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11 December 2009

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**SUBMISSION ON DRAFT REGULATIONS: extension of the Child Support Grant and proposed introduction of a new school enrollment and attendance condition.**

JOINT SUBMISSION FROM:

**Children's Institute, University of Cape Town**

**Black Sash**

**Alliance for Children's Entitlement to Social Security (ACCESS)**

**Childline SA**

**Disabled Children's Action Group (DICAG)**

**National Association of Child and Youth Care Workers (NACCW)**

**Yeziqane Network (National Network on Children and HIV/AIDS)**

**Children's Rights Centre**

**Caring Schools Network (CASNET)**

**Save the Children UK (SA Programme)**

**Save the Children Sweden (Southern Africa Programme)**



UNIVERSITY OF CAPE TOWN



## 1. Introduction

On 22nd October this year Cabinet issued a press statement:

“Cabinet is pleased to announce the approval of the extension of the Child Support Grant (CSG) to eligible children between the ages of 15-18 years. The current (CSG) policy only catered for children up to the age of 15 years. This decision only applies to children from poor households and is part of Government’s commitment to reduce incidence of poverty amongst children. Caregivers of the beneficiaries will have the responsibility to ensure that the beneficiaries remain in school.

The Child Support Grant for 16 year-olds will start on 1 January 2010. These grants will benefit approximately 2 million children from poor households. The total cost will be R1.3 billion, R2.6 billion and R3.5 billion respectively over the three-year period. “

The Social Assistance Act No 13 of 2003 requires the Minister of Social Development, with the concurrence of the Minister of Finance, to prescribe regulations to give effect to Cabinet’s commitment to extend the CSG to children aged 15 to 18 years.

On 27 November the draft regulations were gazetted for comment. The deadline for comments was specified as 11 December.

We are very concerned by the short time allocated for effective consultation on these draft regulations especially considering the far reaching implications of the extension and the proposed school enrolment and attendance condition. The CSG extension was approved by Cabinet on the 21<sup>st</sup> October yet these draft regulations were only gazetted for comment on 27 November 2009. There is now an urgency to finalise them before the 31<sup>st</sup> December in order not to delay the extension. We do not want to delay the extension of the CSG to children aged 15 to 18, therefore we have decided to assist you in your consultation process by putting together this joint submission so that you can see very clearly what the children’s sector’s consensus is with regards to the draft regulations.

This joint submission collates the collective views of all the organizations listed above. These organizations are all national organizations or networks that represent thousands of children’s sector organizations and therefore the interests of millions of vulnerable children<sup>1</sup>.

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<sup>1</sup> For example: **CASNET** - the Caring Schools Network - is a national network of more than 100 civil society organisations whose respective and collective work promotes care and support to the millions of vulnerable children of school-going age in South Africa. In 2009, an indirect estimate counted in excess of 780 000 vulnerable children reached by CASNET members in 8 out of the 9 provinces in the country. **ACCESS** – the Alliance for Children’s Entitlement to Social Security represents 1300 organisations across the country who work daily with children living in poverty. The **Black Sash** is a national independent human rights organisation that has worked tirelessly for justice and equality in South Africa for nearly 55 years. They provide para-legal advice to grant recipients and have hands on knowledge of the experiences of grant beneficiaries. The **NACCW** - the National Association of Child and Youth Care Workers is an association of 6000 child and youth care workers who care for thousands of vulnerable children in child and youth care centres, living in families affected by HIV/AIDS and in child headed households. **DICAG** - the Disabled Children’s Action Group is a network of parents of children with disabilities. They know first hand of the problems faced by children with disabilities in gaining access to social grants and education.



We share two main concerns with the draft regulations:

The first concern is related to the design of the phased extension and the second is related to the introduction of a condition that caregivers of children aged 7 to 18 must submit proof every six months of their child's enrollment and attendance at school.

**With regards to the extension design** we believe that the flaw can be addressed by a simple amendment but recognize that this will require the Minister of Finance to allocate increased budget. The additional budget required is not excessive, yet will have a significant poverty alleviation impact for over 150 000 children and their families.

**With regards to the introduction of the condition of school enrolment and attendance** we recommend that this part of the regulations is removed from this set of amendments and the issue addressed after more consultation next year. There is a time constraint with respect to the regulations on the extension (which must be finalized by 31 December 2009), but there is no urgency with respect to the regulations on the condition. This means that the regulations on the condition can be removed and dealt with next year in a consultative manner that ensures adequate opportunity for parliamentary and public involvement.

We address the two issues separately below:

## **2. The design of the phased extension**

The draft regulations provide:

### **“Persons eligible for child support grant”**

6(1) In addition to the requirements contemplated in section 6 of the Act, a primary care giver is eligible for a child support grant if –

- (a) (i) on or after 1 January 2010 the child is under the age of 16 years;
- (ii) on or after 1 January 2011 the child is under the age of 17 years;
- (iii) on or after 1 January 2012 the child is under the age of 18 years;

The draft regulations are written in a similar way to the regulations for the 2003 to 2005 extension to children under 9, 11 and 14 years respectively. For this first phased extension from 2003 to 2005 the Children's Institute (UCT) monitored the SOCPEN data and found that more than 150 000 children fell off the system each year between the yearly phases of the extension.<sup>2</sup> These children and their caregivers were without a grant for an average of 5 months and would have to

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<sup>2</sup> See P Proudlock 'The problems with the phased in approach to the extension of the child support grant to age 14' Presentation by ACCESS to the NCOP Select Committee on Social Services 3 June 2003; A Leatt 'Reaching out to children: an analysis of the first six months of the extension of the Child Support Grant in South Africa' CI working paper No. 1 November 2003; S Rosa and C Mpokocho 'Extension of the Child Support Grant to Children under 14 years: Monitoring Report' CI, University of Cape Town March 2004; and A Leatt (2004) 'Granting assistance: An analysis of the Child Support Grant and its extension to seven and eight year olds' CI working paper no. 2.

re-apply the next year when the next age cohort became eligible. This would have happened to the same caregiver and child twice during the phasing in period. Further evidence of this problem arose in the poverty hearings organised by the African Monitor, the Southern Africa Trust, the Congress of South African Trade Unions (COSATU), Black Sash, the South African Council of Churches (SACC), South African NGO Coalition (SANGOCO) and the Human Rights Commission in 2008. During these hearings caregivers referred to the CSG as the “stop-start-grant” due to their experiences of children falling off the system due to the way the extension was phased in. Through a monitoring hotline set up by the Children’s Institute and ACCESS from 2003 to 2004 we also heard evidence that many caregivers of eligible children were turned away by officials on the grounds that they would only be on the system for a few months and then fall off.

This “stop-start” effect will again be experienced with the extension to 15-17 year olds if the draft regulations come into effect. For example, if a child’s 16<sup>th</sup> birthday is in August 2010, they will be eligible for the grant on 1 January 2010 (because they will be under 16 years) but only until August 2010, at which point they turn 16, and are no longer eligible. They will then be without the grant for 5 months. They will, however, be able to reapply in January 2011. They will then fall off again in August 2011 and will have to re-apply in January 2012.

There are two alternative drafting options that would prevent this problem from happening:

#### *Option A*

Insert the following words (bolded) into sub-reg 6(1):

- 6(1) In addition to the requirements contemplated in section 6 of the Act, a primary care giver is eligible for a child support grant **if the child was born after 1 April 1994 and –**
- (a) (i) on or after 1 January 2010 the child is under the age of 16 years;
  - (ii) on or after 1 January 2011 the child is under the age of 17 years;
  - (iii) on or after 1 January 2012 the child is under the age of 18 years;

#### *Option B*

Add a sub-regulation after the existing sub-reg 6(1) (a) that provides that:

**“a primary caregiver who applies for and successfully qualifies for the child support grant in terms of sub-regulations 6(1) (a) (i) or (ii), will remain in uninterrupted receipt of the grant until the child’s eighteenth birthday and will not be required to re-apply each year.”**

Officials in the Department of Social Development and of Finance are well aware of the falling off problem that happened with the 2003 to 2005 extension and of the hardship this caused for caregivers and children. It is difficult to understand why the two Departments would propose to repeat the same design. We have been told that one of the reasons is that there is not a large enough budget to keep all the children on the grant for the full year and that the falling off problem results in a saving of money for government for the next 2 years.

If the reason for repeating the falling off problem is due to budget considerations, we appeal to the Minister of Finance, the second primary decision maker with regards to these regulations, to allocate the necessary budget so that the phasing in of the extension can be designed in a caring and administratively fair way that respects the constitutional rights and basic needs of vulnerable children. This would require one-off extra allocations in respect of the two years. There would be no additional long-term budget commitment.

### **3. The introduction of the condition of school enrolment and attendance**

The draft regulations propose to introduce a condition that requires caregivers of children aged 7 to 18 years to submit proof (in Form A) to the South African Social Security Agency (SASSA), every 6 months, of their child's enrolment and attendance in school (or another education institution). "Form A" has not been gazetted for comment so it is not yet clear what will be required in Form A. However it can be assumed that the caregiver will need the school to sign/verify the enrolment or attendance proof in Form A. This means the caregiver will need to go to the school and request proof from the school every six months.

If Form A is not submitted to SASSA every 6 months, then the CSG will be suspended until the caregiver submits the Form. There is no provision for back-pay for the months of suspension even if the non-submission of the form was through no fault of the caregiver (for example if the school does not have the capacity to verify Form A).

If the submitted Form A shows that the child is not enrolled in school or is attending school irregularly, the child's CSG will be suspended. The caregiver will then need to submit reasons explaining why the child was not enrolled in or attending school regularly.

If SASSA accepts the explanation as "reasonable", then the CSG will be re-instated. However there is no provision for back-pay for the months when the CSG was suspended, even if the explanation was reasonable.

We are concerned by the introduction of this condition for a number of reasons.

(1) The proposal has the potential to limit the constitutional and statutory rights to social security of close on 9 million vulnerable children and their families (there are more than 11 million children aged 7-17 years, and approximately 80% of them would be eligible in terms of the means test for the CSG).

In *August v Electoral Commission*<sup>3</sup> and *NUMSA and Others v Badar BOP (Pty)(Ltd) and Another*<sup>4</sup> the Constitutional Court ruled that if Parliament intends to limit human rights it should do so expressly and clearly. The Social Assistance Act No 13 of 2004 does not clearly express Parliament's intention to limit children's rights to social security by the imposition of a condition relating to school enrolment or attendance. The Act also does not expressly delegate such

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<sup>3</sup> 1999 (4) BCLR 363 (CC) at para 33

<sup>4</sup> 2003 (3) SA 513 (CC) at para 37



authority to the Executive to limit children's rights. On the contrary, the Act is very specific as to what the Minister of Social Development may prescribe through regulations: Section 5(1) (d) and 5(2) (a) to (f) for the Social Assistance Act No 13 of 2004 specify that the Minister is authorized to prescribe additional requirements or conditions in respect only of income thresholds; means testing; age limits; disability; care dependency; proof of and measures to verify identity, gender, age, citizenship, family relationships, care dependency, disabilities, foster child and war veterans' status; forms, procedures and processes for applications and payments; and measures to prevent fraud and abuse.

The Act does not therefore authorize the Minister to prescribe a condition such as the one that is proposed in the draft regulations. The proposed regulation is therefore "ultra vires" the principal Act and the Minister of Social Development will be acting unlawfully if she promulgates these regulations as final regulations. If Cabinet wants to introduce conditions on the CSG, the Minister of Social Development needs to table an amendment to the Social Assistance Act for debate and passage by Parliament.

(2) There is a further Constitutional Court judgement that is also relevant to this issue: In *Dawood and Another v Minister of Home Affairs and Others*<sup>5</sup> the Court ruled that if Parliament delegates decisions that have the potential to limit human rights, to the Executive, it should provide criteria to guide the Executive in its decision-making in order to guard against unconstitutional limitations of rights. Except for repeating the wording of section 27 (1) (c) and (3) of the Bill of Rights in the preamble to the Act, the Act does not provide any guiding criteria to the Executive to use when making its decision on whether or not to impose this condition. This is further evidence that the Act does not authorise the Minister to prescribe this condition.

(3) There has not been any consultation with Parliament, civil society or the general public with regards to the introduction of this condition. The condition has the potential to limit the constitutional and statutory rights of close on 9 million vulnerable children (between the ages of 7 and 18), and their families. This is because it has the potential to result in the suspension of their grants upon which they depend for food; water; clothing; and transport money to access school, clinics and other government services. It therefore has the potential to limit not only their rights to social security, but also indirectly their rights to food, water, education and health care services.

A decision of such significant impact on so many children, a constitutionally protected vulnerable group, should be taken carefully and with adequate consultation with the public and the interest groups that represent vulnerable children. There has been no parliamentary or public debate on the proposed condition. The draft regulation has been published for comment in December at a time when many people are going on holiday and when Parliament is in recess. This does not provide a reasonable opportunity for parliamentary and public participation in a decision of such significance. We recommend therefore that

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<sup>5</sup> 2000 (3) SA 936 (CC)

the decision be opened up for more debate and consultation with Parliament and the public in 2010.

(4) Available research by leading experts in South Africa and beyond shows that the imposition of the proposed condition is not necessary or appropriate in South Africa. See the summary of available evidence compiled by Debbie Budlender of the Community Agency of Social Enquiry (attached as appendix).

One of the areas explored in the summary relates to the high rates of school attendance in South Africa and how the non-conditional CSG already has a positive impact on getting and keeping children in school. The summary also looks at the reasons for non-attendance for the small number of children out of school and how these reasons are mostly related to factors that are not in the control of the care-givers and children: In 2007, approximately 400 000 children were not attending school.<sup>6</sup> Non-attendance and drop out is caused by a range of factors including poverty, orphaning, the stoppage of the child support grant at age 15 years, lack of trained staff and accessible facilities in mainstream schools for children with disabilities<sup>7</sup>, children needing to stay at home care for a sick parent or sibling, the responsibilities of children heading households, unhappiness with the poor quality of schooling, and lack of access for foreign children.<sup>8</sup>

The research shows that the main reasons for non-attendance at school is therefore related to supply side problems (lack of access to meaningful education) or social problems not in the control of the child or caregiver (eg illness in the family due to HIV/AIDS or lack of money due to stoppage of the CSG at age 15). Imposing a condition on the CSG is not likely to address these supply side problems or social problems but is likely to result in these especially vulnerable groups of children being deprived of not only education but also social grants, food, clothing, water, and health care services.

In the face of this evidence, we fear that the imposition of this condition will not address the root causes of school non-attendance but will unfortunately result in the most vulnerable categories of children being unfairly disadvantaged.

We support Cabinet's commitment to ensuring that all children attend school. We would like to continue to engage in discussions and partnerships with Cabinet to improve children's access to and the quality of schooling, and to alleviate the social problems facing vulnerable children such as orphaning, HIV, illness of family members - so that the real reasons for non-attendance can be addressed.

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<sup>6</sup> De Lannoy & Lake 'Children's access to education' in Pendlebury et al (eds) *South African Child Gauge* (2008/09) at 82-83.

<sup>7</sup> Note that children with moderate disabilities are not eligible for the Care Dependency Grant (children's disability grant) and thus their parents rely on the Child Support Grant.

<sup>8</sup> See Fleisch et al 'Children out of school: Evidence from the Community Survey' and Dieltiens & Meny-Gilbert 'School drop-out: Poverty and patterns of exclusion' in Pendlebury et al (eds) *South African Child Gauge* (2008/09) at 41 and 45.

#### 4. Conclusion

Thank you for listening to our concerns. In summary we recommend:

- (a) that the phased extension to children aged 15 to 18 years is designed in a manner that ensures children do not fall off the grant between the extension phases; and
- (b) that the proposed condition on school enrolment and attendance is removed from this set of regulations, and that more consultation is held in 2010 on the pros and cons of the proposal before a final decision is taken.

Please contact us if you would like further discussion.

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## Appendix: RESEARCH AND COMMENTARY ON THE PROPOSED CONDITION OF SCHOOL ENROLLMENT AND ATTENDANCE FOR THE CHILD SUPPORT GRANT

*Debbie Budlender*  
8 December 2009

On 27 November the Minister of Social Development published draft regulations in terms of the Social Assistance Act 13 of 2004 for public comment (due on 11 December 2009). The regulations are needed to give effect to Cabinet's decision (announced on October 2009) that the Child Support Grant will be extended to 18 years in a phased manner, starting on 1 January 2010 with children under 16 years. To give effect to Cabinet's decision, the final regulations must be gazetted before the 31 December 2009.

In addition to providing for the phased extension, the draft regulations also propose to introduce a condition that requires caregivers of children aged 7 to 18 years to submit proof (in Form A) every 6 months of their child's enrolment and attendance in school (or another education institution). If this Form A is not submitted, or if the Form A shows that the child is not enrolled in or attending school regularly, the child's CSG will be suspended.

***This paper looks at what the latest research tells us about conditions attached to social grants and comments on whether the condition proposed for the CSG is appropriate or necessary.***

At first glance, the proposed condition sounds reasonable. We all want children to be well educated as it means, among others, that they have a better chance of getting a good job and earning a decent income. This could prevent poverty in the future for these children and their families. However, deeper thought shows that there are problems with the proposal.

The first problem is **the assumption that conditions are needed to get and keep children in school**. Research in other countries – mostly Latin American – in which there are conditional child grants does show increases in school attendance among grant beneficiaries. But the vast bulk of the research reflects the impact of the grants as a whole, rather than particular aspects of the grants such as the conditions. Where there is impact, it could thus be the money that is provided rather than the condition that is making the difference.

There are, however, two studies that suggest that conditions make a difference in terms of impact.

Firstly, De Brauw & Hoddinott (2008) use the fact that some beneficiaries of Mexico's Progresa did not receive attendance monitoring forms to divide beneficiaries into two groups. Those who received forms are compared to those who did not receive forms (and thus received the equivalent of an unconditional grant). The authors find that children who received attendance monitoring forms were 7.2 percentage points more likely to enrol in school. The unknown in this finding is whether non-receipt of an attendance monitoring

form reflects some other difference between the two groups of children that might account for this difference. For example, perhaps the people who did not receive an attendance monitoring form were from remote areas. Their geographical situation would then make them both less likely to receive forms but also more likely to live at some distance from schools, which is a factor that would contribute to non-attendance.

In Ecuador, the conditions for the Bono de Desarrollo Humano grant are not monitored, but many households believe that they are. The first group considered in the research consisted of households that stated that there was an enrolment requirement. This group was compared with those who said there was not such a requirement. The researchers found a significantly larger increase in enrolment for the first than for the second group (Adato & Bassett, 2007). The first weakness in this test is that it is well-known that responses to interview questions that enquire whether respondents “know” something are unreliable. Further, the difference in level of knowledge might well reflect other differences between the two groups that are the real cause of the differences in enrolment. For example children from households that are slightly better off are more likely to have better educated caregivers who are also more likely to then know about the conditions, but also more likely to live near suitable and attractive schools.

Meanwhile, several studies in South Africa have shown that **even without conditions the child support grant has increased school attendance**. Similarly, beyond South Africa, Adato & Bassett (2007) report impact on schooling in Kenya, Malawi, Zambia, Mozambique and Namibia when cash transfers are unconditional.

Budlender & Woolard (2006) provide a detailed summary and annotated bibliography of all the literature relating to grant impacts of importance to children, while Leatt & Budlender (2007) and Lund et al (2008) summarise the impact findings that are relevant when considering whether or not conditions would be advisable in the South African context. (Since these summaries were done, more recent analysis by Budlender et al (2008) confirms that both the foster child grant and the CSG already have a positive impact on enrolment rates.)

The referenced research provides evidence of significant positive impacts on poverty, education and health. There is also some limited evidence that grants could decrease the incidence of child labour. In relation to education, studies show that grants have a positive impact on enrolment, including for those who are not the direct beneficiary of the grant but are members of a household in which other members are grant beneficiaries. The non-conditional CSG has had this effect because it is often the cost of schooling, including expenses such as transport, stationery and uniforms, which prevent children attending school. So, giving money to a caregiver helps to get the child to school. Further, child grant beneficiaries are automatically exempt from paying school fees which removes a significant cost barrier to schooling.

There is some evidence that the positive impact of the CSG on enrolment is stronger for rural than urban areas. There is also evidence that

receipt of the CSG reduces the negative impact of orphanhood on school attendance (i.e. orphans getting the CSG are more likely to attend school). In addition, both qualitative and quantitative research find that grant money is commonly spent on children's education, including for grants not targeted at children (e.g. the old age pension).

The fact that these positive impacts are found across a range of datasets collected using different questionnaires, in different localities, and in different years increases confidence in the findings. All of these impacts are found despite the non-imposition of conditions on the CSG and the old age pension. This raises a serious question as to whether conditions are really necessary in South Africa or whether they are being introduced for other reasons not based on evidence.

The international literature raises questions as to **usefulness of conditions when enrolment rates are already high** (as they are in South Africa up to about age 15). Adato & Hoddinott (2005) suggest that the small positive impact of conditions at primary level in Colombia, Mexico and Turkey with a larger positive impact at secondary level is explained by the differences in starting enrolment rates at the two levels of schooling. Similarly, Adato & Bassett (2007) argue that the small positive impact on primary school enrolment in Turkey and the much bigger positive impact on enrolment for secondary school girls, especially those in rural areas, can be explained by different starting enrolment rates.

The international literature records concerns around the **burden that conditions place on caregivers**. If the draft regulations come into force in South Africa, in addition to collecting the grant each month, caregivers will need to visit their child/ren's schools to get proof of attendance twice a year, and may also need to make special trips to submit the proof twice a year to the Social Security Agency.<sup>9</sup>

In the case of Mexico's Oportunidades, Latapí & de la Rocha (2008) report that the burden of attending the required meetings has resulted in women dropping out of the grant programme or leaving their income-earnings jobs, as well as exclusion of some of the poorest households because the women are unable to comply with these requirements. Other working women were excluded because they could not devote the necessary time to the selection and "verification" processes as they needed to spend the time earning money. The various tasks expected of women beneficiaries were also difficult to fulfill in the case of women responsible for caring for chronically ill household members. This is an important consideration for South Africa given the severity of the HIV and AIDS epidemic and the resultant increased likelihood that there will be ill household members.

In addition to added burden for caregivers, there would be **added burden for civil servants**. This, in turn, would impose added expense on government. Is this a sensible way to allocate from a government budget that is currently under immense pressure with many competing demands?

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<sup>9</sup> The regulations do not state how and to whom proof will be submitted. If this is done to the payment agency, it will not require an extra trip. But the payment agency is usually a private contractor, and so would probably not be able to approve the form.

For Mexico's Progresa, there is a wide range of estimates of the **cost of having conditions**. Adato & Hoddinott (2005) report that monitoring of conditionality accounted for a low 2% of total costs. However, Kakwani et al (2005) report that in the first year monitoring conditions accounted for 8% of the total cost, which increased to 24% in 2000, while Handa & Benjamin (2006) quote an estimate of 18% for the monitoring share.

Most estimates of the cost of conditions focus on "public" costs, i.e. cost to government and their funders. Kakwani et al (2005) note that there are also private costs associated with conditions. As noted above, these include costs of complying, such as travel costs and costs of certification, as well as income foregone by the mothers who must comply with conditions such as attendance at meetings or taking children to a health centre. Kakwani et al quote research that suggested that such private costs could amount to more than a quarter of total costs of the grant.

Imposing a condition on caregivers assumes that caregivers do not have the best interests of their children at heart. However, in the vast majority of cases it is not disregard for the importance of education that keeps children out of school, but rather the inadequacies of the schooling system. In economists' speak, it is '**supply-side**' problems. The problems with South Africa's schooling system are well-known. It is surely inequitable to punish poor caregivers and children by withholding money for these problems, which it is not within their power to correct. South Africa has a very high education attendance rate of 96.5% amongst children aged 7 to 17 years. This means that approximately 400 000 children were not attending school in 2007. A closer analysis of attendance rates shows that there is a drop-out problem from age 15 onwards. While the attendance rates for 14 year-olds is 98%, this drops to 95% for 15 year-olds, 93% for 16 year-olds, and 88% of 17 year-olds (De Lannoy & Lake 2008).

Non-attendance and drop out are caused by a range of factors including poverty; the stoppage of the child support grant at age 15 years; lack of trained staff and accessible facilities in mainstream schools for children with moderate disabilities;<sup>10</sup> children needing to stay at home to care for a sick parent, caregiver or sibling; children heading households; unhappiness with the poor quality of schooling; and lack of access for foreign children (see Fleisch et al, 2009; Dieltiens & Meny-Gilbert, 2009). The research therefore shows that the main reasons for non-attendance at school is related to supply side problems (lack of access to meaningful education) or social problems not in the control of the child or caregiver (e.g. illness in the family due to HIV and AIDS or lack of money due to stoppage of the CSG at age 15). Imposing a condition on the CSG is not likely to address these supply-side problems.

The international literature suggests that many of the countries with conditional cash transfers (CCTs) are not **monitoring** conditions effectively. The literature suggests further that most existing monitoring systems are complex and involve a large **number of actors**. South Africa has experience of the difficulties of **inter-**

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<sup>10</sup> Note that children with moderate disabilities are not eligible for the care dependency grant (children's disability grant) and thus their caregivers rely on the CSG.

**sectoral coordination** in the grant arena in that one of the most important obstacles to poor people accessing the grants has proved to be difficulties of applicants in obtaining identity documents. A further difficulty arises with lack of cooperation of police in assisting with affidavits. The draft regulations will introduce the need for cooperation of large numbers of school teachers and administrators. They will be required to sign/complete Form A for approximately 6 million children twice a year. It is not clear whether schools have the capacity to meet this requirement. Will children and their caregivers be punished by loss of a grant due to capacity problems within schools?

Some of those who support conditions emphasise that these should be “**developmental conditionalities**” rather than the more punitive approach of immediate withdrawal of the grant which characterises a programme such as Oportunidades (and which is reflected in South Africa’s draft regulations). For example, with El Salvador’s Red Solidaria, when the beneficiary fails to observe the condition, social workers investigate the reason for non-observance rather than immediately withdrawing the grant. This approach is, however, much more difficult to administer and manage than the punitive model, and also more expensive in terms of staff time and money. And it would be very difficult to have developmental conditionalities in South Africa given that the country already has a serious shortage of social workers and a dire need for the small number of social workers to focus on implementing new laws such as the Children’s Act which will require more social workers than before. Use of social worker time to investigate CSG beneficiaries could also add considerably to the cost of the grant, and diminish the proportion of money allocated for the grant that directly benefits poor children.

Even Handa & Benjamin (2006), who generally support conditions, acknowledge that the extent of the administrative burden incurred with conditions raises the question as to whether conditions are worthwhile and, if so, how and by whom they should be monitored. They note that these questions are particularly pertinent in countries with weak institutions.

De la Briere & Rawlings (2006: 12) report that most countries experience many difficulties in setting up and maintaining the monitoring systems. Rawlings & Rubio (2005:35) observe that “programs have not always enforced all conditions”.

Nicaragua is a country that does attempt to enforce. Ribas et al’s (2008) report that about 10% of beneficiaries of Nicaragua’s Red de Protección Social (PRS) received less than the full grant at least once during the first two years of implementation on account of non-compliance and less than 1% of households were expelled from the programme during the first two years. Similarly, Handa & Benjamin (2006) note that with Mexico’s Progresa grants were regularly delayed by several months because verification of compliance for all beneficiaries was not complete. The authors question whether the effort, difficulties and cost associated with conditions were worthwhile given that over 90% of beneficiaries complied.



Within South Africa, we need to learn from our experience of **conditions that were previously considered or imposed for the CSG.**

Lund et al (2008) note that health-related conditions were considered when the CSG was being designed, namely possession of a Road to Health card and a health check-up between the ages of 24-30 months. The Health Department advised that it was not in favour of these conditions and the idea was dropped. The Road to Health card was included as a requirement for a period but later dropped.

Leatt & Budlender (2007) write that the conditions that were legally provided for in the first years included proof of immunisation, and that the applicant was participating in development programmes, had not refused reasonable employment offers, and had tried to get private maintenance. The development programme condition was dropped when it was acknowledged that very few such programmes existed. The reason for dropping the immunisation condition also related to supply-side constraints, namely the recognition that children with poor access to health services, who are often the most disadvantaged, would be excluded.

The international literature suggests that in some cases **lack of knowledge** on the part of the various actors has resulted in the grant system not functioning well. South Africa's experience reveals that even with a relatively simple unconditional CSG, officials administering the grant sometimes impose non-existent and/or unlawful conditions and that in at least one case written provincial directives have been incorrect. For example, Leatt & Budlender (2007) cite research that found evidence of officials requiring clinic cards and proof of registration as a workseeker. Budlender & Woolard (2006) cite research findings that in some areas officials were insisting that the child be brought along when the application is made.

To the extent that this incorrect administration is due to lack of knowledge, it raises concern as to what will happen when conditions are introduced, in that the grant will then be more complicated and there will be more things for officials to misunderstand. To the extent that incorrect administration is deliberate, it raises a concern as to how conditions might encourage petty power-mongering and deny poor children benefits to which they are entitled.

When the Lund Committee originally presented the proposal for a child support grant in 1998, it emphasised that the **system should be as simple as possible.** This suggestion was intended to ensure that both officials and potential beneficiaries fully understand how the grant works. One could argue that it is the relative simplicity of the CSG that has contributed to its being – as is widely acknowledged – one of the most successful poverty alleviation measures of the South African government. Conditions could add significantly to the complication in terms of monitoring, enforcing, the number of actors involved, the range of considerations that officials will need to take into account, the differences in how children of different ages are dealt with, etc. There is a real danger that these complications will undermine constitutional rights to social security, impact



negatively on the most vulnerable groups of children, and diminish the poverty alleviation effectiveness of the grant.

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