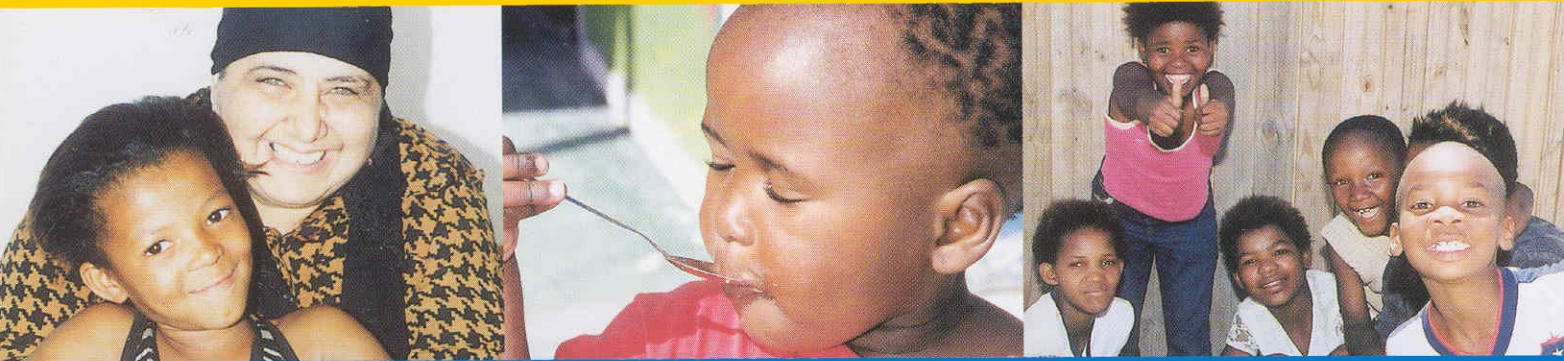
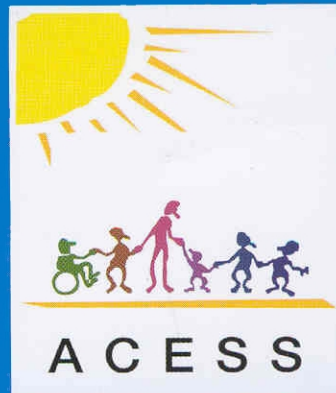
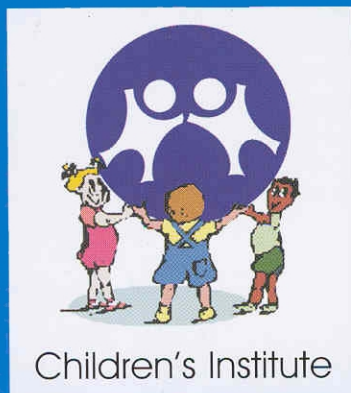


# Extension of the Child Support Grant to Children under 14 Years



## Monitoring Report 1 April 2003 – 31 March 2004



# **Extension of the Child Support Grant to Children under 14 Years**

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*Monitoring Report*

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## ACRONYMS

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ACCESS	Alliance for Children's Entitlement to Social Security
ANC	African National Congress
CRC	Convention on the Rights of the Child
CSG	Child Support Grant
MEC	Member of the Executive Council
SMG	State Maintenance Grant
UCT	University of Cape Town

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## ACKNOWLEDGEMENTS

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The Children's Institute, University of Cape Town, would like to thank the members of the Alliance for Children's Entitlement to Social Security (ACCESS) for their contribution in monitoring the roll-out of the extension of the Child Support Grant (CSG) across South Africa. The public, by using the Case Alert Hotline, assisted us in monitoring the roll-out of the extension of the grant to all parts of the country.

We are indebted to the caregivers and parents who allowed us to use their stories to highlight problems and make recommendations for the phased-in implementation of the extended CSG. We are also grateful to all the paralegal offices across the country for providing us with the CSG cases used in this report.

We would also like to thank Helen Meintjes and Annie Leatt, from the Children's Institute, for their comments and assistance, and Paula Proudlock and Charmaine Smith for editing this report.

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## SUMMARY LIST OF RECOMMENDATIONS

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Based on the individual cases reported to the Case Alert Hotline over the past year, discussions and correspondence with Social Development officials at national, provincial and district level, and statistical analysis of SOCPEN data (administrative data from the Department of Social Development), we hereby make the following recommendations which, it is believed, will help to improve the system and make it more accessible to eligible poor children.

*Poorer provinces have relatively lower uptake rates:*

- 1. The poorer provinces need to be capacitated to make sure that they meet their targets for CSG uptake rates. This means creating much needed infrastructure in rural areas, such as Social Services and Home Affairs offices and the Police service to ensure easy access to documents and the ability to apply immediately.**
- 2. In the short term, more multi-departmental mobile units are required in the rural areas.**

*Beneficiaries have to re-apply if they reach the cut-off age before the start of the next phase of the extension:*

- 3. Children who are already on the system should be allowed to remain on the system to prevent going through the administrative process of reapplication and the hardship caused to poor families.** This was a problem experienced by children who turned 9 before 1 April 2004 and will be a problem for children who turn 11 before 1 April 2005.

*Children denied the CSG because they have "reached the prescribed age":*

- 4. Children denied the CSG due to prolonged application processes should be entitled to receive back-pay for the period during which they were eligible, and as from the date of application.** This was a problem experienced by 8 year old children who were not allowed to apply for the CSG or whose applications were turned down by the system because they turned 9 before the application process was finalised.
- 5. District offices found to be misinterpreting the regulations or deliberately making decisions not to register children who should be eligible as per the law, should be instructed to follow national policy. A reporting and enforcement mechanism should be established for such cases, including a complaints line to someone with authority to investigate complaints and**

**enforce compliance.**

- 6. Children who reach the cut-off age of 9 or 11 should be allowed to stay on the system. This would prevent officials from making decisions not to register 8 and 10 year olds because they know that they will fall off in a short period of time.**

*Dissemination of inaccurate information:*

- 7. National government needs to step in to ensure that eligible children are not turned away at service points. This can be achieved by designing a national communication strategy and disseminating materials such as posters, pamphlets and radio/TV announcements, to the provinces. This will ensure that the dissemination of inaccurate and disparate information does not occur at provincial and district level.**

*Lack of national monitoring and enforceability measures:*

- 8. Develop and implement binding and enforceable national norms and standards, which include standard processing and payment periods.**
- 9. The national Department of Social Development should put in place a CSG Extension Implementation-Monitoring Programme. An official could be appointed to each province to monitor the implementation process and ensure that the regulations are applied accordingly. These officials could work with the organisations that are also monitoring the implementation process, such as the ACCESS network that is spread across the country. ACCESS members work very closely with communities and are in a position to monitor and report on problems encountered. The national Department of Social Development could then ensure that all the provinces are adhering to the law by stepping in where the law is not being applied.**
- 10. Officials in the relevant national, provincial and district level departments should be encouraged to work in partnership with civil society organisations to improve their service delivery. Officials need to understand this principle and work with other organisations to bring services to the people. More meetings with these structures need to take place to form strong partnerships that are aimed at improving service delivery to the poor.**

*Lack of human resources capacity in provinces:*

- 11. There is clearly a need for funds to be allocated to the widespread capacity improvement of human resources, in particular to capacitate the poorer provinces.**

*Provincial officials not appropriately trained:*

- 12. Social services officials, including social workers, need to be trained properly so that they understand the regulations. This includes all provincial department heads, heads of district offices and officials at the front line.**

*Problems with the SOCPEN system:*

- 13. The SOCPEN system should be adequately upgraded to ensure that it provides an efficient and effective service in line with the new regulations.**



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## 1. INTRODUCTION AND BACKGROUND

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Under the apartheid social security system in South Africa, there were four categories of State support. These were for the elderly, persons with disabilities, social relief, and child and family care. The main grant in the field of child and family care was the State Maintenance Grant (SMG). Mostly white, coloured and Indian women, qualified for the SMG if they were unable to get financial support from their partners or the father of the child or children after applying for it through a magistrate's court, or if they were widowed, deserted, or under certain other conditions<sup>1</sup>. The SMG was also means-tested.

Although all South African women legally, were eligible for the SMG, it was mostly African women who were excluded from receiving it. Access, particularly in the former homelands and rural parts of the country where the majority of poor African women were located, was very uneven and sometimes non-existent<sup>2</sup>.

In 1996, the Lund Committee was established by the government, to explore policy options regarding social security for children and families in South Africa. The Lund Committee's *Report on Child and Family Support* recommended a new strategy to phase out the SMG over five years and replace it with a child-linked grant. This child grant was to have a lower monetary value than that of the SMG, but would be targeted at a wider group of beneficiaries to address the imbalanced and racial biases that existed in the old system.<sup>3</sup>

According to the Report of the Lund Committee, the principles for the implementation of the new Child Support Grant (CSG) were as follows:

- a) The CSG would contribute to the costs of rearing children in very poor households.
- b) The CSG would be linked to an objective measure of need, determined through a means test.
- c) The operation of the CSG would acknowledge the State's fiscal constraints and limitations.
- d) The focus of the grant would be on children, not on the family, thus ensuring that the grant would follow the child regardless of the identity of caregiver.
- e) The CSG would also work towards the relief of child poverty.<sup>4</sup>

In April 1998, the government started phasing out the SMG, replacing it with the means-tested CSG. The CSG was to be awarded to the primary caregivers of poor children under the age of seven years.<sup>5</sup> The Social Assistance Act and its regulations were couched in terms that allowed for the age of eligibility to be extended by the Minister of Social Development through notice in the Government Gazette.

On the 14<sup>th</sup> of February 2003, President Thabo Mbeki, in his State of the Nation Address, announced that the CSG would be extended to eligible children under the age of 14 years. This announcement was made in line with the decisions and resolutions taken at both the African National Congress (ANC) Policy Conference held in Kempton Park in September 2002<sup>6</sup> and its National Conference held in Stellenbosch in December 2002<sup>7</sup>. However, shortly thereafter, the Minister of Finance, Trevor Manuel in his Budget Speech, revealed that the extension to age 14 would be implemented through a phased-in approach over a three-year period<sup>8</sup>. This was shortly thereafter reaffirmed by the Minister of Social Development, Dr. Zola Skweyiya, who announced during his Budget Vote Speech that the extension of the grant to 14 years would be ‘phased in’ over a period of three years<sup>9</sup>.

Subsequently, a plan for the phasing in of the extension was laid down in the Regulations<sup>10</sup> to the Social Assistance Act No. 59 of 1992. According to the Regulations, the CSG was to be extended over three years to cover eligible children under the age of 14 as follows:

- a) As of 1 April 2003, children under nine qualify.
- b) As of 1 April 2004, children under 11 will qualify.
- c) As of 1 April 2005, children under 14 will qualify.

According to the Department of Social Development, the phased-in implementation of the CSG was intended to gradually ease the implementation of the extension of the grant to children under 14 years.

This report thus provides an overview of the roll-out of the first phase of the extension of the CSG, raising problems with access and implementation based on case studies. It then goes on to highlight recommendations to improve service delivery for the next phase of the extension of the CSG.

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## **2. THE CSG EXTENSION MONITORING PROJECT**

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### **2.1 Constitutional and international obligations**

Socio-economic rights for everyone are enshrined in section 27 of the South African Constitution, including access to social security, social assistance for those who cannot afford to support themselves or their dependents, sufficient food and water, and health care services; and particularly for children the rights to basic nutrition, basic health care services, shelter and social services<sup>11</sup>. Under the Constitution, the State is obliged to progressively realise the socio-economic rights of everyone, while at the same time measuring the different levels of realisation against the available resources at the national level. The concept of progressive realisation allows the State some time to achieve the

full realisation of the right, but it should still move expeditiously and effectively towards that goal.

In order to ensure that everyone within the State's jurisdiction has access to these socio-economic rights, the government must adopt legislative or other measures. In the groundbreaking *Grootboom* judgement, the Constitutional Court stated that:

“Mere legislation is not enough. The State is obliged to act to achieve the intended result and the legislative measures will invariably have to be supported by appropriate, well-directed policies and programmes implemented by the Executive. These policies and programmes must be reasonable both in their conception and their implementation...**An otherwise reasonable programme that is not implemented reasonably will not constitute compliance with the State's obligations.**”<sup>12</sup> [emphasis added]

In determining whether a set of measures is reasonable, the court would take into account the following factors<sup>13</sup>:

- To consider the problems in their social, economic and historical context.
- To consider the capacity of institutions responsible for implementing the programme.
- The programme must be balanced and flexible and make appropriate provision for attention to crises and to short, medium and long-term needs.
- A programme that excludes a significant segment of society cannot be said to be reasonable.
- To be reasonable, measures cannot leave out of account the degree and extent of the denial of the right they endeavour to realise.
- Those whose needs are the most urgent and whose ability to enjoy all rights therefore is most in peril, must not be ignored by the measures aimed at achieving realisation of the right.
- It may not be sufficient to meet the test of reasonableness to show that the measures are capable of achieving a statistical advance in the realisation of the right. If the measures, though statistically successful, fail to respond to the needs of those most desperate, they may not pass the test.

The State therefore has a constitutional obligation to formulate a comprehensive, workable plan that is capable of facilitating the realisation of socio-economic rights and, within that plan in particular to ensure that those in most desperate need are provided for.

International law and conventions also include socio-economic rights. Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises the “right to an adequate standard of living, including adequate food, clothing, and housing, and the continuous improvement of living conditions”. Article 26 of the UN Convention on the Rights of the Child (CRC) recognises for every child the right to benefit from social security, including social insurance. In addition, Article 27(1) recognises the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

In relation to the extension of the CSG, a reasonable programme reasonably implemented is therefore required to ensure that the legislative measure taken to realise children's right to social assistance succeeds in its goal to minimise child poverty by making sure that all eligible applicants are able to access the grant.

It is therefore very critical that gaps and shortcomings are identified in order to fulfil the constitutional obligation of delivering services that are stipulated by law. The CSG is a critical poverty alleviation mechanism for children, and needs to be administered in such a way as to allow all children who are eligible to access the grant. This can most effectively be achieved by making sure that those regulations that are put in place for poverty relief are reasonably implemented.

## **2.2 Aim and objectives of the project**

After having received several informal complaints related to the three-year-implementation plan of the extension of the CSG from caregivers, parents and various other stakeholders such as community based-organisations (CBOs), non-governmental organisations (NGOs) and paralegal offices, the Children's Institute (CI) and the Alliance for Children's Entitlement to Social Security (ACCESS) decided to establish a project to monitor the implementation process and keep track of '*what is happening on the ground*'.

During the period 1 April 2003 – 31 March 2004, the CSG Extension Project was set up with the aim of ensuring that all children who are eligible for the extended CSG are able to access it. To achieve this aim, the project seeks to:

- Monitor the implementation of the phased-in extension of the CSG on the ground;
- Raise awareness of the extension of the CSG to the public in general;
- Assist people to access the extended CSG through an advice and referral system; and
- Advocate for a smooth and reasonable roll-out through consultation and liaison with relevant government officials.

## **2.3 Methodology**

The project monitored specific aspects of the implementation of the extension of the CSG through the collection of cases of people trying to access the extended CSG<sup>14</sup>. Cases were brought to the attention of the CI in a variety of ways:

- (i) People calling the CI subsequent to hearing a CI staff member talking about the CSG extension on the radio;
- (ii) People calling the CI because they heard through word of mouth that the CI was doing work on the CSG extension;
- (iii) Through the advertisement of the Case Alert Hotline, where people could call

- in to an advice and referral system based at the CI, set up and monitored by a project officer; and
- (iv) Through networking with paralegal offices across the country.

Once cases were reported to the project officer, they would be referred to paralegal offices in the complainant's area to assist them in getting direct assistance to access the CSG. If there was no paralegal office in the area, the project officer would assist the complainant by calling or writing to the relevant local, district, regional or national departmental official to request that they resolve the case. Follow-ups with the clients and the relevant officials would also be done to monitor whether cases were in fact being resolved effectively and expeditiously.

Most of the cases collected were also publicised in the regular publication *Case Alert* – produced by the CI on behalf of ACCESS - to alert and inform all stakeholders, in particular the Department of Social Development, of the problems with the CSG extension being experienced 'on the ground'. *Case Alert* is thus an advocacy tool to inform the public, media and government of problems experienced by people in accessing the extended CSG, as well as to highlight and suggest recommendations for improving the extended CSG programme in the spirit of working in partnership with Government to fight poverty.

The following aspects were monitored and reported upon in *Case Alert*:

- a) Whether children under nine years were able to access the CSG.
- b) What happens when a child with a CSG turns nine before 1 April 2004?
- c) Was there an understanding 'on the ground' of what the extension meant?
- d) Were government officials aware of the new regulations on the extension of the CSG?
- e) Were provinces adhering to the national policy on the extension of the CSG?

In addition, *Case Alert* highlighted the plight of those children living in poverty but who are not currently eligible for any social assistance and/or who will never be eligible under the current restricted system.

*Case Alert* is distributed to faith-based organisations, non-governmental organisations, community-based organisations, government departments, members of Parliament, parliamentary researchers, and the media, including newspapers, radio stations and television.

All the cases in this report were cases that were collected by the Children's Institute and ACCESS through this project.

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### 3. ANALYSIS OF THE PHASED-IN IMPLEMENTATION OF THE CHILD SUPPORT GRANT

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The social assistance system - made up of various social grants - constitutes the government's largest redistribution and poverty alleviation programme<sup>15</sup>. The CSG in particular is the most important and effective poverty alleviation tool aimed at poor children in South Africa. Therefore, the government's extension of the CSG to cover more poor children has been most welcomed. The question is however: are poor and eligible children able to access the grants across the country?

Regulations were promulgated to increase the coverage of the CSG to children under nine as of the 1<sup>st</sup> of April 2003. The Department of Social Development was thus legally committed to registering children aged less than nine years for the CSG as of that date. However, it is clear from qualitative and quantitative information described below (taken from the first six months of the extension) that the uptake of the CSG in the provinces took off slowly in the first few months of the extension. This may be attributed to a number of different factors, including the lack of an adequate communication strategy for the extension, the lack of administrative capacity on the part of social services offices, the lack of sufficient training for officials, and the lack of supportive IT systems. (See further discussion below.)

*Table 1* on the next page gives a breakdown by month of the number of 7 – 9 year old children who received the CSG per province in the period April – September 2003, the first six months of the extension. Note that the total number of children getting on to the system increases steadily over the months of April to July and appears to stabilise in August and September. By the end of September we have an impressive total of 533 274 children between the ages of seven and nine years receiving the CSG.

There are three categories of children that make up this total of 533 274:

- 1) New registrations (196 009),
- 2) Continued grants (182 198), and
- 3) Lapsed and re-registered (155 067).

An important group to note is the 'new registrations' because this indicates new 'additions' to the system.

**Table 1: Total grants registered April – September 2003 for 7 – 9 year olds**

	April	May	June	July	Aug	Sept	Total
<b>Western Cape</b>	2 379	3 276	4 680	6 711	7 336	5 289	<b>29 671</b>
<b>Free State</b>	4 485	9 239	8 978	11 108	5 677	4 199	<b>43 686</b>
<b>Gauteng</b>	5 404	13 382	12 979	17 753	14 628	9 649	<b>73 795</b>
<b>KwaZulu-Natal</b>	8 325	12 572	13 945	24 215	24 053	20 312	<b>103 422</b>
<b>Mpumalanga</b>	2 549	7 682	10 154	12 133	9 154	7 482	<b>49 154</b>
<b>Northern Cape</b>	590	1 317	1 250	2 267	1 402	1 531	<b>8 357</b>
<b>Limpopo</b>	4 426	8 672	17 305	36 877	19 133	26 548	<b>112 961</b>
<b>North West</b>	2 528	2 566	3 351	4 512	12 093	12 964	<b>38 014</b>
<b>Eastern Cape</b>	5 676	11 004	14 420	14 846	12 695	15 573	<b>74 214</b>
<b>Total</b>	<b>36 362</b>	<b>69 710</b>	<b>87 062</b>	<b>130 422</b>	<b>106 171</b>	<b>103 547</b>	<b>533 274</b>

*Source: Leatt (2003) using SOCPEN R05 reports April – September 2003*

Table 2 below sets out the number of children who had never before been registered for a CSG but who are now receiving it. It is important to note that these children are accessing the CSG for the first time for various reasons. It could have been that they were newly eligible by age because of the extension, or that they had only recently heard about the grant and their eligibility in the information campaign that accompanied the extension and registration drive. They might also have managed to acquire the necessary documents for the first time, or been able to afford the travel and other costs of accessing the grant for the first time.

Table 2 similarly indicates that it took between two and three months in most provinces for information about the extension to be distributed and for systems to be established before larger numbers of new children were registered.

**Table 2: New applicants over the age of seven**

	April	May	June	July	August	Sept	Total
<b>Western Cape</b>	150	483	1 010	2 036	2 224	1 363	<b>7 266</b>
<b>Free State</b>	1 689	3 774	4 742	7 103	2 985	1 965	<b>22 258</b>
<b>Gauteng</b>	1 290	6 094	5 408	8 182	7 027	4 292	<b>32 293</b>
<b>KwaZulu-Natal</b>	456	1 449	2 358	6 326	7 122	5 625	<b>23 336</b>
<b>Mpumalanga</b>	351	3 118	3 513	4 014	4 100	2 785	<b>17 881</b>
<b>Northern Cape</b>	83	301	392	840	456	447	<b>2 519</b>
<b>Limpopo</b>	247	4 215	5 579	20 344	6 973	14 434	<b>51 792</b>
<b>North West</b>	356	212	402	1 113	4 087	5 852	<b>12 022</b>
<b>Eastern Cape</b>	1 018	4 387	5 331	5 524	4 761	5 621	<b>26 642</b>
<b>Total</b>	<b>5 640</b>	<b>24 033</b>	<b>28 735</b>	<b>55 482</b>	<b>39 735</b>	<b>42 384</b>	<b>196 009</b>

*Source: Leatt (2003) using SOCPEN R01 reports April – September 2003*

The problems identified in this first phase of the extension of the CSG as outlined below is based on an analysis of the SOCPEN statistics of the implementation of the extended CSG in the different provinces over the period April – September 2003<sup>16</sup>, as well as based on complaints to the Case Alert Hotline by the various caregivers who experienced problems in accessing the extended CSG at different social services offices across the country.

### 3.1 Poorer provinces have relatively lower uptake rates

It is estimated that 60% of children in South Africa live in dire poverty on an income of R200 per month or less<sup>17</sup>. Not only is poverty widespread in South Africa, but it is chronic in many parts of the country, especially in rural areas. *Table 3* indicates the distribution of child poverty across the country. The Eastern Cape, KwaZulu-Natal and the Northern Province have the highest poverty shares in the country, as indicated by the 1999 October Household Survey.

*Table 3: Child (age 0 – 17) poverty rates and provincial child poverty shares in 1995 and 1999, expressed in percentage*

Province	OHS 1995		OHS 1999		Change in poverty rate
	Poverty rate	Poverty share	Poverty rate	Poverty share	
Western Cape	39.2	6	25.3	3	13.9
Eastern Cape	76.9	23	75.2	23	1.7
Northern Cape	64.8	2	50.8	2	14
Free State	72.0	7	61.5	6	10.5
KwaZulu-Natal	59.0	22	63.8	24	4.8
North West	69.6	10	60.4	8	9.2
Gauteng	22.4	5	38.3	8	15.9
Mpumalanga	66.4	8	59.4	7	6.8
Northern Province	64.2	17	68.4	18	4.2
South Africa	58.8	100	59.2	99	0.4

*Sources: Cassiem, S. 2001. Budgeting for child socio-economic rights: government obligations and the child's right to social security and education. Idasa: Cape Town*

*Table 4* on the next page indicates the total number of children aged seven and eight who were placed on the system to receive the CSG by September 2003. A total of 533 274 children aged seven and eight were receiving the CSG by September 2003, with the provincial breakdowns as follows: Limpopo (112 961), KwaZulu-Natal (103 422), Eastern Cape (74 214) and Gauteng (73 795) have the highest number of children receiving the CSG. Northern Cape has the lowest number of children receiving the CSG in the country. However, in proportional terms, **the Eastern Cape, KwaZulu-Natal and North West have the lowest percentages of poor children in receipt of the CSG in**



their provinces.

Gauteng and the Western Cape are doing relatively well with 73.5% and 72.3% of poor children aged seven and eight being reached through the CSG extension within its first six months. These are however the two provinces with the lowest share of child poverty (38.3% and 25.3% respectively), and with arguably the best grant administration infrastructure.

**Table 4: Percentage of poor children aged 7 and 8 receiving the CSG per province**

Province	Total 7 – 8 year olds	Provincial poverty shares	Approximate number of children 7 – 8 in poverty	Children 7 – 8 receiving grants	Percentage of poor 7 and 8 year olds by province
Eastern Cape	325 193	75.1%	244 220	74 214	30.4%
Free State	108 642	61.2%	66 489	43 686	65.7%
Gauteng	262 302	38.3%	100 462	73 795	73.5%
KwaZulu-Natal	444 452	63.8%	283 560	103 422	36.5%
Limpopo	289 615	68.4%	198 097	112 961	57.0%
Mpumalanga	146 232	59.4%	86 862	49 154	56.6%
Northern Cape	33 117	50.8%	16 823	8 357	49.7%
North West	149 796	60.4%	90 477	38 014	42.0%
Western Cape	162 308	25.3%	41 064	29 671	72.3%
<b>Total</b>	<b>1 921 657</b>	<b>Ave: 59%</b>	<b>1 128 054</b>	<b>533 274</b>	<b>Ave: 47.3%</b>

*Source: Leatt (2003) using SOCPEN R05 reports April – September 2003; poverty shares from Streak (2001).*

**Recommendation 1:** The poorer provinces need to be capacitated to ensure that they meet their targets for CSG uptake rates. This means creating much needed infrastructure in rural areas, such as Social Services and Home Affairs offices and the Police service to ensure easy access to documents and ability to apply immediately.

**Recommendation 2:** In the short term, more multi-departmental mobile units are required in the rural areas.

### **3.2 Beneficiaries have to reapply if they reach the cut-off age before the start of the next phase of the extension**

A further issue that arose from an analysis of the cases which were reported to us was the cumbersome and additional process placed on children and their caregivers in having to re-apply for the CSG once they fall off the system. It is strongly argued in this report that children who fall off the system when they turn a certain age (nine years in this first phase and eleven years in phase 2) should rather remain on the system. The number of seven year olds who turned seven before 1 April 2003 and who therefore needed to re-apply after 1 April 2003 is shown in *Table 5* on the next page. They come to a total of 155 067, or 29% of all children aged seven and eight receiving the CSG. The same

problem is occurring with children who turned 9 before the start of the second phase of the extension.

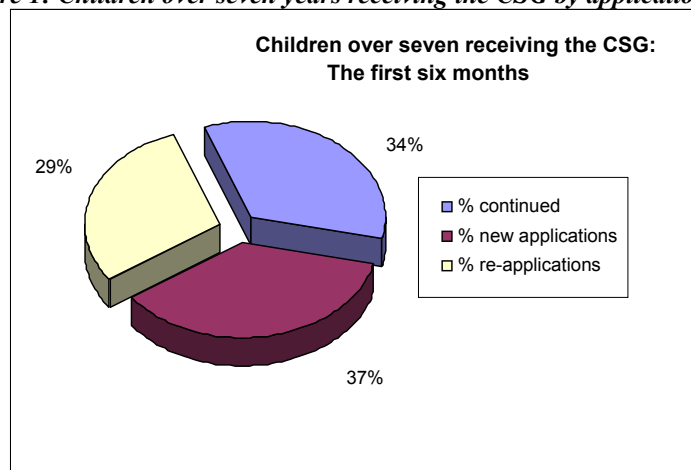
The Department of Social Development would benefit from retaining these children on the system instead of spending the additional budget on requiring children and their caregivers to apply for a second time. Money saved here could be spent more effectively and efficiently on other aspects, for example adequate and appropriate communication and publication strategies.

**Table 5: Lapsed re-applied recipients over the age of seven**

Provinces	Total
Western Cape	8 768
Free State	11 892
Gauteng	22 101
KwaZulu-Natal	30 439
Mpumalanga	17 161
Northern Cape	2 551
Limpopo	32 568
North West	11 596
Eastern Cape	17 991
<b>Total</b>	<b>155 067</b>

Source: Leatt (2003) using SOCPEN R01 reports April – September 2003

**Figure 1: Children over seven years receiving the CSG by application type<sup>18</sup>**



Source: Leatt (2003) using SOCPEN R01 reports April - September 2003

Children who were about to fall off the system by reaching the prescribed age were in some cases prevented from accessing the grant for this very reason. If children are allowed to stay on the system, this may prevent the situation where children were denied access to the grant due to the fact that they were about to reach the prescribed age.

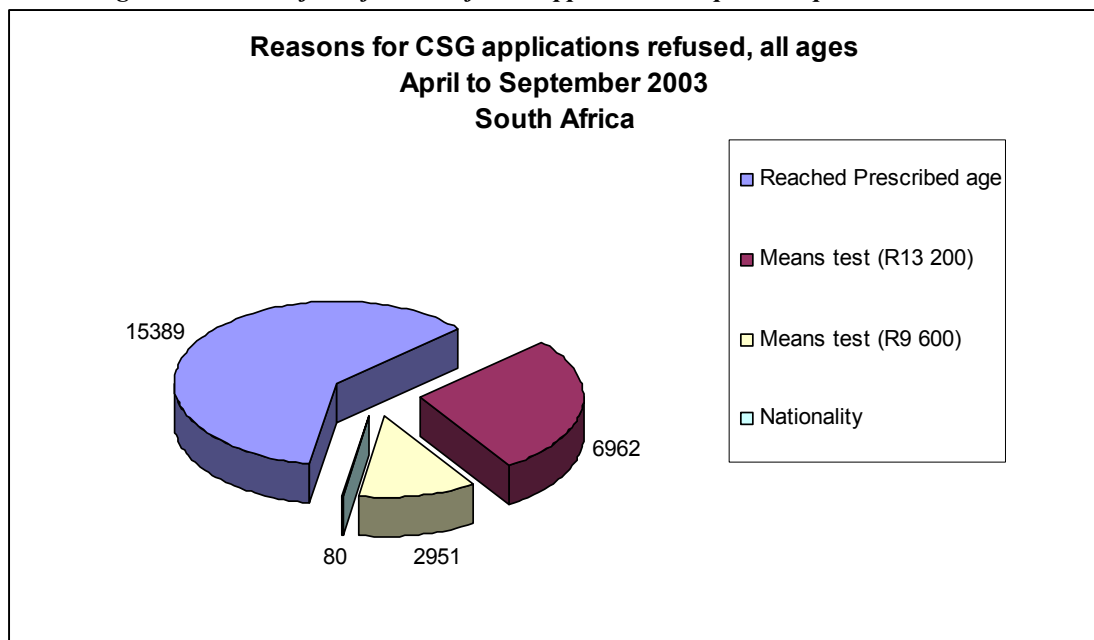
Providing social assistance for a few months to poor children who manage to get on the system and allowing these children to fall off the system is retrogressive in that assistance is given for a few months and then taken away, plunging these children back into a renewed state of poverty. These children then have to wait for months again to get onto the system again. This process is problematic and does not benefit the child.

**Recommendation 3: Children who are already on the system should be allowed to remain on the system to prevent the administrative process of reapplication and the resultant hardship caused to poor families.**

### 3.3 Children denied the CSG because they “reached the prescribed age”

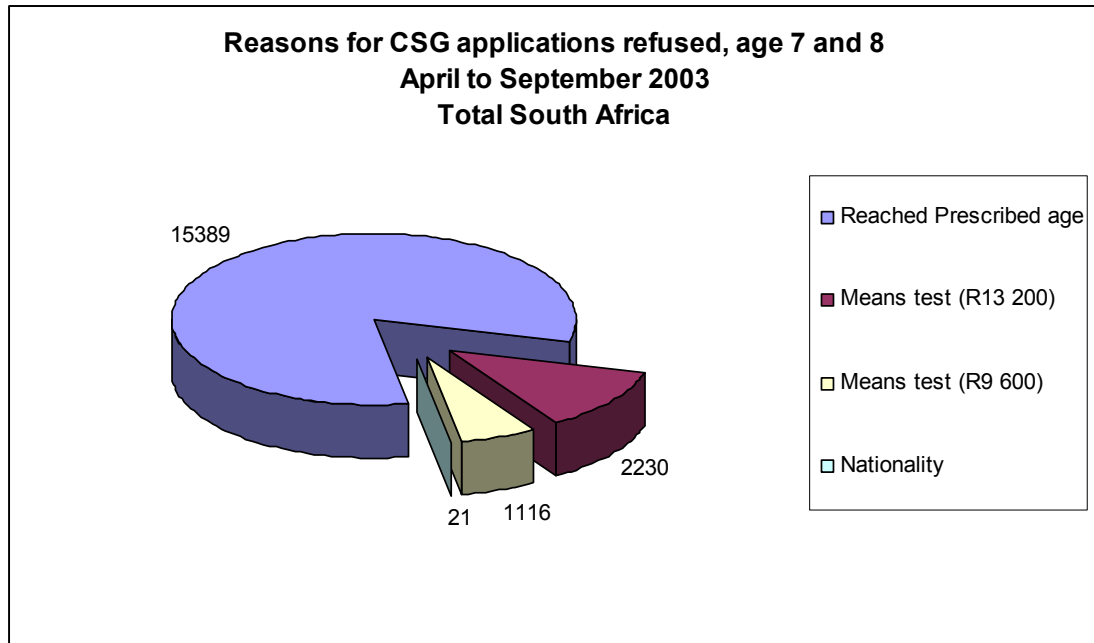
Statistical evidence indicates that the majority of applications for children in the 8 – 9 year age group who were rejected were refused on the grounds that they had “reached the prescribed age” (See *Figure 2* below). Between the months of August and September, 14985 applications in total were rejected nationally on the basis of age<sup>19</sup>.

*Figure 2: Reasons for rejections of CSG applications - April to September 2003*



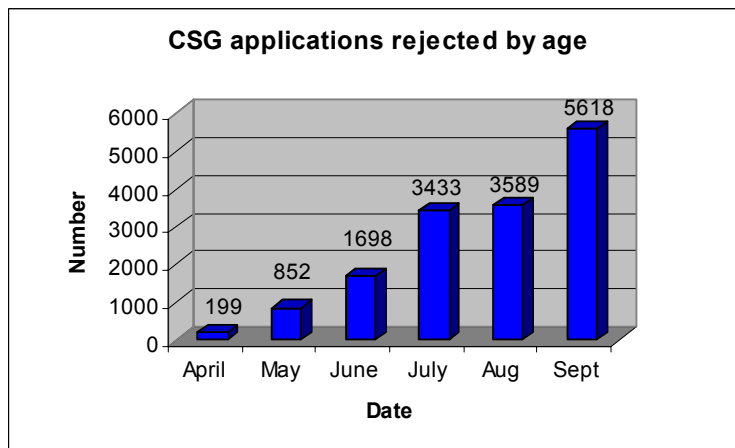
*Source: Leatt (2003) using SOCPEN R01 reports April – September 2003*

**Figure 3: Reasons for rejection – ages 7 and 8**



*Source: Leatt (2003) using SOCPEN R01 reports April – September 2003*

**Figure 4: CSG applications rejected by age**



*Source: Leatt (2003) using SOCPEN R01 reports April – September 2003*

The Children’s Institute and ACCESS received several complaints from caregivers in various provinces about applications being rejected on the grounds that the child had reached the prescribed age. The prescribed age for this period was nine years, as per the regulations. However, it is unclear from the statistical analysis above as to the circumstances under which caregivers were applying for and being denied the CSG on the basis of age.

It is also not possible to know what proportion of the applications rejected on the basis of age can be attributed to a particular reason/scenario. The cases reported to Case Alert cover four scenarios: Firstly, some caregivers may have been applying for the CSG for children who in fact were over the age of nine because they were unclear of the cut-off age during this period. Secondly, some caregivers have applied for the CSG for children who were below the age of nine and were rejected by provinces who were not applying the law correctly. Or thirdly, caregivers have applied for the CSG when the children still fell within the prescribed age limitations, but the delay in processing the applications (sometimes three months or more) meant that children who were eight when they applied had already turned nine by the time applications were finally processed and were thus denied access. Finally there is the situation – which would not be reflected in the statistics - where an applicant with an 8-year old child is turned away from the application office and not allowed to fill in an application form. As examples, the Case Alert Hotline received the following reports:<sup>20</sup>

One of the cases received from Mpumalanga Province was the story of Ms Sindile Khumalo of Leslie. Ms Khumalo could not access the CSG for her son, Siphso, who was born in July 1995 and turned eight years in July 2003. Ms Khumalo remarked:

“I don’t know what to do. On the radio they say we must go and register our children but the social workers are saying we must come next year [2004].”

According to Ms Khumalo there was a big sign in the Leslie social services office for grants applications, which stated, “*Only children under eight*”.

Another report came from Mrs Dineo Sishi from KwaNdebele in Mpumalanga. Mrs Sishi was also sent away on the basis that her eight-year-eight-months old daughter, Sara Mokwena, who was born on 25 August 1994, would only qualify for the Child Support Grant after the 1<sup>st</sup> of April 2004. Similarly, Mrs Sishi stated:

“I explained to the officials that on the radio they said she [Sara] qualifies for the grant. But they [the social workers] insisted that she will only qualify next year.”

According to Mrs Sishi many parents and caregivers of children that were mainly born in 1994, were turned away by social service officials in KwaNdebele during the month of April 2003.

In another, similar case in Mpumalanga Province, Ms Dudu Mdluli of Bethal was also told by officials that her son, Simpiwe, who was born on 16 July 1994, did not qualify for the CSG.

In the North West Province, Ms Kelebogile Seako of Mothle Village was sent away by officials at the Odi Mabopane social services office when she tried to make an application for her son Tshepo, who was born on the 29<sup>th</sup> of August 1994 and was told that her son

would only qualify in 2004. Ms Mahlangu reported to Case Alert:

“After looking at my son’s birth certificate, the official told me that that a child born in 1994 does not qualify for the Child Support Grant. He also added that they were only registering children who were born in 1995”.

In the Eastern Cape qualifying applicants were also not allowed to apply for the CSG on behalf of children aged eight years. The Case Alert Hotline received a complaint from Ms Nonhlanhla Nkosi who could not apply for the CSG for her twin daughters at the Indwe Mobile office, which only visits the area once a month. Ms Nkosi applied for the CSG on the 26<sup>th</sup> of May 2003. The twins were born on the 17<sup>th</sup> of September 1994 and were thus aged eight years at the time of application.

Based on the reported cases above, it appeared that children who were born in 1994 were not allowed to apply and register for the CSG in some social services offices. They were sent away and told to return in 2004. This was despite the fact that national regulations clearly state that children under nine years were eligible for the grant, and that the children concerned were still eight years old when their caregivers approached the offices to apply.

The Children’s Institute informed the Department of Social Development in May 2003 that a number of caregivers had reported that they were being denied the CSG for their children despite the fact that their children fell within the prescribed age limitation. Mr Mbulelo Musi, a spokesperson for the Department of Social Development responded:

“The Department started the extension of the CSG immediately after the President’s announcement. A few days after that the Minister issued a clear directive and met with all MECs and Heads of Social Development to fast track the registration of all children under nine years, and it is the duty of each Province to make sure that they register these children regardless of whether they have the capacity or not.”

Reports were also received from caregivers who had approached the district offices in Kwandebele, Bethal, Leslie, Pienaar ka Dantjie and Nelspruit in Mpumalanga, Reedhaven in KwaZulu-Natal, Smithfield in the Free State, and Indwe, Lady Frere and King Williamstown in the Eastern Cape, that only children who were on the system prior to the 1<sup>st</sup> of April 2003 and who fell off upon reaching the age of seven years, could register for the CSG as of the 1<sup>st</sup> of April 2003.

In Indwe and Lady Frere in the Eastern Cape, community organisations working in the areas reported that the provincial department had taken the decision not to register children who were between eight and nine years until 2004 *‘because of a lack of capacity’*.

**Recommendation 4:** Children aged nine who were denied the CSG due to a prolonged application process should be entitled to receive back-pay for the period during which they were eligible, and as from the date of application.

**Recommendation 5:** District offices found to be misinterpreting the regulations, or deliberately making decisions not to register children who should be eligible as per the law, should be instructed to follow national policy. A reporting and enforcement mechanism should be established for such cases, including a complaints line to someone with authority to investigate complaints and enforce compliance.

**Recommendation 6:** Children who reach the cut-off age of nine or eleven should be allowed to stay on the system. This would prevent officials from making decisions not to register eight and ten year olds because they know that they will fall off in a short period of time.

### **3.4 Dissemination of inaccurate information**

The confusion around the implementation of the extension of the CSG was also fuelled by misinformation supplied by some provincial Departments of Social Development themselves. Despite the fact that the new regulations were clear and directives issued to Provinces to apply the new law - according to the National Department - certain Provinces continued to issue information that stated that only children who were under eight years qualified for the CSG<sup>21</sup>.

Ms Sindile Khumalo of Leslie, Mpumalanga Province, mentioned that there was a large sign in the Leslie social services offices which read, “*Only children under eight*”. This meant that only children under the age of eight years could apply for the CSG. Potential applicants who visited this office would have read the sign and simply turned away without making an application. While many were confused, many with no knowledge on the extension of the CSG accepted the information given by the officials as being accurate.

In Indwe in the Eastern Cape, reports were made by Buyani Corporation, a member organisation of ACCESS, that officials were still not registering children above the age of seven years. They were still only applying the old regulations which only allowed for children up to the age of seven years to apply for the CSG. Applications for eight year olds were not taken, and with many being told to wait until 2004. Nomzukisi Dyatyi was sent back and told to wait until 2004 when she tried to apply for her 8-year old twin daughters. Ntombikhaya Dlomo was also sent back at the Lady Frere office. She was told

by officials that her daughter Vuyokazi, who was born on the 26<sup>th</sup> of October 1995 - seven years at the time of the application –, would only be able to apply in 2004. She applied in June 2003.

In the North West, the provincial department of social development disseminated pamphlets and posters with information stating that “to qualify for the grant, the child must be below eight years old”. (See Appendix A.) This information was distributed to all district offices in the entire province<sup>22</sup>. This meant that children between the ages of eight and nine years were not able to apply for the CSG either because they did not know that they could apply, or that their applications were rejected on the basis of their age.

In a meeting held between ACCESS and the North West Department of Social Development on the 28<sup>th</sup> of November 2003, a poster was presented as proof of the work that had been done by the provincial department to raise awareness on the extension of the CSG. Mr Molema, who is heading the extension project in the province, stated that the posters and pamphlets were distributed on pension day during the first month when the roll-out process started in April 2003.

Many children who were eligible at the time therefore missed out on an opportunity to apply, due to having received inaccurate information about what the qualifying age was. Florence Mahlangu’s application for a CSG for her son Sibusiso was rejected on the grounds that he had reached the prescribed age despite the fact that he still qualified for the CSG at the time when the application was made. To date Florence has not been back-paid for this unfair rejection.

**Table 6: Refused CSG applications by age, total for April – September 2003**

Province	Total
Eastern Cape	1 123
Free State	604
Gauteng	1 290
KwaZulu-Natal	3 381
Mpumalanga	1 220
Northern Cape	266
Limpopo	5 790
North West	882
Western Cape	833
<b>National total</b>	<b>15 389</b>

*Source: Leatt (2003) using SOCPEN R05 reports April – September 2003*



**Recommendation 7: National government needs to step in to ensure that eligible children are not turned away at service points. This can be achieved by designing a national communication strategy and disseminating materials such as posters, pamphlets and radio/TV announcements to the provinces. This will ensure that the dissemination of inaccurate and disparate information does not occur at provincial and district level.**

### **3.5 Lack of national monitoring and enforceability measures**

The problems experienced by our callers in accessing the extended CSG demonstrate a lack of monitoring measures and a lack of means of enforcing compliance with the law by the national Department of Social Development. In the North West, the provincial head office took the decision to change the criteria of what the qualifying age should be. The province managed to disregard the new law and implement its own policy without intervention or reprisal from the national government. The main reason for this lack of authority on the part of the national government over the provinces is the assignment of the Social Assistance Act to the provinces in 1996.

A key feature of the delivery of social grants in South Africa has been the assignment of the administration of the Social Assistance Act to the Provinces in 1996<sup>23</sup>. Many of the problems related to the administration of social grants generally can be substantially attributed to the lack of a nationally organised social security system with standardised management, budgeting and communications systems<sup>24</sup>. These include problems related to human resources, such as inadequate training and capacity building; inadequate infrastructure, safety and IT support systems; unclear eligibility requirements in the regulations; budgeting procedures and constraints; payment contracts; fraud, inexperience and varied performance; inadequate community outreach and education programmes on the social grants; and the conditions for eligibility.

Lack of enforceable and binding national norms and standards has led to this state of affairs. National norms should relate to issues such as standard processing and payment periods, uniform regulatory agreements with payment contractors, review and appeal procedures, etc.<sup>25</sup>

Policy, on the other hand, is currently enforced through a series of ‘gentlemen’s agreements.’ What is thus lacking is an authoritative structure to develop and ensure the implementation of enforceable policy. The national norms and standards project cannot be implemented due to provinces blocking it, claiming independence and inadequate funds in their provincial budgets to implement them<sup>26</sup>.

Social assistance is a hard cash delivery system, which is demand-related and linked to statutory and constitutional entitlements. It is accordingly inappropriate to allow room for

provincial discretion and variation. It is hoped that the establishment of the National Social Security Agency and the withdrawal of the assignment of the Social Assistance Act to the provinces via the recent repeal and replacement of the Act will provide the platform for uniform national standards to apply to access to social security (e.g. when can grants be stopped, the assessment process, etc.)<sup>27</sup>.

**Recommendation 8:**      **Develop and implement binding and enforceable national norms and standards, which include standard processing and payment periods.**

**Recommendation 9:**      **The national Department of Social Development should put in place a CSG Extension Implementation-Monitoring Programme. An official could be appointed per province to monitor the implementation process and ensure that the regulations are applied accordingly. Such officials could work with the organisations that are also monitoring the implementation process, such as the ACCESS network that is spread across the country. ACCESS members work very closely with communities and are in a position to monitor and report on problems encountered. The national Department of Social Development could then ensure that all the provinces are adhering to the law by stepping in where the law is not being applied.**

**Recommendation 10:**      **Officials in the relevant national, provincial and district level departments should be encouraged to work in partnership with civil society organisations to improve their service delivery. Officials need to understand this principle and work with other organisations to bring services to the people. More meetings need to take place with these structures to form strong partnerships that are aimed at improving service delivery to the poor.**

### **3.6 Lack of human resources capacity in provinces**

In provinces such as the Eastern Cape, the North West and Limpopo, people in rural areas depend on mobile units to make applications for grants. When the regulations for the CSG came into effect, no provision was made to also increase the human resources capacity of social development in order for them to effectively carry out their duties of registering the growing numbers of eligible children. In places such as Indwe in the Eastern Cape, mobile units only visit once a month, normally leaving behind long queues of people who then have to wait for the following month for the mobile unit to make another visit. This means that despite the fact that more applications were going to be

made due to the extension of the CSG, no allocation in the budget was made for more mobile units and for more visits to rural areas.

**Recommendation 11:** **There is clearly a need for funds to be allocated for the widespread capacity improvement of human resources, in particular to capacitate the poorer provinces.**

### **3.7 Provincial officials not appropriately trained**

Through our interaction with various government officials, it was apparent that they even did not understand the new regulations on the extension of the CSG. In some provinces officials were either confused, or they knew and understood the regulations but had received a directive from their provincial directors not to register children who were eligible. The author spoke to an official at the operations centre in Mafikeng in the North West Province regarding the case of Florence Mahlangu, whose application for a CSG was rejected despite her son having been eight-years-and-nine-months at the time when the application was made. The official was unsure as to what the qualifying age was and had to check with his supervisor, who was also unsure and further referred the author to the head of the operations centre, who demonstrated a clear understanding of the regulations.

**Recommendation 12:** **Social services officials, including social workers, need to be trained properly so that they understand the regulations. This includes all provincial department heads, heads of district offices and officials at the front line.**

### **3.8 Problems with the SOCPEN system**

One of the reasons given for the fact that qualifying children were not allowed to apply for the CSG in social services offices in some provinces, was that there were problems with the SOCPEN system itself<sup>28</sup>. The head of the operations office of the North West Department of Social Development, Mr Lee, stated in a meeting with ACCESS members and staff, including the Children's Institute:

“The SOCPEN system has not been upgraded and it is difficult for the system to accept applications of children who are above the age of seven years. These problems with the system also prevented us from making payments to children who turned nine years by the time their application had been approved.”

It was thus reported that the SOCPEN system was unable to accept applications of children who were above the age of seven years. This despite the fact that the Department of Social Development, based on recommendations made at Minmec, had decided to revamp the system in 2002.

In his Policy Debate Speech to the National Council of Provinces (NCOP) in June 2001, Dr. Skweyiya stated:

“Our grants payment system, SOCPEN, is neither appropriate for nor up to the task of providing the kinds of management information required to ensure the effective delivery of social assistance. The Council of Social Development Ministers has agreed to replace the antiquated SOCPEN system within two years.”<sup>29</sup>

**Recommendation 13: The SOCPEN system should be adequately upgraded to ensure that it provides efficient and effective service in line with new regulations.**

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## **4. CONCLUSION**

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The Children’s Institute and the Alliance for Children’s Entitlement to Social Security commends the Minister for Social Development, Dr Zola Skweyiya, and the Department of Social Development for their enormous efforts in ensuring that eligible poor children under the age of 14 years are all eventually able to access social assistance as provided by the government. This dedication to fight poverty is laudable and we commit ourselves as civil society to contribute our skills and expertise to the same end.

We therefore hope that this report will assist in making the next phase of the extension of the CSG a smoother and more accessible one. It is important that the implementation of the social assistance programme of the government for poor children in South Africa is accessed by those people who cannot afford to support themselves or their dependants. And it is sincerely hoped that children between the ages of 14 and 18 will soon be granted the same consideration and opportunities as children under the age of 14.

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## ENDNOTES

<sup>1</sup> Summary of the Report of the Lund Committee on Child and Family Support, 1996, pp. 1-2. <http://www.healthlink.org.za/pphc/Phila/lundsum.htm>.

<sup>2</sup> Ibid.

<sup>3</sup> Report of the Lund Committee on Child and Family Support, August 1996. p.13. <http://www.polity.org.za/html/govdocs/reports/lund.html?rebookmark=1>

<sup>4</sup> Ibid p.75.

<sup>5</sup> Social Assistance Act No.59 of 1992.

6 Closing Statement of the National Policy Conference, delivered by Deputy President Jacob Zuma, 30 September, 2002 <http://www.anc.org.za/ancdocs/history/conf/conference51/index.html>

7 Resolutions Adopted by the 51<sup>st</sup> National Conference of the African National Congress, Stellenbosch, <http://www.anc.org.za/ancdocs/history/conf/conference51/index.html2002>

8 Budget Speech 2003 <http://www.treasury.gov.za/documents/budget/2003/speech/speech.htm>

9 Budget Vote Speech By Doctor Zola Skweyiya, Minister of Social Development to the National Assembly, 27 March 2003. At the same time, the CSG monthly amount was increased from R130 to R160 per child. <http://www.welfare.gov.za/Documents/2003/Budget%20Vote/Fact%20Sheets/votesp.pdf>

10 Regulations No. 24630, 31 March 2003.

11 Sections 27 and 28 of the Constitution of the Republic of South Africa, Act 108 of 1996.

12 *Government of the Republic of South Africa v Grootboom and others* 2000 (11) BCLR 1169 (CC) ('*Grootboom*'), para. 42.

13 *Grootboom*, para. 43-44.

<sup>14</sup> Over the period between the 1<sup>st</sup> of April 2003 and 31<sup>st</sup> December 2003, the following cases were collected: Eastern Cape, 5 cases; Free State, 2 cases; Gauteng, 1 case; KZN, 1 case; Mpumalanga, 7 cases; North West, 1 case; Western Cape, 1 case. A total of 18 cases were reported during that period. The information in this report is based on reports received from the complainants as well as interviews held with officials of the Department of Social Development at national, provincial and district level.

<sup>15</sup> Leatt A., 2003, *Reaching out to Children*. A Working Paper by the Children's Institute, University of Cape Town, November 2003.

<sup>16</sup> Ibid.

<sup>17</sup> Cassiem, S. 2001, *Budgeting for child socio-economic rights: government obligations and the child's right to social security and education*, IDASA, Cape Town, p. 23.

<sup>18</sup> '**Continued applications**' is where a beneficiary does not have to do anything for their grant to continue. In other words, the change in status is simply administrative. The child would have had their grant discontinued because they reached the age of seven, but now, because of the extension, their grant automatically continues. '**Re-applications**' take place when a child's grant is discontinued (principally because they have reached the age of seven before the extension date) and then the primary caregiver makes another application which is successful and they once again start receiving the CSG.

<sup>19</sup> Leatt A., op cit note 15.

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<sup>20</sup> The names of people who reported cases have been changed for the purposes of this report, except in cases where permission for publishing names has been granted by the complainants themselves. Names of departmental officials have not been changed as they were acting or responding in their capacity as public officials. Officials wanting to assist with specific cases may contact the Children's Institute for contact details.

<sup>21</sup> Reported in Case Alert of 5 May 2003 and 18 April 2003, based on statements made to Children's Institute staff by Mbulelo Musi, spokesperson for the Department of Social Development and Fezile Makiwane, Chief Director of Social Security in the national Department of Social Development.

<sup>22</sup> In a meeting held between ACCESS and the North West Department of Social Development on the 28<sup>th</sup> of November 2003, a poster was presented as proof of the work that has been done by the Department to raise awareness on the extension of the CSG. Mr Molema, who is heading the extension project in the North West, stated that the posters and pamphlets were distributed during the first month when the roll-out process began in April 2003. This, he stated, was done on pension day.

<sup>23</sup> Proc. R7 of 1996.

<sup>24</sup> Submission on the Draft South African Social Security Agency Bill, 9 April 2003. Held on file by the authors.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> See Social Assistance Bill 2003 as adopted by the National Assembly on [www.welfare.gov.za](http://www.welfare.gov.za)

<sup>28</sup> The SOCPEN system is the National Department of Social Development's computer database system which enables the Department to cumulatively collate the daily records of applicants, beneficiaries paid and applications rejected for each of the grants administered by the Department of Social Development per province. This includes records for the old age pension and grants for war veterans, disability grant, foster child grant, care dependency grant, child support grant and grants in aid.

<sup>29</sup> Policy Debate Speech By Dr Zola Skweyiya, Minister For Social Development to the National Council of Provinces on 6 June 2001.