



Alliance for Children's Entitlement to Social Security

SOCIAL SECURITY POLICY AND LAW REFORM UPDATE

April 2003

Produced for ACCESS by the Children's Institute (UCT)

This update contains current information on the social security policy and law reform processes that affect children. We will be sending you an Update every month. We hope that this information is useful to you. Please contact us if you have any thoughts, views, ideas or questions on social security policy or law reform.

Some of the ways in which you can participate in the policy and law reform processes:

- ❖ Communicate with your local MP about what you and your organization are doing and what you think of the laws and policies that are being proposed, through visits to their constituency offices, telephone calls, letters, faxes etc.
- ❖ Talk/write to your MEC. You can also meet with provincial and local officials, particularly those involved with social development, health, education or finance, to raise your concerns.
- ❖ Have meetings or discussions with other people in your community about how the proposed laws and policies might affect you, or ideas for what kinds of policies or laws you would like to see in place.
- ❖ Send submissions on the proposed laws to the Department and to Parliament when they call for submissions.
- ❖ Use local and national media to inform others about the social security reform and important issues in your community. Use community radio, write letters to the editor, or opinion articles for local and national newspapers. Ask your local station to do a story on the reform processes that are currently happening or talk about your own or your organization's experiences with these issues.

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Extension of the Child Support Grant

Latest Developments: Government has made a decision to extend the Child Support Grant in phases to children under the age of 14 years over a period of 3 years.

- The first phase is from 1st April 2003 to 31st March 2004
Children under the age of 9 may apply for the CSG during this phase.
- The second phase is from 1st April 2004 to 31st March 2005
Children under the age of 11 may apply for the CSG during this phase.
- The final phase is from 1st April 2005 to 31st March 2006
Children under the age of 14 may apply for the CSG at this stage.

The extension will be included in the regulations to the Social Assistance Act. The regulations have been submitted to Cabinet and come into effect on 1 April 2003.

There is some confusion as to how the phased in approach will work. The Department is putting together a communications strategy to make it clear for potential applicants.

Background: The current Child Support Grant was introduced in 1998 as government's primary programme aimed at very poor children under 7 years of age. The grant now reaches 2, 6 million children under 7. The Department has projected that the extension of the grant from children under 7-years to children under 14-years, will add a further 3.2 million children to the programme. An extra R10, 9 billion has been allocated to the Department in order to implement the extension over a three year period.

The Minister of Social Development, in response to a question in Parliament as to whether the CSG will be extended to all children under 18 years, said that "it is hoped that in future the grant will progress to cover all children up to 18 years of age". (5 March 2003). The extension of the Child Support Grant to all children under 18 years of age is one of the recommendations of the Report of the Committee of Inquiry into Comprehensive Social Security System for SA.

For more information contact Selwyn Jehoma at the Department of Social Development on (012) 312 7746 or 7747 or email: jehomas@socdev.gov.za

What is ACCESS doing? Before ACCESS came into being, many of ACCESS's members were already busy campaigning for the extension of the CSG to 18. Since March 2001, when ACCESS was formed, all these organizations have been working together. This working together through an Alliance structure has helped to ensure the first victory for the Extension of the CSG Campaign - the extension to age 14.

ACCESS members will continue to campaign for the extension of the grant to all children under 18 years.

With regards to the implementation of the phased in extension to children under 14 years, ACCESS members have been liaising with the Department of Social Development to get clarity for members and the public in general on how the phased-in system will work. ACCESS will assist the Department to accurately and clearly publicise the extension of the CSG, and help people to register.

For more information, contact Solange Rosa or Paula Proudlock (Children's Institute - UCT) solange@rmh.uct.ac.za, 084 408 2956 or paula@rmh.uct.ac.za 021 – 685 1583

Reform of South Africa's Social Security Policy Report of the Committee of Inquiry into a Comprehensive Social Security System

Latest Developments: Cabinet will be discussing and making decisions about a Comprehensive Social Security System, at the July 2003 Cabinet Lekgotla. The Report of the Committee of Inquiry into a Comprehensive Social Security System for South Africa will be discussed by Cabinet at this meeting and decisions will be taken as to the social security policy reform direction.

Background: The Committee of Inquiry (COI) was established by Government as a research and advisory body to inform government's social security policy reform process. The Committee's task was to investigate options for reforming South Africa's social security system. This involved examining the poverty problem in South Africa; looking at the current social security system, including all the social grants (eg. child support grant and the pension); and making recommendations for reform.

The Report recommends that South Africans should have a package of grants, benefits and services to protect them against poverty:

To address Income Poverty, the Committee recommended that three universal grants be provided. Through these grants it is hoped that everybody would get a basic minimum grant to reduce poverty. Universal means that everybody should get them. The three grants are the Basic Income Grant (for everyone above 18 but below 65), the Child Support Grant (for children 0 to 18 years) and the Pension (old people over 65).

To provide for special needs of children e.g. those living with disabilities, chronic illness or children who are forced to live apart from their parents: The report recommends the Foster Care Grant for children in alternate care (not living with their parents) and the Care Dependency Grant for children who are disabled. It suggests that the way we define disability must be broader to include children who are chronically ill, including those with HIV/AIDS.

The Committee further recommends that a basic package of services must be available – according to the report these services will be provided to everyone (universal) or may have some rules limiting who can benefit from them, including free and adequate public health care, free primary and secondary school, free basic water and sanitation, free basic electricity, accessible and affordable public transport, access to affordable and adequate housing, and access to jobs and skills training.

For more information contact Selwyn Jehoma at the Department of Social Development on (012) 312 7746 or 7747 or email: jehomas@socdev.gov.za

What is ACCESS doing? ACCESS was formed in March 2001 primarily as a vehicle for the children's sector to engage with the national social security policy reform process. Since March 2001, ACCESS has sent numerous submissions to the COI, Department of Social Development and Parliamentary committees on Social Development. The submissions have put forward

ACCESS members recommendations for a new comprehensive social security system that prioritises children. The majority of ACCESS's recommendations, stemming from the March 2001 workshop, were incorporated into the COI Report Recommendations that Cabinet will be considering in July 2003.

ACCESS has recently requested the Portfolio Committee on Social Development to hold public hearings on the Recommendations of the Report. These hearings are scheduled to take place in May 2003.

For more information, contact Solange Rosa or Paula Proudlock (Children's Institute, UCT) solange@rmh.uct.ac.za, 084 408 2956 or paula@rmh.uct.ac.za, 021 - 685 1583

Amendment of the Social Assistance Act

Latest Developments: The Department of Social Development is reviewing the Social Assistance Act and has proposed a new draft Social Assistance Bill to replace the current Act. The draft bill was circulated for comment to a selected mailing list in January 2003 and is now on its way to Cabinet for approval.

Background: The Social Assistance Act provides social grants for the following categories of people: the aged (women over 60 years of age, and men over 65 years of age); adults with disabilities; children in foster care; children with severe disabilities; and very poor children under the age of seven. The Report of the Committee of Inquiry into a Comprehensive Social Security System for South Africa identified a number of categories that remain uncovered by social assistance. These include children over the age of seven, children with chronic illnesses and disabilities who do not meet the strict medically based disability criteria, all unemployed adults who are not yet old enough to qualify for a pension and all non-citizens.

The new draft Social Assistance Bill comes at a time when Cabinet has not yet met to discuss and make decisions with regards to social security policy reform. Cabinet will be meeting to take these decisions in July 2003. The bill will therefore be adapted again after Cabinet has met in July and taken decisions with regards to the recommendations of the Committee of Inquiry into a Comprehensive Social Security System for South Africa.

For more information contact Selwyn Jehoma at the Department of Social Development on (012) 312 7746 or 7747 or email: jehomas@socdev.gov.za

What is ACCESS doing: Since March 2001, ACCESS has been providing input to the Department of Social Development on issues relevant to the Social Assistance Act. Most recently, when the Department asked for comment on the draft Social Assistance Bill in January 2003, ACCESS and partner organisations made a submission to the Department of Social Development. The submission included suggestions on how to enable vulnerable children, including child-headed households, refugee children, street children and children affected and infected with HIV/AIDS to access social assistance. Some concerns were addressed by the Department, however, critical issues on vulnerable children accessing social assistance are outstanding. The Department has said that these issues should be dealt with in the Children's Bill process.

ACCESS is planning to make further submissions to the Department and to Parliament. We will also be organizing meetings between members and Departmental officials to discuss the critical gaps in more detail.

For more information, contact Solange Rosa or Paula Proudlock (Children's Institute, UCT) solange@rmh.uct.ac.za, 084 408 2956 or paula@rmh.uct.ac.za, 021 - 685 1583

Draft Children's Bill

Latest Developments: In January 2003, the South African Law Commission (SALC) finished its 5 year process of reviewing and re-writing the 1983 Child Care Act. The Department of Social Development is now in the process of getting the draft bill ready for Cabinet approval. The Department organized an interdepartmental workshop on the draft bill from 17-19 March 2003. The draft bill was to be submitted to Cabinet by the end of March but this has not yet happened.

Background: The Draft Children's Bill constitutes a comprehensive rewrite of the 1983 Child Care Act. The re-write is aimed at: ensuring that the new Act takes into account South Africa's International Law and Constitutional obligations towards children; harmonising all relevant child care legislation; and Africanising our child care system. The draft bill contains a list of children's rights. This list does not merely incorporate a list of the rights in the Constitution, but elaborates on the Constitutional rights and provides greater clarity on how they should be interpreted and the obligations that flow from the rights. The draft Children's Bill also contains a social security scheme for children that includes a child support grant for all children under 18 years of age.

For more information contact Ashley Theron at the Department of Social Development on (012) 312 7771 or email: ashley.theron@socdev.gov.za

What is ACCESS doing: Since March 2001, ACCESS has been providing information to the SALC and the Department with regards to the social security aspects of the Children's Bill. ACCESS is on the National Working Group which is leading the process for debate and discussion amongst civil society and assisting with coordination of input into the draft bill when it goes to Parliament. Within this National Working Group, ACCESS will facilitate debate, discussion and input on the social security provisions, including how they affect vulnerable children.

For more information on the social security aspects of the Bill, contact Solange Rosa (Children's Institute, UCT) on 084 408 2956, solange@rmh.uct.ac.za

For information on other aspects of the Bill and the National Working Group, please contact Zama Mvulane, (Children's Institute, UCT) on 021 – 689 5404 or zama@rmh.uct.ac.za

Draft National Social Security Agency Bill

Latest Developments: The Bill is currently with the Department of Social Development and will be submitted to Cabinet shortly. The Department has briefed the Portfolio Committee on Social Development on the draft Bill.

The time frame originally proposed by the Department of Social Development was to table the bill in Parliament before the 20th March 2003, thereafter it would follow the legislative process to the National Assembly (NA) and the National Council of Provinces (NCOP). However, the Bill has not yet been approved by Cabinet so it cannot yet be tabled in Parliament.

A detailed report is expected to be given to Cabinet by June/July 2003. The appointment of a Board and executive is expected to ensue between December 2003 and April 2004. The transfer of functions, staff, and assets is expected to take place as from June 2004 to 2006. However, the dates are subject to change.

Background: The draft National Social Security Agency Bill seeks to create a separate public entity outside of the public service that will be primarily responsible for the delivery of social grants. Over time, the IT and physical infrastructure of the Agency could also be used to deliver other cash transfers and benefits such as UIF, Workmen's Compensation. This would move us towards an integrated social security delivery service.

The draft bill was submitted to the National Treasury, the Department of Social Development and the Department of Public Service and Administration (DPSA). The proposal was that a specialist institution be established to manage and administer social grants. The Agency would be a public entity in terms of Schedule 3A of the Public Finance Management Act. It was further proposed that a Transitional Committee from the 3 departments be established to carry this work forward. In October 2002, the Cabinet gave their approval in principle to the setting up of an Agency.

For more information contact Selwyn Jehoma at the Department of Social Development on (012) 312 7746 or 7747 or email: jehomas@socdev.gov.za

What is ACCESS doing? ACCESS is monitoring progress on the Bill and has requested the Portfolio Committee on Social Development to hold public hearings on the Bill. ACCESS is advocating for more discussion and debate on this Bill based on the recommendations of the Report of the Committee of Inquiry into a Comprehensive Social Security System for South Africa. A submission is being prepared by the Socio-Economic Rights Project at the Community Law Centre (UWC) on behalf of a civil society alliance of organizations including ACCESS, the Unions and others.

For more information, contact Patricia Martin (ACCESS) on 021 - 7611468, patricia@access.org.za or Prof Sandy Liebenberg (Socio Economic Rights Project, CLC) on 021 -959 2950, sliebenberg@uwc.ac.za

Acknowledgements

Parliamentary Monitoring Group, Contact Trust, Department of Social Development, Black Sash, Socio-Economic Rights Project (CLC at UWC).