

Submission to the Standing Committee on Appropriations

On Budget Vote 19: Social Development

By the Children's Institute, University of Cape Town, and
Centre for Child Law, University of Pretoria

Katharine Hall, Paula Proudlock, and Zita Hansungule

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<https://www.dailymaverick.co.za/article/2021-03-02-budgeting-with-lives/>

In light of the pressing issue of child poverty and malnutrition and the negative long-term impact these have on the economy and the country as a whole, this submission urges Parliament to review the following decisions by National Treasury:

- (a) **The decision to limit the Child Support Grant (CSG) increase to just R10, with no further increase in the 2021/22 financial year, allowing it to fall behind food inflation.**
- (b) **The decision to reduce budget for the Foster Child Grant (FCG) while not budgeting for the parallel introduction of a CSG top-up for orphans living with relatives, as planned in terms of the required comprehensive legal solution to the foster care crisis.**

These decisions are punitive to children and those who care for them, and they are regressive. We call on Parliament to address this situation as a matter of urgency.

While Parliament has the constitutional mandate to reverse these regressive decisions, we understand Parliament is not likely to exercise this mandate given that the fiscal framework and Division of Revenue Bill have been passed, and the budget is already being expended by the respective departments since 1 April 2021. Practically and politically it is clear that changes will not be made to the 2021 Appropriations Bill. We however view this call for submissions as an opportunity to bring to Parliament's attention the impact that these regressive decisions will have and to ask Parliament to ensure that Treasury allocates an additional R1 billion to the Child Support Grant budget for the second half of the 2021/22 financial year via the October MTBPS.

South Africa has a huge burden of child malnutrition. It not only infringes on children's well-being and their right to survival and development, but also perpetuates the intergenerational cycle of poverty and inequality. The below-food price inflation increase to the child support grant is likely to increase child malnutrition. Instead, the budget could provide for a second R10 increase to the Child Support Grant in October 2021, in line with the practice over the past eight years of splitting the CSG increase into two R10 tranches, one in April and the second in October.

It is also important that budget is allocated for a top-up to the CSG for orphaned children living with relatives, as provided for through legislative amendment to the Social Assistance Act, which in turn complies with the High Court requirement of a "comprehensive legal solution" to the foster care crisis.

This submission provides the following:

- Brief context about the extent of child hunger, demonstrating the need for adequate social assistance for children.
- A summary of arguments for why the CSG should not be subjected to budget cuts, even in the context of fiscal constraint, and why it is necessary to budget for the CSG top-up for orphaned children.
- An explanation of how the budgeted grant increases in 2021 effectively de-fund the already low CSG, compared with the previous MTEF.
- The estimated cost of a second small increase to the general CSG and an allocation for the CSG top-up for orphans from October.

The state of child hunger and malnutrition

Child malnutrition is a form of “slow violence” that systematically destroys a child’s developing body and brain, damaging their health, education and employment prospects.¹

Even before the arrival of Covid-19, the situation in South Africa was very worrying:

- **One in ten children lived in households where children were reported to go hungry** at least sometimes because there wasn’t enough money for food.
- Even when children do not feel the physical pain of hunger, they may not be getting enough nutrition. **A nutritious diet is more expensive** than filling the belly with starch.
- **A third of all the children in the country lived in households below the food poverty line**, where there is not enough money to provide household members with the minimum nutrition needed for survival and development.
- **Over a quarter (27%) of young children are stunted** – too short for their age.² The stunting rate is very high for a middle-income country. Stunting is a sign of chronic malnutrition, which literally stunts physical growth and cognitive development.
- Large numbers of young children suffer from **deficiencies in micronutrients** such as iron and zinc. Nearly half have vitamin A deficiency, meaning that their immunity is impaired.³
- In 2018, **50% of child deaths in hospitals were associated with malnutrition.**⁴

Covid-19 and lockdown thrust many more households into desperate poverty, and children suffered the effects of food insecurity.

- There was a **sharp rise in unemployment** as a direct result of lockdown. Three million jobs were lost between February and April 2020. Two million of those who lost employment were women.⁵
- **In the 2nd quarter of 2020, the expanded unemployment rate breached the 40% mark** for the first time since the Quarterly Labour Force Survey was introduced in 2008, and it remained above 40% for the rest of the year.⁶
- Although there was some clawback of jobs, in the last quarter of 2020 StatsSA recorded a **net decrease of 1.4 million** (8.5%) in total employment numbers, compared with the same period the previous year.⁷

¹ Lawrence Haddad, Director of the Global Alliance for Improved Nutrition in his Foreword to the *South African Child Gauge 2020*.

² South African Demographic and Health Survey 2016. <https://www.samrc.ac.za/reports/sadhs2016>

³ SANHANES & National Food Consumption Surveys, cited in South African Child Gauge 2020, p.109

http://www.ci.uct.ac.za/sites/default/files/image_tool/images/367/Child_Gauge/South_African_Child_Gauge_2020/Child_Gauge_2020_screen_final.pdf

⁴ National Department of Health Ministerial Committee for the Morbidity and Mortality of Children under 5 years. [insert link for recent CoMMiC]

⁵ NIDS-CRAM survey, Wave 1. <https://cramsurvey.org/wp-content/uploads/2020/07/Spaull-et-al.-NIDS-CRAM-Wave-1-Synthesis-Report-Overview-and-Findings-1.pdf>

⁶ Stats SA QLFA Trends 2008-2020 (Historical tables). http://www.statssa.gov.za/?page_id=1854&PPN=P0211&SCH=72942

⁷ Stats SA Quarterly Labour Force Survey, 4th quarter 2020.

<http://www.statssa.gov.za/publications/P0211/P02114thQuarter2020.pdf>

- By the end of 2020, **46.3% of women in the labour force were unemployed**, versus 39.4% of men. Most children in South Africa depend on women, not only for their daily care but also for financial support and nutrition.
- Along with the rise in unemployment and poverty, **food prices increased** (by as much as 9.8% for the period Feb 2020 to Feb 2021)⁸.
- The NIDS-CRAM recorded that **child hunger rates increased after the grant top-ups and caregiver grant were discontinued** in October 2020.⁹

Disaster relief through social grants

The disaster relief package announced by the President in late April 2020 included a R300 top-up to the Child Support Grant (CSG) for just one month (in May). This reached 13 million children on the CSG. From June the CSG top-up was discontinued and a new caregiver allowance of R500 was introduced, reaching just over 7.1 million caregivers who received CSGs for children in their care. The caregiver allowance continued for 5 months (from June to October), after which it was discontinued.

The one-month additional amount to the CSG used the most efficient available mechanism to transfer much-needed cash into millions of highly vulnerable households. The CSG is the most pro-poor of all the grants, and reaches 74% of all households in the poorest income decile.¹⁰ The CSG also reaches around 80% of households that rely on income from informal employment and would therefore not receive assistance through UIF or TERS.¹¹

When the caregiver allowance was introduced in June 2020, the CSG reverted to its previous value of R440. The CSG already had the lowest value of all the social grants, was the only grant below the food poverty line (R585 per month in 2020 Rands), and it did not receive any subsequent top-up when all other grants were topped up by R250 for another five months.

Table 1. Grant values excluding and including disaster relief top-ups (June – October 2020)

	Monthly base value from April 2020	Value with top-up (June-Oct 2020)
Child support grant	R440	R440
Foster child grant	R1040	R1290
Older persons grant	R1860	R2110
Disability grant	R1860	R2110
Care dependency grant	R1860	R2110

⁸ Pietermaritzburg Economic Justice & Dignity: Pietermaritzburg Household Affordability Index February 2021.

https://pmbejd.org.za/wp-content/uploads/2021/03/February-2021-PMB-Household-Affordability-Index_03032021.pdf

⁹ Van der Berg, Patel and e Bridgman, Hunger in South Africa during 2020: Results from Wave 3 of NIDS-CRAM (February 2021). <https://cramsurvey.org/wp-content/uploads/2021/02/10.-Van-der-Berg-S.-Patel-L.-Bridgman-G.-2021-Hunger-in-South-Africa-during-2020-Results-from-Wave-3-of-NIDS-CRAM-1.pdf>

¹⁰ Report of the Panel of Experts on Zero Ratings in the Value-Added Tax system, p.71

https://static.pmg.org.za/180806VAT_Panel_Final_Report_for_public_comment.pdf

¹¹ Barrier I, Budlender J et al (2020) Locked down and locked out: Repurposing social assistance as emergency relief to informal workers. SALDRU working paper 261.

http://www.opensaldru.uct.ac.za/bitstream/handle/11090/977/2020_261_Saldrulp-v2.pdf?sequence=3

The five-month caregiver allowance was an efficient way of reaching poor and unemployed adults (mainly women) who care for children. They were already registered as beneficiaries in the SASSA system because they received CSGs on behalf of their children, and so it was unnecessary to enrol them separately onto the Covid-19 SRD, which was launched through an online application platform.

The table below, taken from the notice published by the Minister of Social Development in the Government Gazette, confirms that the CSG had a zero increase after the once-off top-up in May, and that the Caregiver grant is an “allowance” for the caregiver and part of the COVID-19 Social Relief of Distress grant – not an increase to the CSG.¹²

Table 2. Disaster relief top-ups to social grants, as gazetted.

The monthly top-up amounts are as indicated in the following tables:

Type of Grant	May	June	July	August	September	October
Older Persons	R 250	R 250	R 250	R 250	R 250	R 250
War Veterans'	R 250	R 250	R 250	R 250	R 250	R 250
Disability Grant (permanent and temporary)	R 250	R 250	R 250	R 250	R 250	R 250
Care Dependency Grant	R 250	R 250	R 250	R 250	R 250	R 250
Foster Child Grant	R 250	R 250	R 250	R 250	R 250	R 250
Child Support Grant	R300	0	0	0	0	0

Furthermore, an additional form of Social Relief of Distress will be provided for the period until end of October 2020.

Type of Grant	May	June	July	August	September	October
CSG Care Givers Allowance		R500	R500	R500	R500	R500
COVID-19	R350	R350	R350	R350	R350	R350

The 2020 Estimates of National Expenditure projected total expenditure on the CSG for 2020/21 at R69.76bn.¹³ The adjusted expenditure for this line item for the 2020/21 year in the 2021 Estimates of National Expenditure was R84.86bn¹⁴ – an increase of over R15bn from the 2020 projection. Around R18bn of the expenditure allocated to the child support grant budget line was in fact spent on the caregivers’ allowance.

The Covid-relief grant top-ups and the caregiver allowance were stopped in October. The October MTBPS provided only for the extension of the Covid-19 SRD of R350 until January 2021, and a further extension to April was announced by the President in his February SONA

¹² Social Development Regulations, Government Gazette No.11107 Vol.659 No.43300, 9 May 2020.¹³ 2020 Estimates of National Expenditure, Vote 19, p.301

<http://www.treasury.gov.za/documents/national%20budget/2020/ene/Vote%2019%20Social%20Development.pdf>

¹³ 2020 Estimates of National Expenditure, Vote 19, p.301

<http://www.treasury.gov.za/documents/national%20budget/2020/ene/Vote%2019%20Social%20Development.pdf>

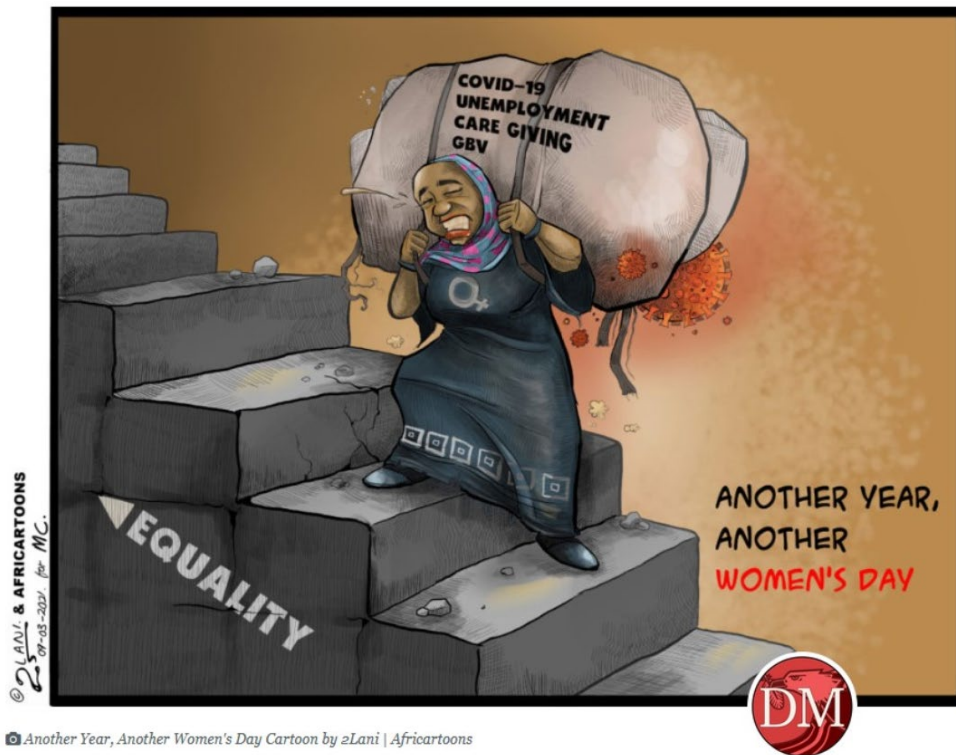
¹⁴ 2021 Estimates of National Expenditure, Vote 19, p.334

<http://www.treasury.gov.za/documents/national%20budget/2021/ene/Vote%2019%20Social%20Development.pdf>

address. Between November 2020 and April 2021, poor women receiving the small R450 CSG for children in their care, lost their R500 covid-19 caregiver allowance AND remained disqualified from receiving the Covid-19 SRD of R350.

Around 7.2 million women receive CSGs for children in their care. By definition, these women are poor (they must pass a low means test to qualify for the CSG). Many are unemployed, while others are in low-paying and precarious jobs or the informal sector. Their exclusion from the SRD meant that they and their children had to survive on a child grant of R450 that is not sufficient to feed a single child.

The inequitable situation faced by women, who have borne the brunt of COVID-19 unemployment and continue to provide for children yet were excluded from the SRD, was captured in the following cartoon, published in the Daily Maverick on 9 March 2021.¹⁵



Another Year, Another Women's Day Cartoon by zLani | Africartoons

¹⁵ <https://www.dailymaverick.co.za/article/2021-03-09-another-year-another-womens-day/> ¹⁶ African Committee of Experts on the Rights and Welfare of the Child (2015) *Concluding Recommendations on the Republic of South Africa's Initial Report on the Status of Implementation of the African Charter on the Rights and Welfare of the Child*. Addis Ababa: ACERWC. Para.6.

The 2021 budget

The CSG should have received a substantial increase in 2021

There are strong arguments for increasing the CSG substantially over the medium term, and at the very least for ensuring that it is not eroded in the short to medium term, despite fiscal constraints.

- Even before COVID-19, **several human rights supervisory bodies and expert committees recommended that the South African government increase the CSG amount.** These include the African Committee on the Rights and Welfare of the Child in 2015¹⁶ the UN Committee on the Rights of the Child in 2016¹⁷, the UN Committee on Economic, Social and Cultural Rights in 2018¹⁸, and the Treasury-appointed Expert Panel on Mitigating the VAT increase in 2018¹⁹.
- The **high levels of child malnutrition and stunting need to be addressed urgently**, and young children need to be protected from becoming malnourished. The quickest and most efficient way to do this is to increase the value of cash transfers for poor children.
- Since the disaster relief grant top-ups and the caregiver grant were stopped in October 2020, **hunger levels have risen to their highest rate in over a decade.**
- South Africa is signatory to the United Nations Convention on the Rights of the Child (CRC). The UN Committee's General Comment 19 on budgeting makes it clear that **states should not take regressive measures in relation to socio-economic rights.** In the case of *Equal Education and others v Minister of Basic Education and others* the High Court concluded that even "in times of economic crisis, regressive measures may only be considered after assessing all other options and **ensuring that children are the last to be affected, especially those in vulnerable situations**".²⁰
- President Ramaphosa, in describing strategies to rebuild the economy, emphasised that **childhood nutrition is central to the national project.**²¹
- The Minister of Social Development has acknowledged the inequity in the grant structure and that the CSG is the only grant below the food poverty line. She stated in May 2020 that **the CSG needed to be increased permanently** and that her Department would need to engage with Treasury.²²

¹⁶ African Committee of Experts on the Rights and Welfare of the Child (2015) *Concluding Recommendations on the Republic of South Africa's Initial Report on the Status of Implementation of the African Charter on the Rights and Welfare of the Child*. Addis Ababa: ACERWC. Para.6.

¹⁷ United Nations Committee on the Rights of the Child (2016) *Concluding Recommendations on the Second Periodic Report of the Republic of South Africa*. Geneva: UNCRC. Para 54

¹⁸ United Nations Committee on Economic, Social and Cultural Rights (2018) *Concluding Observations on the Initial Report of the Republic of South Africa*. Geneva: UNCESCR. Para 56 & 57

¹⁹ Independent Panel of Experts for the Review of Zero Rating in South Africa (2018) *Recommendations on Zero Ratings in the Value-Added Tax system*. Pg 69 – 70 Available at https://cisp.cachefly.net/assets/articles/attachments/75659_2018081001_vat_panel_final_report.pdf

²⁰ *Equal Education and Others v Minister of Basic Education and Others* [2020] ZAGPPHC 306; [2020] 4 All SA 102 (GP); 2021 (1) SA 198 (GP) at para 57.

²¹ State of the Nation Address 2021 <https://www.parliament.gov.za/president-cyril-ramaphosas-reply-debate-state-nation-address-parliament-cape-town>

²² Lindiwe Zulu hints at bigger child grant after Covid-19 pandemic is over <https://www.therep.co.za/2020/04/29/lindiwe-zulu-hints-at-bigger-child-grant-after-covid-19-pandemic-is-over/>

However, despite this context the CSG budget was not increased but has instead been decreased – a move specifically not allowed under international law with regards to services for children in a time of crisis.

An austere budget that de-funded social grants

In presenting the 2021 budget in February, and in the press conference that followed, the Minister of Finance emphasised that this was not an “austerity budget”. But for the poorest households who depend on grants, and especially those with children, it is very austere.

The CSG, currently set at R460 per month, is by far the smallest of the social grants, and is substantially below even the food poverty line (R585 in 2020 Rands). The single R10 CSG increase for 2021 was R10 lower than the amount forecast for 2021 in the February 2020 budget documents. In nominal terms, it is the smallest increase that the CSG has received in the past six years (since 2015). In relative terms it is the smallest increase it has received in two decades.

The 2021 Estimates of National Expenditure document explicitly describe a “projected decrease in spending on social grants amounting to R36 billion over the MTEF period”²³ despite a projected increase of 300,000 in the overall number of grant beneficiaries each year. This implies that grant values will lag further behind inflation in 2022 and 2023.

Table 3 below combines information from the 2020 and 2021 Estimates of National Expenditure to show the differences in the grant allocations “before” the Covid-19 pandemic and now, in 2021. All grants experience budget cuts, but the CSG has the most extreme cuts in nominal terms as not only are the budget allocations reduced (by R1.5bn and R3.5bn respectively for the years 2021/22 and 2022/23 respectively), but the number of projected beneficiaries to be reached has been increased by 100,000 in each of those years, perhaps in recognition that more caregivers will be poor than was previously projected.

While the CSG budget has been decreased, the projected number of beneficiaries has increased, indicating that planned grant amount increases in the two outer years will be further reduced from what had been budgeted for the MTEF in 2020.

²³ 2021 Estimates of National Expenditure, p.328

Table 3: Grant allocations in 2020 v 2021 Estimates of National Expenditure

	2020 Estimates of National Expenditure		2021 Estimates of national expenditure		
	2021/22	2022/23	2021/22	2022/23	2023/24
Old Age					
Budget (Rm)	90 053.5	97 068.3	86 486.7	93 145.8	95 100.2
Estimated beneficiaries	3 900 000	4 000 000	3 900 000	4 000 000	4 100 000
Disability					
Budget (Rm)	25 488.5	26 521.6	23 578.9	24 703.9	24 300.8
Estimated number	1 000 000	1 000 000	998 516	996 429	993 206
Foster Care					
Budget (Rm)	4 829.4	4 795.3	4 338.1	4 057.1	3 574.6
Estimated number	304 375	284 844	283 718	254 611	229 440
Care dependency					
Budget (Rm)	3 808.9	4 077.4	3 658.0	3 874.8	3 889.7
Estimated number	160 851	163 882	156 417	161 623	167 027
Child support					
Budget (Rm)	74 779.8	80 735.4	73 317.9	77 224.4	77 019.1
Estimated number	13 200 000	13 400 000	13 300 000	13 500 000	13 800 000
Approx monthly value	470	500	460	477	465

The allocation for the CSG in the 2021 budget provides for the grant to be increased from an average of R445 in the 2020 financial year (R440 from April 2020 and R450 from October 2020) to R460 from April 2021, with no further increase budgeted for October 2021. This is an increase of 3.4%, based on the average value of the grant in each financial year. Comparing the 2021 CSG increase with inflation over the past year, the CSG has kept pace with headline inflation, which is reported as 3.2% for the year (Jan 2021 vs Jan 2020, using Stats SA’s January consumer price indices).²⁴

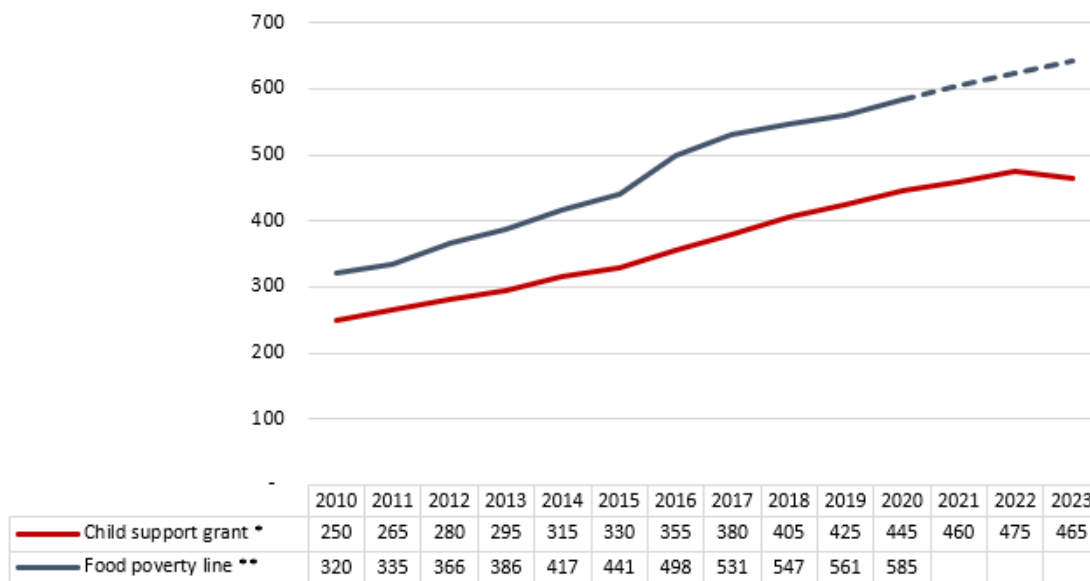
However, headline inflation is based on the “all items” index which also includes items that are mainly incurred only by wealthier households, such as operating private cars and going to hotels (which were negatively inflated). The CSG is specifically targeted to the poor and is meant to support the nutritional costs of a child as well as other basic necessities. It makes more sense to index the grant increase against food inflation.

Food inflation over the same period was 5.6%, substantially higher than average inflation. To keep pace with food inflation, the CSG should be at least R470 in 2021. This is the amount that was previously allocated for the 2021/22 financial year, in the February 2020 budget. Instead, the CSG has been de-funded by R10 per grant per month in the 2021 budget – a total of around R1.6 bn in “savings” to the state at the cost of poor children’s nutrition.

The CSG values projected for the next three years, as per the 2021 budget, effectively increase the distance between CSG and the food poverty line, making it even more difficult for poor caregivers to provide their children with basic nutrition. This widening gap is illustrated in Figure 1 below.

²⁴ Stats SA Consumer Price Index, January 2021
<http://www.statssa.gov.za/publications/P0141/P0141January2021.pdf>

Figure 1. The gap between the CSG value and the food poverty line.



* Child Support Grant monthly value for the years 2010-2020 (as average of April and October values). Projected for 2021 as announced in the 2021 February budget, and projected for 2022 & 2023 based on estimated beneficiary numbers and budget allocations in the 2021 Estimates of National Expenditure.

** Food poverty line in April prices, as reported by Stats SA, with projected modest inflation of 3.5% in 2021-23.

Reduced budget for Foster child grants, without providing a top-up for orphans living with relatives

The 2021 budget has substantially reduced both the budget allocation and the projected number of beneficiaries of the foster child grant (FCG) for the 2021/22 year from R4.8 bn for 304,000 beneficiaries to 4.3 bn for 294,000 beneficiaries, as shown in table 5 below. Yet there is no budget for the CSG top-up for orphaned children living with relatives – the grant that has been designed to replace the use of the FCG for orphans in the care of relatives. The budget required to implement the CSG Top-Up is a relatively small amount (estimated at R519m for the year in 2021/22 if it had started in April). It is necessary to introduce the top-up in order to comply with a series of High Court orders against the Department of Social Development spanning a decade (2011, 2014, 2017, 2019, 2020)

Table 5 shows the projected decline in beneficiaries and budget. For the 2021/22 financial year, there is a reduction of nearly R500m in the FCG budget because the foster care numbers are projected to decline faster than they did in the previous budget. In 2022/23 the decline is even more pronounced, with 30,000 fewer FCGs than previously projected, and a “saving” of over R730 million.

Table 5: Budgeting declines in foster care numbers and foster child grants

Foster Care	2020 ENE		2021 ENE		
	2021/22	2022/23	2021/22	2022/23	2023/24
Budget (Rm)	4 829.4	4 795.3	4 338.1	4 057.1	3 574.6
Beneficiaries	304 375	284 844	283 718	254 611	229 440
Budget decline			- 491.3	- 738.2	
Beneficiary decline			- 20 657	- 30 233	

There is a clear intention to reduce access to the FCG in the 2021/22 financial year, yet we do not see a commensurate intention to introduce the agreed replacement grant in the form of the CSG Top-Up in the CSG line item. This represents regressive action as it effectively reduces the budget for the FCG for orphans in the care of relatives before providing an alternative grant to replace it as provided for in the Social Assistance Amendment Act that was signed by the President in December 2020.

The regressive action can be rectified through an adjustment in the October MTBPS to provide the necessary budget for the introduction of the CSG top-up for orphans living with relatives. If this is not done, then National Treasury and the Department of Social Development will be open to litigation for deliberate regressive action.

BRIEFING NOTE:

THE CSG TOP-UP AS A SOLUTION TO THE 10 YEAR FOSTER CARE CRISIS

On 23 December 2020, President Cyril Ramaphosa assented to the Social Assistance Amendment Act 16 of 2020 (the Amendment Act).²⁵

The Amendment Act gives the Minister of Social Development the power to prescribe, with the concurrence of the Minister of Finance, that an additional payment is linked to a social grant. This will enable the Minister to introduce the CSG top-up for orphaned children living with relatives as opposed this group of children having to go through the lengthy process of navigating the foster care system and obtaining a foster care order from the Children’s Court in order to qualify for a bigger grant.

This will in turn contribute to drastically lessening the pressure on the foster care system that is causing a crisis in the child protection system, particularly the children’s courts and social workers that deal with care and protection matters involving children who have been abused and/or neglected and are in need of care and protection.

The crisis in the foster care system has been ongoing since the early 2000s. The foster care system had for many decades functioned with the number of children in foster care placements remaining around 50,000 or below. However, when the number of orphans started to increase rapidly in the early 2000s due to the HIV pandemic, relatives (often elderly relatives) sought support to obtain foster care orders for orphaned children in their care, because the foster child grant was three times the value of the CSG. The DSD actively encouraged this practice, and the Children’s Act could be interpreted to allow for orphaned children living with relatives to be

²⁵ Social Assistance Amendment Act, as assented to on 20 December 2020. Government Gazette No. 44035. Available: https://www.gov.za/sites/default/files/gcis_document/202012/44035gon1414.pdf

found “in need of care and protection”. By 2010 over 500 000 foster child grants were in payment – ten times the number that had previously been accommodated by the foster care system.

Despite increases in the number of social workers over these years, the high numbers of foster care cases soon overburdened the child protection system especially the social workers and children’s courts which had to do the applications and two-yearly court order extension processes, resulting in large backlogs. In 2011, the foster care system collapsed with 120 000 children losing their grants due to social workers and courts not being able to extend their foster care court orders in time.

The Centre for Child Law has, since 2011, been involved in on-going court applications to keep the foster system afloat and at the same time hold the Department of Social Development to account in developing a comprehensive legal solution to the foster care crisis. The comprehensive legal solution must ensure that the foster care system is able to provide services to children in need of care and protection and at the same time ensure that orphaned children in the care of relatives receive adequate financial support through another source instead of the foster child grant. The latest court order was obtained in December 2020 and the Department is obliged to report on its progress by November 2021

The Amendment Act is part of the comprehensive legal solution to the foster care crisis because it allows for the CSG top-up. Now more than ever it should be a priority to ensure that the families caring for orphans have access to adequate income support and that social workers and children’s courts are freed up from chasing foster care backlogs to enable them to respond to the social consequences of the COVID-19 pandemic; especially the high rate of violence against children and women and rising levels of desperation due to loss of livelihoods.

In the State report to the United Nations Committee on Social, Economic and Cultural Rights in March 2021 (shown below), the South African Government reiterated its commitment to enabling orphaned and abandoned children living with family members to access a CSG top-up, and stated that this is expected to be concluded by April 2021.²⁶

2.3 Recommendation number 57 (c) to the Government of South Africa to expedite the adoption of the Social Assistance Amendment Bill of 2018 to increase the level of child support grants for orphaned and abandoned children living with relatives, for which it has already earmarked funds:

2.3.1. The Social Assistance Amendment Bill was adopted by Parliament in October 2020. The Bill is currently with the President for assenting. Once it is assented, the Minister of Social Development will publish regulations enabling access of orphans living with family members, to a higher value Child Support Grant. This is expected to be concluded by April 2021.

²⁶ RSA (2021) South Africa’s Responses to the Concluding Observations and Recommendations Follow-up Procedure issued by the Committee on Social, Economic and Cultural Rights. March 2021.

Although the enabling legislation (an amendment to the Social Assistance Act) was assented to by the President in December 2020 and the regulations have been finalised, the CSG top-up did not receive any allocation in the 2021 budget.

Recommendations for the Appropriations Committee:

We recommend that the Committee ensures that the October MTBPS includes adjustments to the CSG line item to the following effect:

- (a) Provide for a further R10 increase to the CSG from 1 October 2021, and
- (b) Allocate an additional R260 million to the CSG line item to enable the CSG top-Up to be implemented from 1 Oct onwards.

We provide estimates of the cost implications for remedying the defects of the 2021 budget in these ways, to ensure that social assistance for children is not eroded.

Table 6. Budget implications of recommendations for CSG

Child support grant	Beneficiaries	Value	Budget 2021/22 (Rm)	
Current budget (Rm)	13.3m	R460 (12 months)	73 318	allows for R10 increase to R460 from April, as planned and budgeted
Additional CSG increase (Rm)	13.3m	R10 (6 months)	798	allows for additional R10 CSG increase to R470 from Oct
CSG top-up for orphans	188,000	R230 (6 months)	260	allows for introduction of 50% CSG top-up for orphans living with relatives from October 2021
Additional budget requirement:			1 058	

Conclusion

In February 2020, when the 2020 budget and MTEF was presented to parliament, nobody foresaw the public health crisis that would unfold imminently, let alone the devastating effect it would have on the economy and the need for urgent budget reprioritisation. But the changes in the MTEF grant allocations from 2020 and 2021 show that budget has been taken from grant recipients, who are by definition those identified as in need of social protection.

It is untenable that the poorest and most vulnerable children should have to foot the bill for budget reallocations by making grant sacrifices, especially when South Africa is also battling an ongoing epidemic of child malnutrition. We call on parliament to protect the poorest and most vulnerable in our society from the erosion of the social grants that sustain them, especially in times of crisis. We especially call on parliament to protect poor children from having to make grant sacrifices. They are already at risk of malnutrition and are not easily able to mobilise in protest or make demands for themselves.