



children's
institute

child rights in focus
Research • Advocacy • Education

Submission on the Draft Social Assistance Amendment Bill

By

Lucy Jamieson and Charmaine Smith

Children's Institute, UCT

lucy.jamieson@uct.ac.za

04 April 2008

The Director-General
Attention: Mr. Puseletso Leselo
Department of Social Development
Private Bag X901
Pretoria
0001

134 Pretorius Street
HSRC Building, Room 619N
Pretoria
0001

Telephone 012-312 7106
Fax: 086 513 1925
Email: Puseletsol@dsd.gov.za

4 April 2008

**Re: Notice 385 of 2008, Submission on the Social Assistance
Amendment Bill**

1. Introduction

We thank you for the opportunity to comment on the amendments to the Social Assistance Act proposed by the Department of Social Development. Whilst we welcome the move to equalise the age qualification for the older person's grant for men and women, we call on the Department to afford the same protection to children by extending the child support grant to all poor children under the age of 18.

In terms of section 27 of the Constitution the State has an obligation to progressively realise the right to social security. While the Minister of Finance in his 2008 Budget announced an extension to children under 15 years starting in 2009, no time frames or plans have been put forward by the government for a phased-in extension for children aged 15 – 17 years.

Projections by Budlender in 2008¹ of the government's future income and expenditure show a CSG extension is affordable and will have a very small impact on the country's budget. See the attached document for the details on how these projections were calculated.

2. The impact of excluding children aged 15-18 from the CSG

Parents and families are primarily responsible for their children's care and protection, however, the State must ensure that families are equipped to fulfil this responsibility. This obligation is enshrined in international law and the Constitution. The State gives effect to this obligation by providing a range of related social welfare programmes such as health care, water, housing, education, and social security as well as social services to strengthen families and help them care for their children. These services form a comprehensive package of care and support for families and children, however, the child support grant is often the key to accessing the whole package. Furthermore, the absence of an easily accessible poverty alleviation grant for 15 – 18-year-olds creates "special" vulnerabilities for this group that are not adequately addressed by other social welfare programmes.

2.1 Education abandoned

Analysis of the General Household Survey 2006 shows a decline in school attendance after 14, with 16 – 17-year-olds worst affected. Calculations show that attendance rates dropped from 97.2% for 14-year-olds to 85.4% for 17-year-olds. GHS analysis a year earlier, indicated that lack of money for school fees is the main reason why 14 – 17-year-olds don't go to school.² The high school drop-out rate is a serious social problem and could leave children trapped in poverty as adults. Research by the Economic Policy Research Institute (EPRI) and by Budlender and Woolard show that the CSG increases school enrolment and attendance³.

¹ Budlender D (2008). There is Plenty of Money to Extend the CSG. March 2008.

² Statistics South Africa (2006) General Household Survey 2005. Pretoria: Statistics South Africa. Analysis by Debbie Budlender, Centre for Actuarial Research, UCT.

³ Budlender D & Woolard I (2006) The impact of the South African child support grant and old age grants on children's schooling and work. Geneva: International Labour Organisation.

2.2 Participation in harmful forms of child labour or crime

Research by the multi-year programme “Towards the Elimination of the worst forms of Child Labour” shows that poverty exacerbates children’s chances of getting involved in harmful or hazardous forms of child labour: commercial sex work, being trafficked, scavenging at waste sites, or being used by adults to commit crime. These children can end up in the child justice or child welfare system, requiring the services of social workers, the courts and placement in alternative care – all at a high financial cost to the State.

2.3 Education compromised

Poor children spend more time contributing directly or indirectly to household income, according to a 2001 World Bank strategy paper.⁴ Older, poor children who manage to stay enrolled at school therefore are less likely to spend time on school work, and are more likely to be tired and ill-prepared for learning when they are at school.

2.4 Exclusion from automatic grant-holders benefits

Fees for secondary and tertiary health care are automatically waived for children under six, and for social grant beneficiaries. Older children who do not receive a grant have to pass a complicated means test to prove they are poor enough to qualify for free health care at these levels. The same goes for school fee exemptions if they do not attend a no-fee school. Research by Hall, Leatt and Rosa also found that some schools are using the CSG as a criterion for determining which children can access school feeding.

2.5 General health needs and access to services

Access to hospital care as well as to sexual health services is crucial for older children. Analysis of the GHS 2006 shows that an estimated 1.65 million children aged 14 – 17 years need to travel more than 30 minutes to reach their nearest clinic. The CSG can help with the transport costs related to accessing health care. A study by De Koker, De Waal and Voster indicated that 93% of households receiving the CSG reported improved general health⁵.

2.6 Nutritional needs

High school learners are generally not reached by school feeding⁶, although the teenage years are crucial for physical development. Koker et al show that more than 80% of CSG households reported buying food first, and a 2004 EPRI study indicates that “social grants promotes better nutrition and education outcomes”.

⁴ World Bank (2001) A Chance to Learn, Knowledge and Finance for Education in Sub-Saharan Africa. Africa Region Human Development Series 22005, February 2201. New York: Word Bank.

⁵ Department of Social Development (2001) Annual report 2000/2001. Pretoria: D.SD. De Koker C, De Waal L & Voster J (2006) A profile of social security beneficiaries in South Africa. Department of Sociology & Social Anthropology, Stellenbosch University. Commissioned by the Department of Social Development, June 2006.

⁶ Some secondary schools have introduced school feeding in a response to the needs of poor high school learners.

3. The CSG can reduce the need for costly social services

South Africa's developmental social welfare policy recognizes that widespread poverty is a driver of social problems and emphasises prevention and early intervention such as social assistance grants, early childhood development and family support programmes. This developmental approach reduces the need for tertiary and other expensive services like court inquiries and placement in children's homes.

Social grants like the Child Support Grant reduce the burden of poverty and support parents and other caregivers to provide for children's basic needs. Grants can therefore prevent children from being taken into state alternative care because of vulnerabilities caused by poverty, such as neglect and abandonment. Therefore, within a developmental social welfare system, grants and early intervention and prevention services go together in working against the need for expensive tertiary services.

However, the current use of the Foster Child Grant to provide poverty relief to relatives caring for children may be doing the opposite as it is unnecessarily pulling children and families into the costly protection and alternative care system.

4. The lack of CSG leads to the FCG being used for poverty relief

The 2000/2001 annual report of the Department of Social Development states that 49,843 children were in foster care by April 2000. In comparison, administrative data from the department for May 2007 show that 398,068 children were receiving the FCG. This is a 700% increase, which can be partly attributed to the increasing number of children in need of care due to HIV/AIDS who stay with relatives in need of income support. The table below presents the number of children receiving the FCG and CSG respectively, by age group, for that month.

Child Support Grant			Foster Care Grant		
Age groups	Number	%	Age groups	Number	%
0 – 5 years	2,881,467	36.3	0 – 5 years	19,106	4.8
6 – 12 years	4,170,695	52.5	6 – 12 years	175,341	44.0
13 years*	887,030	11.2	13 – 17 years	203,621	51.2
Total	7,939,192	100	Total	398,068	100

* The CSG discontinues when a child turns 14.

Source: Department of Social Development (2007) SOCPEN data for May 2007

The data show that, in May 2007, the majority of children receiving the CSG were in the 6 – 12-year age group, while the majority receiving the FCG were 13 – 17-year-olds. In the absence of a social grant for older children who are not cared for by their biological parents, either because they are dead or sick or looking for work, it can be expected that the number of children in the older age group who access the FCG will increase further.

The intention of social assistance is to provide families with an income to cater for their basic needs, hence promoting equality. The scenario illustrates a number of other challenges and inequalities in the ways in which social assistance for children is provided.

The FCG can only be accessed via the courts, which takes much longer than an administrative application for a CSG. The CSG is much easier to access and reaches children in need of income support much quicker. This is particularly relevant in rural areas where the majority of poor children live and where social workers and courts are scarce.

The current system discriminates against biological parents, who can only access the much-lower-in-value CSG for their children, and only until children turn 14⁷. Further, Hall points out that caregivers accessing the CSG in effect need to be 50% poorer than in 1998 when the grant was introduced because the income threshold for the grant means test has not been changed since 1998 to keep pace with inflation⁸.

The high demand for the FCG is negatively impacting on the ability of the child protection system to respond timeously and appropriately to the needs of children who have been abused, neglected, abandoned, exploited or trafficked. Meintjes, Budlender, Giese and Johnson⁹ describe this as a worrying trend because of the additional strain put on already overburdened family courts and social workers. The lengthy process is also costly and burdensome to the State.

Social assistance in the form of Child Support Grants can reduce large numbers of children who are coming into the statutory child protection and alternative care system as a result of poverty. Children 14 – 17-years have “special” vulnerabilities and the CSG is well placed to address these. Excluding older children in need of income support from the CSG deprives them of equal protection and benefit of the law; it unfairly discriminates against their age; and it infringes on their rights to dignity, life, education, nutrition and health care. By extending the CSG to all poor children, regardless of whom they live with, the State would fulfil its obligation to progressively realise children’s right to social security as well as promote children’s other rights.

The CSG is easy to administer for both caregivers and the State. It will in the long-term be more cost effective for the State to invest in keeping families

⁷ To be extended to children under 15 in January 2009.

⁸ Hall K (2008) *Where to Draw the Line? Targeting and leakage in the Child Support Grant*. Cape Town: Children’s Institute, UCT. Hall K, Leatt A & Rosa S (forthcoming) *The Means to Live: Targeting poverty alleviation to realise children’s rights*. Cape Town: Children’s Institute, UCT.

⁹ Meintjes H, Budlender D, Giese S & Johnson L (2003) *Children in ‘need of care’ or in need of cash? Questioning social security provisions for orphans in the context of the South African AIDS pandemic*. A joint working paper of the Children’s Institute and the Centre for Actuarial Research. Cape Town: University of Cape Town.

together by providing income support to all poor children than resorting to costly alternative care.

The use of the child protection system to address poverty is inappropriate because it compromises the care of children who are abused or neglected. It is also ineffective because the system is too complex and lengthy to respond quickly enough to the income-support needs of the many children cared for by relatives. The large number of FCG applications for caring for orphans is jamming up social services and the court system, while the complex processes involved make it impossible to address all poverty needs effectively. The child protection system urgently needs to be freed up to implement the Children's Act and the related social services aimed at prevention, early intervention, protection and alternative care.

The way that the foster care system is structured is completely in opposition to the developmental model. Instead of using prevention measures, including the CSG, to stop children from needing tertiary services, the government is promoting the use of tertiary services as a mechanism to access income support for families living in poverty. Projections of the government's future income and expenses show a CSG extension is affordable and will have a very small impact on the country's budget.

We call on the Department of Social Development to extend the Child Support Grant to 18.

Recommendation:

Amend section 6 of the Social Assistance Act by inserting the following subsections:

6. A person is, subject to section 5, eligible for a child support grant if he or she is the primary care giver of that child, and the child is:
(a) under the age of 15 years as of 01 January 2009;
(a) under the age of 17 years as of 01 April 2009; and
(c) under the age of 18 years as of 01 April 2010.

For further information contact:
Lucy Jamieson
Senior Advocacy Co-ordinator
Children's Institute,
University of Cape Town

Tel: 021 689 8303