

SOCIAL ASSISTANCE AMENDMENT BILL,

2016

**PRESENTATION TO PORTFOLIO
COMMITTEE ON SOCIAL DEVELOPMENT**

SECRET

INTRODUCTION

Main objectives of the Amendment Bill:

- To empower the Minister, with the concurrence of the Minister of Finance, to make additional amounts available for social grants.
 - Implement the extended CSG policy which was approved by Cabinet in December 2016
 - Regularise the practice of paying additional amounts on the OPG for those over 75
- Removal of the reconsideration provision in the Act
- Facilitate the establishment of an Inspectorate

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EXTENDED CSG POLICY

- South Africa is presently faced with an increasing number of orphans.
- The vast majority of these orphans are raised in safe and secure environments, usually with grandparents or other family members.
- However, due to high levels of poverty in the country, the Foster Child Grant (FCG) has become the default (over the CSG).
- Some families taking care of orphans have managed to navigate the foster care system, however the vast majority have not been able to access the foster care system due to overwhelming numbers.
- The FCG and foster care system was originally only designed for children in need of “care and protection” and cannot handle the huge influx as a result of the high number of orphans in the country.
- This also compromises the system as a result, more vulnerable children may not be able to access the foster care system.

EXTENDED CSG POLICY

- The implication is that the FCG, which was meant to be a temporary “child protection” measure has become a permanent “poverty relief” benefit; and
- as a result has clogged up the system of processing foster child benefit for social workers and for the justice system resulting in administrative challenges and court interventions over the last decade.

EXTENDED CSG POLICY

- Policy intervention
 - increase the value of the CSG for orphans and children in child-headed households.
 - This is not a new grant but builds on the success of the existing CSG.
 - It lends itself to create a differentiated intervention through the grant system that can provide for specific needs for certain categories of children, particularly those that need additional support.
 - The policy intervention proposes a higher value for CSG (+50%), which may be determined by the Minister of Social Development in concurrence with the Minister of Finance from time to time.
 - The provision would require neither a court process nor the associated social work process for placement, and will be administered in the same manner that CSG is currently administered (normal application procedure as stipulated in the Social Assistance Act and Regulations would still apply).

EXTENDED CSG POLICY

- Legislative intervention
 - An amendment to the Social Assistance Act to empower the Minister of Social Development with concurrence of the Minister of Finance to:
 - Determine additional amounts payable on the existing grants
 - Make regulations for the qualifying criteria for these additional amounts.

EXTENDED CSG POLICY

- Cabinet approved the policy in December 2016
- NT has already considered the financial implications and have committed to funding
 - Minister of Finance's response to Mr. MS Shackelton's parliamentary question (NW438):
 - The budget for social grants over the 2019 MTEF period also includes an allocation for a new policy proposal for a top-up CSG for double orphans, at a rate of 150% of the CSG (i.e. R615). Implementation is anticipated in 2020/21 with an initial budget of R344 million and growing to R1 billion in 2021/22.
- The policy has also been widely consulted with civil society and is part of the legal solution proposed in the North Gauteng High Court judgement

REMOVAL OF THE INTERNAL RECONSIDERATION MECHANISM

- The current reconsideration mechanism within SASSA, allows for an administrative review of the process of decision making within SASSA
- This is over and above SASSA's own quality control processes and causes significant delays to access the right to appeal in relation to social grants, without any substantial value added.
- The amendments seek to remove the reconsideration mechanism and allow for direct access to an appeal to the Tribunal regarding a grant application or review within SASSA.
- It also puts in place more stringent time frames for appeals, which will reduce the time period in which an application for appeal should be considered by the Tribunal from 180 days to 90 days

INSPECTORATE

- Section 24 of the Social Assistance Act provides for the establishment of an Inspectorate for Social Assistance.
- This section however has never been promulgated as the department was not ready to implement the function.
- Section 24 (1) also incorrectly classifies the Inspectorate as a government department.
- The department has finalised the business case for the Inspectorate (as a government component) and has obtained the necessary funding to establish it.
- The amendment seeks to change the Section 24 (1) which designates the Inspectorate as a government department, to that of a government component.

RECOMMENDATION

It is recommended that Parliament notes the amendments and commence the processing of the Bill

Re a leboga, Thank you, Ria Livhuwa, Dankie, Siyabonga, Siyabulela!!!!

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