in a manner that allows for different ways of delivering nutrition support to different types of ELPs and partnership with stakeholders including, among others, ECD-focused non-governmental organisations (NGOs), existing feeding organisations, and local farmers.

Role of civil society and private sector actors

Regardless of the model or approach used, and beyond roll-out and immediate implementation, it would be important to provide regular support and do regular monitoring and reporting—to ensure funds are used for their intended purpose of providing adequate nutrition to eligible young children. There may be an opportunity here to leverage existing NSNP resources (e.g. service providers and networks) and processes (including monitoring, reporting, and responding processes), not only to support schools as well as ELPs, but also to ensure systems of accountability for both.

Equally, there is an opportunity, as noted earlier, to draw on research and training organisations, NGOs, as well as private sector actors already operating in the ECD sector as strategic implementing partners; i.e. to use “the existing ecosystem of nutrition support”.⁴⁷ Leveraging ECD-focused civil society actors and existing feeding organisations can, among other things, save resources and time; help reach more ELPs, especially unregistered programmes and programmes in hard-to-access areas; and contribute to the development of tailored, evidence-informed interventions.⁴⁸ They can further

support implementation through varied functions, ranging from data collection to procurement and delivery, as well as monitoring and reporting, on behalf of or in partnership with PEDs and district officials.

Estimated costs

Finally, what will this cost? While the right to basic nutrition is immediately realisable in legal terms—and not to forget, a human rights imperative—budgetary constraints are hard to ignore.

The estimated cost of providing meals based on an ideal menu, i.e. a menu aligned to the Nutrition Guidelines, to young children attending ELPs is R12.09 per child per day (at wholesale prices). This includes the costs of food items, fuel, transport, and related overheads, and it is comparable to the World Bank recommendation-based costing (R12.40) discussed earlier. The current allocation of R6.80 from the ECD subsidy towards nutrition is significantly lower than this cost of implementing the ideal menu. The estimated total cost of providing the ideal menu to all eligible children at all attendance-based ELPs, regardless of their registration status, would be R4.8 billion (based on 2023 prices), which is roughly half the budget allocation of R9.3 billion to the NSNP in 2023/2024.⁴⁹

Given the multiple demands on public funding, especially in the current, constrained economic climate, it may not be feasible to expand nutrition support based on the ideal-menu costs to both registered and unregistered programmes. What may be more feasible, at least in the medium term, is to expand access to the current subsidy so as to reach all eligible children at all registered programmes, while procuring and delivering food to eligible children at unregistered programmes (with meal preparation facilities) based on the R6.80 figure. The estimated total additional cost of reaching all eligible children in this manner would be R1.65 billion a year. To place this in context, the ECD subsidy amounted to an estimated R2.8 billion in 2021/2022.⁵⁰

There may be two possible ways to channel the funds for this expansion of ECD nutrition support, by amending existing grant frameworks the DBE already manages. The first is through the ECD conditional grant by adding a third nutrition component, alongside the existing subsidy and infrastructure components. The new nutrition component should be targeted only at unregistered programmes, while the expanded budget for registered programmes remains in the subsidy component. This would centralise ECD funding and reporting in one framework. The second possible way is through the NSNP conditional grant, by adding an ECD component with its own criteria and guidelines to it. This would centralise management of all nutrition support provided through provincial procurement, to schools and ELPs, in one framework.

The additional cost of R1.65 billion a year may seem daunting, but it represents an effort to strike a balance between what is necessary—from the viewpoints of both law and health—and what may actually be possible taking the economics of providing adequate nutrition support into account.

Here it is worth bearing in mind that by one estimate, stunting alone costs South Africa 1.3% of its gross domestic product, or about R62 billion a year.⁵¹ As the Real Reform for ECD Right to Nutrition Series' researchers altogether compellingly argue, ensuring all young children receive a nutritious, well-balanced diet is thus as much an imperative as an investment for a healthier, just, and more prosperous society.

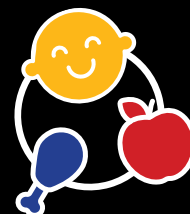
Ultimately, much more is needed to ensure universal and equitable access to quality ECD services, including nutrition support, in the long term, given that many vulnerable young children are either not enrolled at or attending ELPs. While acknowledging that, reaching those at attendance-based ELPs is a vital and necessary part of tackling the challenge. Put another way, it is but one important, targeted, and evidence-informed step, while being an opportunity to gain more knowledge for continued progress, towards realising the goal of universal access.



RECOMMENDATIONS

REFORM 1

Create an ECD nutrition programme in an adaptive staged approach



The Department of Basic Education should develop an ECD nutrition programme to ensure that all children who are eligible for the Child Support Grant and who attend an early learning programme, registered or unregistered, receive adequately nutritious meals at the ELP. As the first step in an adaptive, staged approach,

- the **ECD subsidy** of R17 per child per day should be expanded to reach all eligible children attending **registered programmes** and continue to be provided directly to the programmes.
- While working towards simplifying the registration process and supporting programmes to get registered, nutrition support should be provided to **unregistered programmes**, at a cost of R6.80 per child per day, using a provincial procurement and delivery model, which leverages the National School Nutrition Programme, where possible, as well as the existing expertise and experience of the sector.

Given the estimated total additional cost of R1.65 billion a year of taking this approach, the DBE will need to develop an implementation plan, with a costed timeline, for a phased roll-out.

REFORM 2

Test the implementation model for unregistered programmes



As part of its planned piloting of an ECD nutrition support programme, the DBE should test two mechanisms, under the broad umbrella of the **provincial procurement and delivery model**, for providing nutrition support to unregistered ELPs.

- In one or more provinces where the NSNP is implemented using the centralised model, the DBE pilot should test whether select **existing service providers** used by the provincial education department can also deliver food/meals effectively to nearby unregistered ELPs.
- In one or more provinces where the NSNP is implemented using the decentralised model, the DBE should pilot contracting select **strategic implementing partners** (NGOs or private sector actors) or new commercial service providers to procure and deliver food/meals to nearby unregistered ELPs.

Monitoring and evaluation of the pilot, though, should also include a sample of registered ELPs receiving the ECD subsidy for learnings to inform the roll-out of a programme at scale.

REFORM 3



Roll out training

The DBE should further use its pilot nutrition support programme to roll out training on implementing the Nutrition Guidelines fully to improve compliance with them; and, in the longer term, to assess their accessibility, affordability, and feasibility. The guidelines should ideally be evaluated and updated every five years to ensure they remain appropriate, relevant, and evidence-informed.

REFORM 4



Collect data

Better and more frequently collected data is critical for more evidence-informed implementation. The DBE should collect data, inter alia, on children's growth indicators (anthropometric measurements), while providing training on and supporting implementation of the Nutrition Guidelines, to track their nutritional impact; and on attendance rates to determine the impact of meal provision.

REFORM 5



Improve coordination and oversight

Greater coordination and oversight by the DBE are essential in ensuring that varied measures, led by different government departments, to deliver nutrition support are being implemented efficiently and effectively. In particular, existing mechanisms, such as the Inter-Ministerial Committee on ECD, need to be urgently strengthened and revitalised. The creation of similar coordination mechanisms at the provincial and municipal levels should also be considered.

REFORM 6



Strengthen the legislative, policy, and regulatory framework

Not only does the National Integrated Early Childhood Development Policy need to be updated to reflect the ECD function shift to the DBE, but it also needs to be revitalised. The DBE should

- in the short term, develop a stand-alone ECD nutrition policy for the roll-out of the pilot and/or new ECD nutrition programme.
- in the long term, consider legislative reforms to provide a firmer statutory basis for the ECD nutrition programme, which could include, inter alia, defining the state's duty to provide nutrition support to young children more clearly and explicitly and providing for accountability mechanisms.

APPENDIX A. LIST OF FIGURES AND BOXES

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APPENDIX B. LIST OF ABBREVIATIONS

Covid-19	coronavirus disease 2019
CSG	Child Support Grant
DBE	Department of Basic Education
DGMT	DG Murray Trust
DoH	Department of Health
DSD	Department of Social Development
ECD	early childhood development
EELC	Equal Education Law Centre
ELP	early learning programme
JAM	Joint Aid Management (now ForAfrika)
NGO	non-governmental organisation
NIECDP	National Integrated Early Childhood Development Policy
NSNP	National School Nutrition Programme
PED	provincial education department
RR4ECD	Real Reform for Early Childhood Development
SAMRC	South African Medical Research Council
Stats SA	Statistics South Africa
TREE	Training and Resources in Early Education

ENDNOTES

- ¹ National Department of Health (DoH), Statistics South Africa (Stats SA), South African Medical Research Council (SAMRC), and ICF, *South Africa Demographic and Health Survey 2016* (Pretoria and Rockville, MD: National DoH, Stats SA, SAMRC, and ICF, 2019), <https://dhsprogram.com/pubs/pdf/FR337/FR337.pdf>
- ² Anna-Marie Müller, Jessica Ronaasen, and Donela Besada, “Adequate nutrition: A pillar of early childhood development”, *Real Reform for ECD Right to Nutrition Series*, 2023.
- ³ This paragraph is drawn from Müller, Ronaasen, and Besada, “Adequate nutrition”.
- ⁴ Tatiana Kazim, “Early childhood development and the state’s duty to provide basic nutrition to young children in South Africa”, *Real Reform for ECD Right to Nutrition Series*, 2023; Müller, Ronaasen, and Besada, “Adequate nutrition”.
- ⁵ In 2022–2023, the committee members were Bridge, DG Murray Trust, Do More Foundation, Equal Education Law Centre, Equality Collective, Ilifa Labantwana, Legal Resources Centre, New Ithembalabantwana ECD Forum, Save the Children, Sisonke ECD Forum, SmartStart, and Training and Resources in Early Education (TREE).
- ⁶ The three papers are Tatiana Kazim, “Early childhood development and the state’s duty to provide basic nutrition to young children in South Africa”; Anna-Marie Müller, Jessica Ronaasen, and Donela Besada, “Adequate nutrition: A pillar of early childhood development”; and Laura Droomer, Tarryn Cooper-Bell, Sheniece Linderboom, Kayin Scholtz, and Donela Besada, “Implementation strategies for nutrition support to children in early learning programmes”.
- ⁷ Müller, Ronaasen, and Besada, “Adequate nutrition”.
- ⁸ Müller, Ronaasen, and Besada, “Adequate nutrition”. See World Health Organisation, United Nations Children’s Fund, and World Bank Group, *Nurturing Care for Early Childhood Development: A Framework for Helping Children Survive and Thrive to Transform Health and Human Potential* (Geneva: World Health Organisation, 2018), <https://apps.who.int/iris/handle/10665/272603>
- ⁹ Republic of South Africa, *National Integrated Early Childhood Development Policy* (Pretoria: Government Printers, 2015), https://www.gov.za/sites/default/files/gcis_document/201610/national-integrated-eecd-policy-web-version-final-01-08-2016a.pdf
- ¹⁰ Kazim, “Early childhood development”; Müller, Ronaasen, and Besada, “Adequate nutrition”. See Katharine Hall, Winnie Sambu, Colin Almeleh, Kopano Mabaso, Sonja Giese, and Paula Proudlock, *South African Early Childhood Review 2019* (Cape Town: Children’s Institute, University of Cape Town; and Ilifa Labantwana, 2019), <https://ilifalabantwana.co.za/project/south-african-early-childhood-review-2019-resource>
- ¹¹ Kazim, “Early childhood development”. See Julian May, Chantell Witten, and Lori Lake (eds.), *South African Child Gauge 2020* (Cape Town: Children’s Institute, University of Cape Town, 2020), <https://ci.uct.ac.za/child-gauge/cg-2020-food-and-nutrition-security>
- ¹² Kazim, “Early childhood development”.
- ¹³ Müller, Ronaasen, and Besada, “Adequate nutrition”. See Department of Basic Education, *ECD Census 2021: Report* (Pretoria: Department of Basic Education, 2022), <https://datadrive2030.co.za/wp-content/uploads/2022/09/ecdc-2021-report.pdf>
- ¹⁴ Kazim, “Early childhood development”.



- ¹⁵ Kazim, “Early childhood development”. See Department of Basic Education, *ECD Census 2021*.
- ¹⁶ Droomer et al., “Implementation strategies”. See Elizabeth Ninan Dulvy, Amanda Epstein Devercelli, Servaas van der Berg, Martin Gustafsson, Gunilla Pettersson Gelande, Jesal Kika-Mistry, and Frances Mary Beaton-Day, *South Africa Public Expenditure and Institutional Review for Early Childhood Development* (Washington, DC: World Bank Group, 2022), <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/099192001242341964/p1756791e5e59bde1ad6714d311b6261dd284d0e6d65>
- ¹⁷ Kazim, “Early childhood development”.
- ¹⁸ Kazim, “Early childhood development”; Müller, Ronaasen, and Besada, “Adequate nutrition”.
- ¹⁹ Kazim, “Early childhood development”.
- ²⁰ This paragraph is drawn from Kazim, “Early childhood development”.
- ²¹ National Policy on Food and Nutrition Security in GN 637 GG 37915 of 22 August 2014, https://www.gov.za/sites/default/files/gcis_document/201409/37915gon637.pdf
- ²² This section is drawn from Kazim, “Early childhood development”, except where specified.
- ²³ Section 39 requires courts to consider international law when interpreting the Bill of Rights.
- ²⁴ According to Kazim, section 28 does not contain a progressive realisation clause, making the rights contained in it immediately realisable, as recognised by the High Court in *Centre for Child Law v MEC for Education Gauteng*. She further argues that while the right to further education in section 29(1)(b) is subject to a progressive realisation clause, the right to basic education in section 29(1)(a) is not—calling attention to the Constitutional Court’s judgement in *Juma Musjid Primary School v Essay* in this regard. Kazim, “Early childhood development”.
- ²⁵ The eligibility criteria were clarified by the Department of Basic Education in a recent media release, on 26 January 2023, but as Kazim points out, access is also dependent on the availability of funds. Further, while the subsidy is provided on the basis of the child, it is provided through early learning programmes, which must be registered to receive the subsidy—but registration requirements are often poorly understood, onerous, and vary across provinces, and a majority of ECD programmes are not registered. Kazim, “Early childhood development”. See Dulvy et al., *South Africa Public Expenditure*; Department of Basic Education, *ECD Census 2021*.
- ²⁶ *Government of the Republic of South Africa and Others v Grootboom and Others* [2000] ZACC 19; 2001 (1) SA 46, quoted in Kazim, “Early childhood development”.
- ²⁷ Kazim, “Early childhood development”.
- ²⁸ Kazim, “Early childhood development”.
- ²⁹ Droomer et al., “Implementation strategies”.
- ³⁰ Kazim, “Early childhood development”.
- ³¹ Droomer et al., “Implementation strategies”.
- ³² This section is drawn from Müller, Ronaasen, and Besada, “Adequate nutrition”, except where specified.
- ³³ Republic of South Africa, *Nutrition Guidelines for Early Childhood Development Programmes* (Government Printers, 2019).
- ³⁴ HH Vorster, JB Badham, and CS Venter, “An introduction to the revised food-based dietary guidelines for South Africa”, *South African Journal of Clinical Nutrition* 26, no. 3 (2013): S1–164.
- ³⁵ Müller, Ronaasen, and Besada, “Adequate nutrition”.

- ³⁶ Department of Basic Education, *ECD Census 2021*.
- ³⁷ Data available at DataFirst, University of Cape Town, <https://datadrive2030.co.za/resources/the-thrive-by-five-index/>. See also S Giese, A Dawes, C Tredoux, F Mattes, G Bridgman, S van der Berg, J Schenk, and J Kotzé, *Thrive by Five Index Report Revised August 2022* (Innovation Edge, 2022); Department of Basic Education, *Baseline Assessment: Technical Report* (2022).
- ³⁸ Müller, Ronaasen, and Besada, “Adequate nutrition”; Droomer et al., “Implementation strategies”. See also Department of Basic Education, *Baseline Assessment*.
- ³⁹ Müller, Ronaasen, and Besada, “Adequate nutrition”.
- ⁴⁰ Droomer et al., “Implementation strategies”.
- ⁴¹ Müller, Ronaasen, and Besada, “Adequate nutrition”. See also Department of Basic Education, *Baseline Assessment*.
- ⁴² Kazim, “Early childhood development”.
- ⁴³ This section is drawn from Droomer et al., “Implementation strategies”, except where specified.
- ⁴⁴ Both examples here are drawn from Müller, Ronaasen, and Besada, “Adequate nutrition”.
- ⁴⁵ Droomer et al., “Implementation strategies”. See Department of Basic Education, *ECD Census 2021*.
- ⁴⁶ Droomer et al., “Implementation strategies”.
- ⁴⁷ Müller, Ronaasen, and Besada, “Adequate nutrition”.
- ⁴⁸ This paragraph is drawn from Droomer et al., “Implementation strategies” and Müller, Ronaasen, and Besada, “Adequate nutrition”.
- ⁴⁹ Droomer et al., “Implementation strategies”. See Division of Revenue Act 5 of 2023 in GN 3295 GG 48792 of 15 June 2023, https://www.parliament.gov.za/storage/app/media/Acts/2023/Act_No_5_of_2023_Division_of_Revenue_Act.pdf
- ⁵⁰ Dulvy et al., *South Africa Public Expenditure*. Unlike the National School Nutrition Programme, which is funded by a conditional grant, the ECD subsidy is funded by the ECD conditional grant and the equitable share.
- ⁵¹ Droomer et al., “Implementation strategies”. See Lucy Jamieson and Linda Richter, “Striving for the Sustainable Development Goals: What do children need to thrive?”, in Lucy Jamieson, Lizette Berry, and Lori Lake (eds.), *South African Child Gauge 2017* (Cape Town: Children’s Institute, University of Cape Town, 2017), 33–42, https://ci.uct.ac.za/sites/default/files/content_migration/health_uct_ac_za/533/files/Child_Gauge_2017_lowres.pdf



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