

# Kate O'Regan Intervarsity Moot Competition – Fact set

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## KATE O'REGAN INTERVARSITY MOOT COMPETITION

### FACT SET - 2026

#### 1. Background

The Western Cape Education Department (“**WCED**”) recently introduced a new digital admissions system known as EduMatch, designed to allocate Grade 8 learners to public high schools across the province. EduMatch was developed by a private technology company under contract to the WCED. The system uses an algorithmic decision-making model that processes and triangulates:

- Learners’ residential addresses
- Socio-economic indicators derived from census data
- Primary school performance metrics
- Available school capacity
- Sibling placement data
- Historical enrolment trends
- Transport accessibility modelling

The WCED states that the purpose of EduMatch is to:

- Improve efficiency and reduce administrative backlogs;
- Prevent corruption and preferential placement;
- Promote equitable access to high-performing schools;
- Ensure compliance with provincial feeder-zone policy.

The system automatically generates school placements on the basis of the above data. The Head of Department (“**HoD**”) may review decisions only on appeal by a particular learner on a case by case basis.

#### 2. The Applicant

A.B. is a 13-year-old learner residing in Mitchells Plain, Cape Town. She achieved high marks in Grade 7 and applied to attend Table Bay Science Academy, a high-performing public school located 9km from her home. A.B. has no siblings at the school but meets the school’s academic threshold.

In January 2025, EduMatch automatically allocated A.B. to Duneview Secondary School, located 1.5km from her home (“**the decision**”). Duneview’s most recent matric pass rate is 54%, compared to Table Bay’s 98%.

No individualised written reasons were initially provided beyond an automatic standardised notification generated by the system at 18h30 on a Sunday evening as follows:



“EduMatch has determined that the applicant has been placed in Duneview Secondary School in accordance with the provincial admissions policy. The applicant did not rank within threshold for Table Bay Science Academy.”

### **3. The Internal Appeal**

A.B.’s mother lodged an internal appeal the very next day. The HoD rejected the appeal and provided the following explanation:

- Table Bay was oversubscribed.
- EduMatch’s optimisation model prioritised learners from lower-performing primary schools within the Table Bay feeder zone.
- A.B.’s primary school was categorised as “high stability / moderate performance.”
- The system predicted that her academic outcomes would be “adequately supported” at Duneview.

The HoD declined to disclose: the weighting formula used by EduMatch; the predictive modelling criteria; the source code or algorithmic structure; and the socio-economic scoring methodology. The WCED indicated that any disclosure would compromise system integrity, enable manipulation of placements, and reveal proprietary information belonging to the private contractor.

The internal appeal was dismissed.

### **4. Proceedings in the High Court**

A.B., represented by a public interest law organisation, brought an application in the High Court, Western Cape Division arguing that the decision violated sections 9 (equality), 10 (dignity), 29(1)(a) (right to basic education), and 33 (just administrative action) of the Constitution. In particular, it was argued that automated decision-making based on socio-economic modelling constitutes unfair profiling and data-driven classification violates the rights to equality and dignity. Further, the failure to disclose the algorithmic logic used by EduMatch violated the right to adequate reasons under the Promotion of Administrative Justice Act, 2000, and the absence of human consideration in the making of the initial decision rendered it unlawful. The applicants also contended that A.B. is entitled to a basic education that best meets her educational needs.

A.B sought the following relief:

- A declaratory order that the decision was unlawful and/or procedurally unfair;
- A declaratory order that A.B’s rights to equality, dignity, a basic education, and just administrative action were violated.
- A declaratory order that the EduMatch system is unconstitutional insofar as it makes fully automated final placement decisions;
- A mandatory order requiring the WCED to issue a public apology to A.B. for the violation of her rights;



- An order substituting the decision and admitting A.B to Table Bay Science Academy; and
- A structural interdict directing the WCED to redesign the EduMatch system.

In its answering affidavit, the WCED indicated that EduMatch processes approximately 120,000 applications annually. Since implementation administrative processing time had decreased by 60%, and appeals increased by 18%. Internal WCED data also indicated that placements in historically high-performing schools now reflect slightly greater socio-economic diversity than before the use of EduMatch. The WCED noted that it could not disclose the algorithmic logic of the EduMatch system as the contract with the software developer included a confidentiality clause protecting proprietary methods. The facts submitted by the WCED were not contested.

The High Court held that the placement decision constitutes administrative action; and declared the decision unlawful on the basis that the WCED had failed to provide adequate reasons under PAJA. The matter was remitted for reconsideration with instructions to provide “meaningful reasons.” The Court declined to declare the EduMatch system unconstitutional.

The judgment is appealed to the Supreme Court of Appeal.

#### **5. Instructions**

Prepare heads of argument in the Supreme Court of Appeal for (i) A.B and her mother (the appellants); and (ii) the MEC for Education, Western Cape and HoD for the Western Cape Education Department (the respondents).