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Implementation of the child support grant: a study of four provinces and recommendations for improved service delivery

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IMPLEMENTATION OF THE CHILD SUPPORT GRANT

A study of four provinces and

recommendations for improved service delivery

January 2006

Report by

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Opinions expressed and conclusions arrived at are those of the authors.

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Abbreviations

CALS	Centre for Applied Legal Studies, University of the Witwatersrand
CSG	Child Support Grant
DSD	Department of Social Development
GEPF	Government Employees Pension Fund
HA	(Department of) Home Affairs
ID	Identity document
MEC	Member of the Executive Council
NGO	Non-Governmental Organisation
PCG	Primary Care-Giver
SAPS	South African Police Services

SUMMARY OF RECOMMENDATIONS

I. HUMAN RESOURCES AND INFRASTRUCTURE: DEPARTMENT OF SOCIAL DEVELOPMENT (DSD)

1. Shelter and child-care facilities

- People at pay-points should be provided with shelter, security and child-care facilities. The different grant types should be paid out on different days. Additional resources (such as pay-machines) and staff should be brought in to reduce the time spent in the queue.

2. Computers

- Computers linked to the DSD's system should be available at all offices where applications are made.

3. Privacy

- Screening of new applicants should be done in private.

4. Office hours

- People should be able to apply for a Child Support Grant (CSG) during office hours. They should not be turned away at any time, particularly as they have often spent money and time to get there. If officials are not managing to do their administrative work during working hours additional staff should be employed or work should be reorganised. For those applicants who are working or attend school, certain after-hours times should be allocated to assist them.

5. Satellite vs. central offices

- Satellite offices are obviously necessary, as are mobile units. These should however, be better resourced in the interests of efficiency and the safety of officials should be ensured.

6. Queues

- Different grants should be paid on different days. Sufficient resources should be available to pay people on the pay-day they are told to attend and this should be done relatively quickly so that people do not have to wait for many hours.

7. Adequate staffing

- Provide sufficient staff so that applications can be approved at district offices.

- Provide sufficient staff at satellite offices.

- Provide sufficient staff to screen applications so that people are not forced to wait all day or told to return the next day.

8. Training for staff

- Officials should be trained properly about the requirements for a CSG.

9. Conduct of officials

- The principles of *Batho Pele* must be enforced in the department. Officials need to be given feedback on their performance (for instance, that applicants find some officials patronising or judgemental). They should be trained and managed to ensure that they are professional and respectful in their dealings with customers. Screening must be done sensitively as many of the issues relating to the grant (such as the whereabouts of the child's father) are difficult issues for the applicants. They should be treated as customers who will be assisted in getting services to which they are entitled. Wherever possible, people should be assisted by officials who speak their language. Improvement of staff conditions and addressing staff shortages will help staff morale and behaviour.

II. INVOLVEMENT OF OTHER GOVERNMENT DEPARTMENTS

1. South African Police Service (SAPS)

- A social security official/s at each social security office should be designated commissioner of oaths to certify documents and attest affidavits. Public service officers at minimum salary scale level 2 may act as commissioners of oaths, and their involvement in the application process would be more cost-effective for the government and beneficiaries. The police would not need to be involved in the CSG application process in any way at this stage.

2. Home Affairs (HA)

- Wherever possible, Home Affairs offices or mobile units should be located close to DSD offices so that additional travel by applicants is avoided.

- Photocopy and certification facilities should also be easily accessible at DSD or HA offices at no cost for all applicants.

- Home Affairs officials should improve their customer service in line with Batho Pele principles, when dealing with CSG applicants who need assistance in accessing identity documents (IDs) and birth certificates and who need advice on how to obtain alternative documentation.

- Better coordination between the Departments of Social Development and Home Affairs must be developed to speed up applications. The problem of fraud, or whatever it is that causes people to be registered with the same ID as another person, must be rectified.

3. Health

- The practice of requiring clinic cards from applicants must be stopped immediately unless it is for the purpose of identification of a child where there is no birth certificate. In any other circumstance, requiring the card is simply adding to the burden on applicants and is unlawful *(ultra vires)*.

4. Education

- The policy of requiring letters from schools regarding the relationship between a child and its primary care-giver (PCG) should be stopped immediately wherever it is occurring. A school letter is not a requirement in the regulations, and to require it is unlawful.

5. Justice

- Failure to institute private maintenance claims should not be a barrier to processing applications for the CSG. There does not appear to be any basis in law to require that applicants pursue maintenance claims as a precondition for applying for the CSG. Officials seem to be operating in terms of the 1998 regulations prior to their amendment in June 1999. There is no requirement to prove that efforts have been made to get maintenance from the father of the child. The DSD should not be sending people to the maintenance courts where they are likely to be frustrated by the lengthy and ineffective process. Officials should simply process the applications in terms of the regulations.

6. Traditional Authorities

The involvement of chiefs should not be necessary for the purpose of a CSG application, either for proof of residency or proof of customary marriage.

III. ADMINISTRATIVE REQUIREMENTS

1. Documents required *ultra vires*

i) Clinic cards

By requiring clinic cards in order to accept CSG applications, officials seem to be operating in terms of the 1998 regulations, prior to their amendment in June 1999. The current regulations contain no requirement to bring proof of immunisation. Officials should simply process the applications in terms of the regulations.

ii) Photographs of children/presence of child

The regulations do not require the child to be present on application, nor do they require a photograph. The department is simply adding to the burdens already placed on poor applicants applying for grants. This practice should be stopped immediately as it is unnecessary and does not, in any event, prevent those who are determined to defraud the state.

ii) Letter confirming child's school attendance

There is no requirement for proof of school attendance in the regulations, and so cannot be a condition for processing a grant application.

iii) 'Brown' cards

There is no requirement in the Act or in the regulations, to bring proof of attempts to find employment ('brown cards'). Officials should simply process the applications in terms of the regulations. If they require additional documentation, they are operating outside the law.

2. The 'primary care-giver' requirement

- Officials should automatically check whether a CSG is already being claimed in another province via the SOCPEN system, before the person puts in an application.
- Officials who encounter instances of corruption where someone is receiving a CSG for a child that is not in their care, should suspend or cancel the grant and allow the actual 'primary care-giver' to apply for a new grant or transfer payment to her in terms of Reg 23. Directives for officials on how to handle these cases are clearly needed.

- Grandmothers or other non-biological 'primary care-givers' should not be required to prove that they have tried to claim maintenance from the parents of the child as this is not required in terms of the regulations. They simply have to show via an affidavit that they are the 'primary care-giver' of the child and that they cannot afford to look after the child.

3. The means test

- The DSD should provide direction to all offices on a proper interpretation of s9 of the regulations. Marriage certificates, spouses' IDs and proof of spouses' income should not be required unless their presence provides some useful purpose for means testing. Requiring further documentation from applicants compounds the burdens (cost, time, effort) that poor mothers face in having to obtain official documentation that they may not always have in their possession.
- Onerous requirements on applicants (such as affidavits from former employers) may assist to prove a small number of fraud cases, but generally, will just make access more difficult for most of the genuinely poor applicants who apply. The DSD should direct officers to ask only for documentation where it actually assists with the means test or where there is a reasonable chance that such documentation will prevent fraud.

4. Identity documents and birth certificates

- Social security offices should be sufficiently resourced to enable CSG applicants to get birth certificates and identity documents photocopied and certified at the office where the application is made.
- Where names of children are not recorded uniformly on all official documents, this should not preclude children getting the CSG. The problem should be solved immediately by social security officials by contacting the Department of Home Affairs and seeking clarification on the names of children. Home Affairs should be cooperative in this regard. The DSD and HA should also explore options for making HA data available to Social Security officials – ideally, officials should be able to check identities online.

5. 'Proof of residency'

- Proof of residence should only be required where it is needed for the purpose of qualifying someone under the means test, i.e. where a person earns more than R800 per month but says she lives in an informal dwelling or rural area. Any other request for proof serves no purpose other than to make life more difficult for applicants. This is not a legal requirement and since the CSG is a national entitlement regardless of the province in which a person resides, there seems no good reason to require such proof. This practice should be stopped (other than where it is genuinely useful for the means test).

IV. ADMINISTRATIVE JUSTICE

1. Processing, notification and waiting periods

- Proper verification of documents must be done at the time of submitting the application to avoid return trips to social security offices and minimise extended waiting periods for approval.
- Proper explanations, preferably in writing as well as verbally, in their own language, should be given to applicants so that they understand when to return and what is happening with their application.

- The maximum time period of 90 days for processing of applications and informing applicants of their outcome, as articulated in the norms and standards guidelines, should be strictly applied.

2. Appeals

- Applicants should be made aware that they have a right to appeal. More awareness of the appeal process should be raised and monitoring mechanisms put in place to track what appeals are received and what their outcomes are.

V. APPLICANT AWARENESS OF THE CSG AND REQUIREMENTS

- More awareness-raising campaigns need to be launched on local radio stations and via road-shows at different villages, townships, informal settlements etc. These campaigns should clearly state the eligibility requirements for the CSG and the administrative requirements for application.

VI. COMBATTING FRAUD

- The Department's emphasis on investigation and 'crime prevention' should not outweigh the emphasis on getting the grant out.
- The allegations of grants being used by politicians and councillors for political gain, requires investigation by the Department of Social Development.

VII. EXPERIENCES OF BENEFICIARIES

1. Pay-points

- Pay-points should ensure that they have sufficient money for the payment of grants on pay-days.
- Grants should be paid into bank accounts where possible. The Department of Social Development or another relevant government department should negotiate with all banks to waive bank charges for grant recipients.

2. Costs to applicants

- The DSD should send more mobile units to rural areas to collect applications and also to pay out the grants. Mobile units should consist of officials from the DSD and HA.
- Photocopying facilities should be made available at social security application points, including mobile units. Applicants should not be charged for this service as they are poor.

3. Language and communication issues

- Officials should as far as possible speak the language of the people living in the surrounding community or the social security office should have an official translator for each official who lacks the necessary language skills.
- Clear guidelines for getting the required documents for the CSG application should be made available to applicants. All documents explaining the requirements for the CSG should be available in the languages spoken in the surrounding communities.

4. Farm workers

- The DSD should ensure that farm workers, and particularly seasonal workers are not unfairly disadvantaged by the implementation procedure.
- For the purpose of means testing, the DSD should consider the situation of farm workers (and others with erratic or seasonal income) as a specific group, and ensure that their annual income is fairly and accurately calculated.
- Farm workers should not have to reapply for a grant each year.
- Farmers should be educated about farm workers' right to claim the CSG, should they qualify.
- Greater efforts should be made to reach farm workers with outreach programmes where farmers try to prevent access to the CSG or do not allow their workers to take time off work to go to DSD offices.
- Where farmers are violating farm workers' rights to access grants, the DSD should work with the South African Human Rights Commission and similar bodies to assert the rights of such people.

SUMMARY OF RECOMMENDED CHANGES TO THE ACT AND REGULATIONS

1. The means test

- The value of retaining the rural/urban division in the means test should be reviewed by the department.
- The value of retaining the formal/informal dwelling aspect of the means test should be reviewed by the department.
- The income threshold should be reviewed to address the problem that the same threshold applies to all primary care-givers irrespective of the number of dependants.
- The threshold for both tiers of the means test for the CSG should be adjusted in line with inflation as calculated by Budlender et al (2005)[1]. They suggested that the current levels should be R1,123 (urban) and R1,544 (rural) respectively in 2004. This would ensure that the CSG programme for poor children under the age of six is not retrogressive, and will extend eligibility to more poor children in need across the age categories.
- The means test used for the CSG is irregularly applied; it does not allow for verification; and most of the applicants for the CSG earn little or nothing. It is therefore recommended that a self-selection targeting mechanism be implemented. The means test should be scrapped and replaced by a simpler, low-level application process without the need for proof of income. Applicants for the CSG would only be required to establish:
    - That there is only one CSG per child;
    - That the child is within the prescribed age category;
    - That the child and primary care-giver are South African citizens, permanent residents or refugees (allowing for discretionary documents in substitution of birth certificates and identification documents where they are unavailable); and
    - That the PCG applicant lives with the child.

[1] Budlender D, Rosa S & Hall K (2005) *At all costs? Applying the means test for the Child Support Grant.* Cape Town: Children's Institute & Centre for Actuarial Research, University of Cape Town.

2. ID requirements

- Alternative proof of identification should be accepted by the DSD where inability to do so would prevent poor children from receiving a CSG pending the furnishing of IDs and birth certificates by the Department of Home Affairs.

3. Other recommended legislative changes

- The CSG should be extended to all children up to the age of 18;
- The amount of the CSG should be increased to meet more of the needs of poor children;
- Improvements to the CSG should form part of a comprehensive social security system in South Africa;
- The number of children that a primary care-giver can apply for the CSG should be unlimited (as opposed to the current six);
- Children under the age of 16 should be able to apply as a primary care-giver for children in their care;
- Refugee children as well as non-citizen resident children should be entitled to the CSG.

1. INTRODUCTION

Since its inception in 1998, the Child Support Grant (CSG) has been rolled out very rapidly and now reaches more than seven million children. It is having a significant impact on the alleviation of poverty by increasing children's access to food, education and health care.

Despite this remarkable achievement, not all poor children are managing to access the grant. The way in which the grant is implemented is not always consistent across provinces or even within provinces. Certain implementation problems mean added burdens for poor primary care-givers in their interaction with the Department of Social Development (DSD), and some of the other government departments. Many of these problems can be easily solved and conditions be improved for grant applicants and beneficiaries. Such improvements would go a long way towards the realisation of all people's rights to social assistance, as set out in Section 27 of the South African Constitution. Improvements in implementation would also bring current practice in line with administrative law as set out in the Constitution, legislation and common law.

The Centre for Applied Legal Studies (CALS) at the University of the Witwatersrand, is a research, advocacy and litigation organisation committed to human rights. It has a Gender Research Programme that has been researching the issue of gender and social security in South Africa. As part of this project, CALS has undertaken a fieldwork study in Gauteng and the North West Province to examine the implementation of the CSG and to consider the gender issues involved with the grant.

The Children's Institute (CI) at the University of Cape Town is a policy and law reform research and advocacy organisation aimed at the realisation of children's rights. One of its projects promotes children's rights to social assistance in South Africa. The project in 2005 undertook a fieldwork study on the implementation of the means test for the CSG in the Eastern and Western Cape provinces.

This report brings together the findings of the two fieldwork studies, with recommendations for improved delivery of the CSG. We are mindful of the coming into force of the new Social Assistance Act 13 of 2004 and the regulations to the Act, and the imminent launch of the Social Security Agency and see these developments as opportunities to improve government policy on grants and grant administration. We are also aware that the department is commissioning research on the mean test, presumably with a view to improving or altering the current system. We hope that this report will assist the department in its forthcoming plans.

The first part of the report deals with the methodology of the research. The second part covers aspects of lack of consistent and coherent implementation of the current Social Assistance Act 59 of 1992 and the regulations thereto and makes recommendations for the improvement of implementation and the setting of norms and standards. The final part of the report examines issues that require changes in the law and provides recommendations for paring down the regulations and altering the law to make for a more stream-lined and accessible social grants administration.

2. METHODOLOGY

The Children's Institute conducted fieldwork in March 2005 at six sites – three in the Western Cape and three in the Eastern Cape provinces. There was a spread of rural and urban sites. The two provinces were chosen as they differ markedly in respect of levels of poverty, racial profiles and historical provincial administration. The Western Cape sites were:

- *Khayelitsha*: A mainly African township, and part of the Cape Metropole although some distance from the city centre – the main DSD office and the Blue Hall service point in Site C were visited;
- *Atlantis*: A predominantly Coloured area set up under apartheid as an intended industrial development point fairly near to Cape Town – the main DSD office and the Piketberg service point were visited; and
- *Worcester*: A rural, agricultural centre with a racially mixed population – the main DSD office was visited.

The Eastern Cape sites were:

- *Umtata*: A large town, formerly the 'capital' of the Transkei – officials were interviewed at the district office in central Umtata, and at the Umtata service point down the road from the district office. Additional interviews were conducted when the mobile unit visited a school in Umtata that services a community of informal shack dwellers next to a rubbish dump site, called Tipini;
- *Mt. Ayliff*: A small, rural town near the border of KwaZulu-Natal - interviews with officials were conducted at the mobile service point in Gosa village, the district office in Mt. Ayliff and the provincial office in East London. The applicant interviews were all conducted at the mobile service point in Gosa village; and
- *East London*: A port city that was formerly part of 'white' South Africa, but which includes large townships which were formerly part of the Ciskei – the DSD office in the city centre was visited.

Interviews were conducted with officials of the DSD and CSG applicants at each site. A police officer was also interviewed at each site about the process of assisting applicants with affidavits. A total of 118 interviews were conducted:

- 57 CSG applicants were interviewed.
- 55 DSD officials were interviewed.
- 6 SAPS officers were interviewed.

The purpose of the fieldwork was to gather sufficient information to estimate the cost of the means test for the CSG to the government and to applicants. At each site, DSD officials dealing with each of the steps in the CSG application process were asked about the time and activities spent on the means test for the CSG.

Applicants generally need to interface with the South African Police Service (SAPS) to obtain some type of confirmation of their documentation. Police officers were therefore also questioned on what they had to do and how long it took them to process documentation related to the means test.

The researchers also interviewed applicants who had submitted completed applications. These women were asked to list all activities they had done thus far in the application process. From this list we determined which activities had something to do with proof for the means test, and asked about the time spent on this activity as well as any costs incurred.

The Centre for Applied Legal Studies conducted its fieldwork between November 2003 and January 2004. The research involved a qualitative study based on anonymous interviews with grant beneficiaries and applicants and with officials who process applications. Gauteng and the North West provinces were chosen because of the different economic conditions in each and the urban vs rural differences between them. Within each province both urban and rural sites were chosen.

The Gauteng sites were:

- *Alexandra*: A township outside of Johannesburg – a satellite DSD office and pay-point were visited;
- *Johannesburg*: A large DSD office in the centre of town, the Rissik Street office, was chosen;
- *Orange Farm*: An informal settlement in a semi-rural area – the pay-point was visited; and
- *Sebokeng*: An urban township within the agricultural and industrial area of the Vaal – a DSD office was visited.

The North West sites were:

- Mafikeng, an urban centre (although serving a broader rural district). Here, interviews were conducted at the DSD office and pay-point in Montshiwa township and at the DSD office in Mafikeng; and
- Ganyesa, the centre of a rural area – the DSD office and pay-point were visited.

A total of 117 interviews were conducted. The fieldworker was allowed by officials in one site to sit in on 10 screening meetings with new grant applicants. The fieldworker also interviewed two members of a community-based organisation called Agisanang that tries to help poor people in Orange Farm non-governmental organisation (NGO) working in one of the areas of the study.

A qualitative methodology was appropriate for a study of official practice and compliance with the Act and its regulations. It allowed for a random monitoring of official behaviour and was able to gain information on public perceptions of the way in which the CSG system functions. By focusing on the nuances of official/public interaction, some of the deeper issues relating to gender could be uncovered.

3. HUMAN RESOURCES AND INFRASTRUCTURE: DSD

While staff shortages, lack of training and inadequate facilities face many areas of government, the DSD has worked hard to overcome these problems. The introduction of mobile units and outreach programmes has meant that many more people in outlying areas are being reached. There are however a number of remaining problems identified by staff and applicants that should be addressed.

3.1 Shelter and child-care facilities

Mostly, mothers have to bring their babies and children with them to apply for grants as they have no-one to leave them with. Since there are no child-care facilities, children stand for hours with their carers. At the Orange Farm pay-point the queue runs outside the yard of the Chris Hani Sport Centre into a busy street filled with taxis. This is hazardous for the children waiting with their parents. Beneficiaries also complained that they were more exposed to

criminals because they were queuing outside in the road. In Khayelitsha mothers were changing nappies on the floor at the back of the hall

Recommendations:

- **People at pay-points should be provided with shelter, security and child-care facilities.**
- **The different grant types should be paid out on different days.**
- **Additional resources (such as pay-machines) and staff should be brought in to reduce the time spent in the queue.**

3.2 Computers

In the Sebokeng office and the Piketberg satellite office, none of the 10 officials who screen applicants have computers. They cannot verify any information provided by the applicants. In cases where there is suspicion of misinformation they have to call their enquiries offices to verify the information. Unlike at the Rissik Street office in Johannesburg, there is no on-site facility for checking information on the database. Inability to verify information slows down the whole application process. Verification is done at 'processing' where all the information about a particular application is scrutinised. If officials had computers they would verify all information there and then, as well as process the completed application form**.**

In Montshiwa township in the North West Province, officials complained that they had to capture applications by hand and later transfer these to computer. This wasted a lot of time. It would really help officials to each have a computer.

Recommendation:

- **Computers linked to the DSD's system should be available at all offices where applications are made.**

3.3 Privacy

In the Sebokeng DSD office there was severe overcrowding and officials share offices. This means that people are interviewed in the presence of other applicants. Interviewees said that this affected people's freedom to speak openly. This was also a problem in Alexandra. In Khayelitsha Site C, applicants were interviewed by officials seated at a single table on the stage at the front of the hall. Not only could they overhear each other, but they were in full view of all the other applicants who were seated in the hall, waiting.

Recommendation:

- **Screening of new applicants should be done in private.**

3.4 Office hours

The Sebokeng office is a central office that services the whole of the Vaal Triangle and is situated in one of the biggest townships in Gauteng. The office is always packed with people coming to make applications. Due to a staff shortage not everyone gets attended to as quickly as they would like. Applicants are often told to go back home and return on another day. Officials report that applicants often become abusive towards them, saying that they are lazy like all public servants. Officials in Alexandra also raised a concern about having to stop taking applications after 3pm because of staff shortages. In Khayelitsha, new applicants are turned away after 12pm. People often arrive at 4am to be in the front of the queue.

Recommendation:

- **People should be able to apply for a Child Support Grant (CSG) during office hours. They should not be turned away at any time, particularly as they have often spent money and time to get there. If officials are not managing to do their administrative work during working hours additional staff should be employed or work should be reorganised. For those applicants who are working or attend school, certain after-hours times should be allocated to assist them.**

3.5 Satellite vs central offices

The mobile units are extremely effective in reaching people. There were, however, resource problems in Mt. Ayliff, where there was not enough petrol for the generators to run a photocopy machine. The mobile units cannot visit areas only accessible by a 4x4 vehicle, which excludes many rural villages. Staff in Worcester also complained of a lack of 4x4 vehicles to reach remote areas.

The satellite offices also do not have phones or computers. If an official needs something from the main office they have to send a 'please call me' SMS to an official at the office using their personal cell phone. Whether or not and when the official at the satellite office gets help depends on how busy officials are at the main office. Due to staff shortages and long queues, officials at the Sebokeng office cannot afford to spend a lot of time on the phone with the satellite office. This means that officials at the satellite offices receive very minimal help. Applicants are also quick to complain that officials are spending too much time on the phone. Officials said that they do not like going to satellite offices because of lack of resources, violence and verbal abuse that they experience. To compound the situation, only one official is allocated per satellite office, "so you all alone and people can do anything to you."

In the North West Province, officials complained that they had to use their own cell phones and cars when visiting outlying areas, and these expenses are not refunded by the department.

Recommendation:

- **Satellite offices are obviously necessary, as are mobile units. These should however, be better resourced in the interests of efficiency and the safety of officials should be ensured.**

3.5.1 Queues

In Orange Farm, Old Age Pensions and CSGs were paid on the same day, and since pensioners were given preference, many CSG payees had to wait for a long time. Payees at Orange Farm had to wait for at least four hours if they arrived early (6am). People at the pay-point were sometimes sent home after waiting all day and told to return the next day. The reason given was there was not enough staff or cash machines. This was confirmed by people at the pay-point in Alexandra and in Khayelitsha.

At Ganyesa social services offices people indicated that they spent on average an hour in a queue – this was mostly in the mornings. Our observation was that after lunch-time (that is from 12:30pm until 4:00pm), fewer people came in and spent less than 30 minutes waiting to be assisted. This was a shorter waiting period compared to Gauteng.

Recommendation:

- **Different grants should be paid on different days. Sufficient resources should be available to pay people on the pay-day they are told to attend and this should be done relatively quickly so that people do not have to wait for many hours.**

3.5.2 Adequate staffing

From our observations in the North West and Eastern Cape provinces, it seems that applications from district offices are sent to the provincial office for approval because of staff shortages. If this could be addressed, applicants would be able to receive grants more quickly.

According to an official interviewed, the situation of overcrowding and long queues was made worse by the closure of satellite offices. This occurred after officials at these stations experienced violent encounters with the communities, with one official physically assaulted by the Orange Farm community. The closure of satellite offices means that all the people who were being serviced by these small centres now have to travel to the Sebokeng office to make applications.

On Wednesdays, officials from the main office have to go to those satellite offices still operational within the Vaal Triangle. This means that on that day they help less people than usual and more are turned away. Officials indicated that Wednesday is one of the most difficult and busiest days in the week and, on that day, they experience a lot of verbal abuse from applicants in the waiting room or in the community hall. Applicants are reported to have yelled at the officials, telling them that they borrowed the taxi fare to come to the office to make applications, and that they cannot go back home and return again the next day.

Officials feel that it is very difficult to take leave or take a break since the offices are always full. They complained that they are overworked. They say they work until the day before Christmas and come back to work immediately after New Year's Day. They cannot take leave for a week since this will leave the office with very few people to operate it. One can only take leave after checking that no-one else is on leave at that time.

Recommendations:

- **Provide sufficient staff so that applications can be approved at district offices.**
- **Provide sufficient staff at satellite offices.**
- **Provide sufficient staff to screen applications so that people are not forced to wait all day or told to return the next day.**

3.5.3 Training for staff

The inconsistencies encountered in relation to many aspects of the application for a CSG across the studied sites point to the lack of uniform policy directives and the need for training of officials.

Recommendation:

- Officials should be trained properly about the requirements for a CSG.

3.5.4 Conduct of officials

Some interviewees felt officials were polite and helpful while others said they were rude. Some people complained that they were asked sensitive questions and others said they were lectured or shouted at.

Recommendation:

- **The principles of *Batho Pele* must be enforced in the department. Officials need to be given feedback on their performance (for instance, that applicants find some officials patronising or judgemental). They should be trained and managed to ensure that they are professional and respectful in their dealings with customers. Screening must be done sensitively as many of the issues relating to the grant (such as the whereabouts of the child's father) are difficult issues for the applicants. They should be treated as customers who will be assisted in getting services to which they are entitled. Wherever possible, people should be assisted by officials who speak their language. Improvement of staff conditions and addressing staff shortages will help staff morale and behaviour.**

4. INVOLVEMENT OF OTHER GOVERNMENT DEPARTMENTS IN THE CSG

4.1 South African Police Service (SAPS)

Police involvement in the CSG application process is required for the certification of copies of original documents (birth certificates, identity documents and marriage certificates) and writing and/or affirming affidavits. Affidavits are required for two main purposes: as official proof of the employment and income status of the applicant and spouse to satisfy the means test criteria; and as official proof that the applicant is the 'primary care-giver' of the child on whose behalf the CSG is being sought.

An affidavit is affirmed by a commissioner of oaths, once the deponent acknowledges that he knows and understands the contents of the declaration and informs the commissioner of oaths that he does not have any objection to taking the oath or affirmation.[2] The deponent must then sign the declaration in the presence of the commissioner of oaths.

The Minister of Justice has designated certain office-holders to be commissioners of oaths. These include the following people:[3]

- an advocate or attorney
- a justice of the peace
- a magistrate
- police officer of any rank
- a marriage officer
- a district surgeon

[2] Regulations 2 and 3 of the *Regulations Governing the Administering of an Oath or Affirmation* (GNR. 1258 of 21 July 1972), in terms of Section 10 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act 16 of 1963).
[3] Designation of Commissioners of Oaths in terms of section 6 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (GN 903 of 10 July 1998).

- all duly-appointed traditional leaders
- public service officers at minimum salary scale level 2

The regulations clearly indicate that police are not the only commissioners of oaths who may certify copies of original documents or affirm affidavits. In fact, it was found that the use of police for these purposes was inconsistent across the provinces as well as within provinces. Our visits to the various research sites found that police involvement is a problematic feature of the CSG administration for a number of reasons: police time is wasted; police often record the information incorrectly; police are unhelpful; people have to travel to a police station as an added step in the application, which adds time, money and inconvenience to the process. Most of the problems mentioned by research participants were in relation to the affidavit requirement, but are equally applicable to the certification requirement.

i) Inconsistency about who affirms affidavits

Different processes and requirements related to affidavits were noted between the four provinces and between districts within provinces. Some social security offices require the police to affirm affidavits whilst other offices drew up their own affidavits, which have to be affirmed by social security officials, community leaders, ward councillors or priests.

In some Eastern Cape sites, officials of the DSD were unofficially acting as commissioners of oaths, while in other Eastern Cape sites the department was using community leaders for official confirmation of an applicant's situation.

Social security officials in Umtata district office sign the affidavits, take oaths from applicants and affirm themselves. They said they do this because:

> *"It is a battle to get police to do affidavits; we do it ourselves to protect ourselves. They will stand up in court."*[4]

However, if social security officers are not duly authorised commissioners of oaths, the affidavits will not stand up in court. By taking affidavits as proof, the Department is protected from criminal prosecution for fraud should applicants have provided them with false information.

In some areas (such as Johannesburg, Sebokeng, Khayelitsha and East London), affidavits were signed by the SAPS only. The SAPS in East London reported that this creates difficulties for them as they were understaffed. Sometimes people had already written their affidavits and police would just sign them.

In Khayelitsha, most affidavits are affirmed at the SAPS, though people can also go to ward councillors who are commissioners of oaths.

In Atlantis, affidavits can be written and affirmed by the police or by a priest – in the more rural areas, it is often a priest who does this.

Although there was a directive from the Western Cape provincial government in 2003 that social security officers should not write out affidavits, some officials said this was a far more efficient system. The Worcester social security head said that he would like to re-institute it as his experience was that the police are unable to assist efficiently with affidavits. Certification

[4] Personal communication, Head of Social Services, Umtata district office and Deputy Director for Social Security & Human Resources (CSG Programme Manager) Umtata, March 2005.

of documents can also be done at the social security office – the head of social security or second attesting officer can certify documents (usually it is the latter).[5]

At Piketberg, an SAPS official stationed herself at a table in the foyer of the social security office to certify documents and take down affidavits. She was there for about an hour before going off to continue with her routine work. Apparently the police try to assist social services by providing an official on site, but they are understaffed, and cannot do this all the time.

In Ganyesa in the North West, the police are used for the drafting and signing of affidavits although in Mafikeng the DSD prepares its own affidavits and tries not to use the police. In Orange Farm the police are used for affidavits where the primary care-giver is not the biological parent.

In Mafikeng, one official said that affidavits were useless because people bought them from the police and they were never a true reflection of one's circumstances. As a result, they never asked people to bring them. Officials in this CSG office said they made affidavits in cases where applicants needed them because they claimed that the police officials refused to write CSG affidavits. Police say the CSG is not their responsibility. It is the responsibility of the Department of Social Services– meaning that this department must do everything pertaining to the CSG. However, they felt it would be much better done by the police as it would carry more weight legally. Officials also felt that they had never been given any formal authority to write affidavits for applicants.

ii) Police often record the information incorrectly and are unhelpful

In Khayelitsha, police officers do not write out affidavits. This decision was taken after the SAPS received numerous complaints from social services about the inaccuracies in the affidavits, and the bad handwriting of police officers – affidavits had to be sent back because they were illegible. Social security officials also do not write out affidavits; therefore applicants have to do it themselves, or get a family member to help them. This also results in incomplete affidavits which are unacceptable to social services. Applicants must arrive at police stations with their affidavits completed and signed, otherwise they are turned away. The DSD provides applicants with guidelines for information to be included in the affidavit and an affidavit form, and the SAPS also keep copies of this.

In Ganyesa, in the North West province, grandmothers complained that police officials were impatient and did not want to listen to them. They reported that, when bringing an affidavit to the social services offices they are told to go back to the police station for another affidavit, because the police officers had included incorrect information in the affidavit. Sometimes the police officers refused to re-write the affidavit. Some of the police officers were said to be rude when dealing with the public.

The other problem identified by officials was the language barrier. Police officers had to write affidavits in English, which was a problem for many of them. They could express themselves much better in their own language, but could not translate this accurately to English.

In Johannesburg, affidavits that people bring to the office often do not reflect what the applicant said when screened for an application. To avoid this, social security officials prefer applicants to come to them first before going to make an affidavit. They will be able to assist individuals in this way by showing them what information should be included in an affidavit. Officials also highlighted the fact that police officers often misinform people. They have had workshops with police to explain to them the procedure that needs to be followed when people apply for a CSG. But this did not help since, according to the social security officers,

[5] Personal communication, Head of Social Security, Worcester March 2005.

most of the police do not see the need to attend these workshops. Some of the police stations have a standard affidavit that they use for all beneficiaries that does not easily take into account that circumstances of applicants differ widely.

iii) Extra burden on applicants (travel, time, financial costs and inconvenience)

Inaccuracies in affidavits and the illegible handwriting of police officers may also result in affidavits having to be redrafted and applicants not being allowed to submit their applications. Where social security officials do not assist in writing out affidavits, and where applicants have to do it themselves or get a family member to help them, it may result in incomplete affidavits. If applicants don't arrive at some police stations with their affidavits completed and signed, they may be turned away.

The Worcester social security office used to have a one-page affidavit, but the officials found that there was often information missing. For this reason the office developed separate affidavit forms to be filled in by applicants, related to: customary marriages; employment status; proof of occupancy; consent; etc. In addition, the SAPS must take down the applicant's affidavit, some of which duplicates the individual *pro forma* affidavits. Most applicants are single, with no maintenance, and this must also be stated on the affidavit.[6]

Orange Farm is a big area and has only one police station. Some people have to commute (some having to change taxis twice) just to get to the police station to make an affidavit or get a document certified.

In Sebokeng, according to officials, the applicants in most cases also do not bother to read or check the affidavits since they usually cannot read or write English properly. After standing in queues for three to four hours, they are told that their affidavits are incorrect and that they have to make another one. The fact that the affidavit is incorrect is usually only picked up during the interview with the CSG officials, when the applicant gives information that does not correlate with what is written in the affidavit.

iv) Confusion amongst beneficiaries and police officers about the content and purpose of affidavits

Applicants do not always understand what an affidavit is. Even though social security offices draw up model affidavits and check-lists, some of the police officials just copy this as is and do not bother to ask the applicants about their particular circumstances. As a result, applicants end up with incorrect affidavits.

Research participants also said that the police do not read what people have written. They just stamp and sign their documents. In Johannesburg, the social security office conducted workshops with police from the local police station to explain to them the importance of checking affidavits and assisting beneficiaries, but according to them, that did not help. Reportedly, police do not take it seriously because they do not see it as their primary responsibility.

In Sebokeng, according to officials, once an applicant says that she/he has come to make an affidavit for a CSG, the police tend to write similar affidavits for all beneficiaries without listening to the different circumstances of these individuals.

[6] Personal communication, Head of Social Security, Worcester.

v) Police time wasted

The requirement that CSG applicants should provide official proof of the identity of the 'primary care-giver', as well as of his/her employment and of their and their spouse's income status, requires action on the part of police officers, who have to certify marriage certificates or divorce decrees, and attest to affidavits.

In Mt. Ayliff (Eastern Cape), the SAPS deployed a dedicated police officer to accompany the mobile units to the various rural areas every day. This is all the police officer does every day of the week. Nevertheless, when we visited the SAPS offices to interview the police, we found many people there who were getting birth certificates and identification documents certified, and affidavits affirmed. The police spend a lot of time on documentation related to grants applications and it does not seem to be an efficient or appropriate use of their time. They in fact indicated that it would be a great relief to them if they didn't have to do all the certifications and affidavits.

At Piketberg, the police tried to assist social services by providing an official on site, but they are understaffed, and cannot do this all the time.

In costing the means test for the CSG, Budlender et al (2005)[7] calculated an average of five minutes per applicant for the police processes of affirming, certifying or affidavit tasks related to the means test portion of the CSG application. For the costing it was assumed that all applicants must make at least one visit to the police for this purpose. They estimated the cost to the government as R2.70 per CSG applicant.[8]

To work out the cost of implementing the means test to the SAPS alone, the number of eligible children was multiplied by the cost incurred at R2.70 per child in applying the means test (based on Budlender et al estimates). The total cost to the SAPS in respect of all eligible children was estimated at R24,323,898.[9] This is a conservative estimate since it is calculated on the basis that the cost of the means test is incurred only once in respect of each child. Instances where various applications are made on behalf of the same child due to change of care-giver, change of province or reapplications for children whose grants have lapsed, were ignored.

Despite the seemingly minimal cost incurred by the government for SAPS time incurred per CSG application, these costs add up to significant amounts when incurred in respect of millions of children. In addition, the SAPS find their role in this regard burdensome, particularly where offices are already under-resourced.

The above examples from the different research sites around the country point to the enormous inconsistencies from office to office in preparing affidavits, with some relying on the SAPS much more than others.

It also points to the major problems with using the SAPS for affidavits. The police often get things wrong, which causes difficulties for applicants. It seems inappropriate to use another government department for a function that could be fulfilled by the DSD. The police's time and resources should be used for maintaining law and order instead of burdening them with CSG paper work for which they are ill-equipped.

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[7] Budlender et al (note 1 above).
[8] This excluded time spent by police on certifying copies of birth certificates and identity documents as they are not directly related to the means test.
[9] Using adjusted weights and eligibility under current means-test thresholds.

Many officials suggested that a commissioner of oaths be located at the social security offices.

***Recommendation*:**

- **A social security official/s at each social security office should be designated commissioner of oaths to certify documents and attest affidavits. Public service officers at minimum salary scale level 2 may act as commissioners of oaths, and their involvement in the application process would be more cost-effective for the government and beneficiaries. The police would not need to be involved in the CSG application process in any way at this stage.**

4.2 Home Affairs

In the North West Province, people said the Home Affairs offices were far from villages, so they sometimes spent a lot of money on transport to check if their identity documents were ready for collection.

In the Rissik Street and Alexandra offices in Gauteng, officials indicated that they have problems with the Department of Home Affairs. This is particularly in relation to identity numbers. There are children in Gauteng who share the same identity number on their birth certificate with other children in other provinces who are already getting the grant. They indicated that this creates a problem for beneficiaries because it means they cannot access the grant. They have tried to communicate this problem to Home Affairs but nothing has been done to rectify the mistakes.

An NGO in Orange Farm also indicated that the Department of Home Affairs poses a major problem for CSG applicants. They allege that officials at the department are very inconsiderate and rude to people. Home Affairs reportedly also never visits areas like Orange Farm to educate people about applications for identity documents and birth certificates. Officials often require alternative documents in these application processes, which are very difficult for people to access and which leaves them without any means of getting IDs. For example, people are told to bring their school reports. If they came from another province this might be impossible since they might not have money to travel to those provinces and collect the required documents.

***Recommendations*:**

- **Wherever possible, Home Affairs offices or mobile units should be located close to DSD offices so that additional travel by applicants is avoided.**

- **Photocopy and certification facilities should also be easily accessible at DSD or HA offices at no cost for all applicants.**

- **Home Affairs officials should improve their customer service in line with Batho Pele principles, when dealing with CSG applicants who need assistance in accessing identity documents (IDs) and birth certificates and who need advice on how to obtain alternative documentation.**

- **Better coordination between the Departments of Social Development and Home Affairs must be developed to speed up applications. The problem of fraud, or whatever it is that causes people to be registered with the same ID as another person, must be rectified.**

4.3 Health

The requirement that clinic cards accompany applications was initially part of the CSG regulations, but it has since been removed. Nevertheless, many offices still require these cards. We found that clinic cards were still required in the North West Province. This proved a fatal barrier to applications by some farm workers who had no access to clinics. In Sebokeng, officials said they compare details on IDs, birth certificates and clinic cards to see if the names correlate. Differences in details cause problems for the application. Officials in the North West acknowledged that names are often misspelt on clinics cards, or are illegible.

***Recommendation*:**

- **The practice of requiring clinic cards from applicants must be stopped immediately unless it is for the purpose of identifying a child with no birth certificate. In any other circumstance, requiring the card is simply adding to the burden on applicants and is unlawful *(ultra vires).***

4.4 Education

In Gauteng, the Chief Director of Social Security proposed the adoption (in a memo of 6/10/2003) of an approach used by the Krugersdorp office: when a primary care-giver says a child cannot accompany him/her because the child is in school or at a crèche, the person must provide proof from the principle of the school or head of the crèche that the child is in the care of the PCG. This places an unnecessary burden on the PCG and schools and is not required by the regulations.

***Recommendation*:**

- **The policy of requiring letters from schools regarding the relationship between a child and its primary care-giver (PCG) should be stopped immediately wherever it is occurring. A school letter is not a requirement in the regulations, and to require it is unlawful.**

4.5 Justice

In Gauteng, departmental officials insisted that mothers who claim they have insufficient means to support themselves and are not assisted by the fathers of the children, must first lodge claims for private child maintenance through the courts. They cited as authority a departmental circular of 6/10/2003 from the Chief Director of Social Security in the province. It says that proof of maintenance or proof of efforts to obtain maintenance must be given to the DSD.

This often makes it very difficult for grant applicants who have to engage with another government department, in this case Justice, and spend time and money on a new bureaucratic process. A private maintenance claim is extremely difficult and time consuming for a person who has no transport money to reach a court and who cannot afford the often lengthy delay when needing to feed a child. The difficulties involved mean that less-resourced people sometimes give up in despair. Interestingly, the practice of referring people to the maintenance court was not encountered in the North West province or the Eastern Cape. This seems to indicate that the Social Assistance Act and its regulations are inconsistently applied across provinces.

Another problem arises where a mother says that the father of the child is unable to support her as he is unemployed. She is sometimes required to ask him to sign an affidavit stating his unemployment. This may be awkward for women who are not in a relationship with the father

of the child. It cannot be assumed that biological parents cohabit or even communicate with one another. Also, South Africa has a high rate of domestic violence, and women who have extricated themselves from abusive relationships may be at risk if forced to make contact with a previous partner.

Estranged fathers at the same time become aware that the mother will soon be getting a grant and may agree to sign the affidavit to make the woman beholden to them. During the study, it was common to find men waiting outside grant pay-points to claim their 'share' of the grant. The requirement that women should go to the maintenance court forces mothers to embark on legal processes that may deepen the conflict between them and the fathers of their children. Many men and their families regard maintenance claims against them as an attack. There have been cases of violence and even murder at the maintenance courts. Yvonne Ramontoedi was shot dead by her prison warder husband inside the Johannesburg Maintenance Court building in January 1996 where she had gone to lodge a claim for maintenance.

The following are some of the reasons why the private maintenance system does not work despite efforts to change it:

- The legal processes are cumbersome and often unsuited to such cases.
- There are staff shortages, and in particular a severe lack of trained and committed staff.
- The courts and the justice system lack resources such as computer systems, tracing agents and court facilities necessary to pursue maintenance defaulters effectively.
- Many people have no access to courts because of poverty and because there are no courts in their area.
- Many mothers do not know where the father is; do not want to have anything to do with the father; may be afraid of him; may be afraid to antagonise the man by claiming maintenance; may not wish to go through with what they see as an exercise in futility; may not feel comfortable to use the legal system; may not be able to afford the time, cost and effort involved in a maintenance claim; and may not have adequate child care to free them up to undertake the making of a claim.

In Rissik Street, Johannesburg, applicants in appropriate cases are told to first open a maintenance case with the maintenance court, and are given a letter that has been signed by officials in the department to submit at the maintenance court. This letter outlines the fact that the mother/PCG wants to apply for a grant but, since the father of the child is alive and employed, she has to lay a maintenance case with the court. Officials explained that the reason for sending people to maintenance offices was also to check if they are already receiving maintenance for that child. The court will pursue the maintenance case but if it does not succeed in getting maintenance from the father, they will write a letter to the Department of Social Welfare, indicating that they have tried without any success. Only then will the department start dealing with the CSG application.

There is no requirement in the Act or regulations that an applicant must prove that efforts have been made to get maintenance from the father of the child. The DSD should not be sending people to the maintenance courts. Officials are simply obliged to process the CSG applications in terms of the regulations.

CSG applicants said in interviews that they will not lodge a claim at the maintenance court as it seems like a long and fruitless process to them. Some did not want to ruin the relationship that they have with the father's family. Others said that they are afraid of having to get the father's identity document or find out his work address.

Officials indicated that they know about applicants' serious reservations about going to the maintenance court. But the problem is that their applications will be held back if they do not have proof that they have made some effort to report a maintenance case to the court. They also indicated that the legislation is not fair to those who have children with foreigners. There were some cases where the biological father was a foreigner and the mothers were unable to trace them. The requirement that applicants pursue maintenance before applying for the CSG is extremely burdensome for women. It can be extremely difficult even to locate the child's father. In some instances, it may place the women at personal risk – some respondents indicated that they feared personal attack if they sought maintenance.

Some of the women tell the officials directly that they will not go to the maintenance court. One young woman who has two children with the same man indicated that she does not have a problem with going to maintenance court, but the father of the child does not even want to see her or the children. He also would not talk to her and it would be difficult to get his details. Despite these motivations, officials told her that she has to go to maintenance court and cooperate with the officials there to get the man to pay towards maintenance for their children.

The Rissik Street policy of women having to initiate maintenance cases against fathers of the children was not applied in Sebokeng. Here, officials indicated that they do not send applicants to the maintenance courts although they do ask people if they receive maintenance through the courts or in some other way. They explained that while some people get maintenance it is usually insufficient to cater for the needs of the child. Two officials indicated that in such cases they often let the application go through and the processing office would determine what to do. They never encourage mothers to go and report fathers to the maintenance court. They prefer encouraging them to talk to the fathers or their families to assist in the maintenance of the children.

One official indicated that she never asked single parents who come to her office (all of whom are women) to go to the maintenance court because it eliminates a lot of problems if the mother declares ignorance of the whereabouts of the father. She said, "Where are the poor women expected to get these men who are always running away from their responsibilities and from the maintenance laws?" She indicated that, as officials, they have to depend on what the applicant tells them and trust that they are telling the truth. Officials were not aware of a memo that was circulated from provincial level that states that they should encourage applicants to make efforts to get maintenance from the fathers before applying for a CSG.

This indicates a significant inconsistency in practice between the Rissik Street and Sebokeng offices. It appears to reflect different philosophical approaches towards the grant, and different management approaches.

On the issue of means testing, officials in the North West Province said that there are people who get huge amounts of money through maintenance court decisions and who also receive the CSG. Officials felt that if the CSG system and the maintenance court systems were linked it would be easier to detect such cases, therefore preventing such people from getting the CSG too. A linked system would also be helpful to the DSD because magistrates courts have easier access to information about individuals than the department, and would allow the department access to the information that they needed.

The problems and delays with the private maintenance system are well known and, in any event, the majority of fathers (even if they can be tracked down) cannot afford to support their children due to unemployment and poverty. Forcing people first to go to the maintenance court effectively delays their CSG applications, while children go without food in the meantime. It also puts women at risk of violence and conflict.

***Recommendation*:**

- **Failure to institute private maintenance claims should not be a barrier to processing applications for the CSG. There does not appear to be any basis in law to require that applicants pursue maintenance claims as a precondition for applying for the CSG. Officials seem to be operating in terms of the 1998 regulations prior to their amendment in June 1999. There is no requirement to prove that efforts have been made to get maintenance from the father of the child. The DSD should not be sending people to the maintenance courts where they are likely to be frustrated by the lengthy and ineffective process. Officials should simply process the applications in terms of the regulations.**

4.6 Traditional Authorities

People in customary marriages are treated in some provinces as single (Western Cape) while in others they are regarded as married (Eastern Cape). Where they are treated as married, proof of marriage is required from a traditional leader (and affirmed by the police).

The involvement of traditional authorities is also required for proof of residency at some offices. This sometimes creates problems when people are 'indebted' to the traditional authorities and thus cannot get the required proof out of them. In Montshiwa in the North West Province, applicants reported that they came to the office and were given a proof of residency form, which had to be signed by the local traditional leader or municipal officer. This was confirmed by officials in Montshiwa township. One applicant said she had to pay R60 to the local chief since her mother never contributed when the community built a toilet for the chief. According to other applicants there was a variable fee that had to be paid to the chief if a person owed something. If their parents were up-to-date with payments then a person usually did not have to pay, but if they were in debt then they had to pay a certain amount, which was determined either by the chief or headman. Other beneficiaries felt that it was not fair that they had to pay the chief, but they indicated that they did not have a choice since chiefs were the authorities of the villages. Those who resided within the jurisdiction of municipalities did not have a problem getting proof of residency as they did not have to pay anything, even when they owed services.

Officials confirmed that it was easy for people within the jurisdiction of municipalities to obtain a signature and stamp to prove residency. Applicants who came from areas under the jurisdiction of chiefs often struggled to get such proof because the chief would not sign the proof of residency form if they owed the chief money or did not contribute financially to the chief's coffers in the past. This means that applicants would be unable to complete their application and would therefore not have access to the CSG. If they owed the chief money they would have to pay first, thus making the whole process more complicated.

One of the screening officials, who was a member of the chieftaincy, indicated that he was aware of problems that people encountered due to 'tribal regulations'. Since he was from the royal family he also had the power to approve residency for some of the applicants. He did not make applicants go to the chief's court for residency proof since he knew they might not get confirmation due to traditional taxes owed to the chief. He admitted that he goes about this discretely and only does it for old women and not for young women because he believed that young women wasted the money and did not need the CSG. This points to a worrying bias by officials to those applicants that they favour.

In one case, an applicant elaborated on her problem with the need to go to the chief. Her situation was different from other people as she was not a permanent resident of Mafikeng. Since she had rented a house, it meant that the chief would not be able to approve a residential status for her. She heard from other people that, if a person had rented a room, they had to

travel to their original village for proof of residency. This means of course spending money on transport – money which most CSG applicants do not have in the first place.

In Ganyesa, in the North West Province, officials reported that they never had problems with proof of residence from the chiefs. Chiefs never required people to make any payment even if they owed traditional taxes. They were in fact the ones who encouraged people in their areas to apply for all grants. Officials said chiefs knew people were unemployed and that Ganyesa was a poor region. Some chiefs invited officials to come and conduct workshops with the local community on different social assistance schemes offered by the government.

***Recommendation*:**

- **The involvement of chiefs should not be necessary for the purpose of a CSG application, either for proof of residency or proof of customary marriage.**

5. ADMINISTRATIVE REQUIREMENTS

The administrative requirements for the CSG are governed largely by the provisions in the regulations to the Social Assistance Act 59 of 1992. However, because the Social Assistance Act was assigned to the provinces in 1998, provincial departments of social development have implemented varying application processes and documentation requirements to satisfy the regulations, and have also added their own particular requirements.[10]

In 2005, the national Department of Social Development has attempted to standardise the administration of grants by producing a *Procedural Manual for Grants Administration*[11], which ought to be followed countrywide. According to this manual, the application process is meant to happen in two stages, and involves approximately 15 different social security officials (Department of Social Development). These two processes are for screening and application.

Applicants who wish to submit an application for social assistance must produce a number of documents. In terms of the procedural manual, a list of required documents is provided to potential applicants upon their first arrival for screening at a social service office. This list includes the following:

- marriage certificate;
- divorce and settlement order;
- last will and testament;
- written confirmation of persons supporting the child and/or PCG financially or otherwise;
- proof of the personal income of the PCG and his or her spouse;
- identity document of PCG;
- birth certificate of the child; and
- proof of residency (i.e. proof of residential address).

[10] Proclamation R7 of 1996.
[11] Department of Social Development (2005) *Procedural Manual for Grants Administration*. Pretoria: Department of Social Development.

Personal income is defined as income earned or received by the PCG and includes income earned or received by his or her spouse, after all the permissible deductions referred to in Regulation 15 have been made.[12] Deductions are made for the Unemployment Insurance Fund, pensions, tax, medical aid and other grants.[13]

The applicant has to prove his or her income, and also that of his or her spouse. As proof of assets and income, the following are required where applicable: municipal rates paper; valuation of property certificate; outstanding bond; deed of sale; proof of occupancy; investments; savings account; assets donated; employers certificate; unemployment card; termination of employment; affidavit: self-employment; rent/board received; private pension; annuity; non-support/maintenance received; interest from investments. The regulations also stipulate that the department may accept alternative proof including a statement under oath – an affidavit.[14]

The PCG must also prove that he or she is primarily looking after the child on the application and that the child is residing with him or her. This is usually done via an affidavit.

Beside the requirements discussed above, the original regulations also consisted of the following requirements: proof of not having refused the assumption of employment without a good reason; the provision of documentary proof of all efforts to secure maintenance for the child from the (other) parent/s[15]; and proof that the child has been immunised. These requirements were deleted in 1999 because they were difficult to administer, imprecisely defined, exacerbated the delay in payment, and were unnecessary.[16]

5.1 Documents required unlawfully *(ultra vires)*

The research found that some officials were still implementing the outdated regulations. They sometimes lacked clarity on what is required by the regulations for applications and, in certain instances, imposed requirements that appeared no-where in the law.

Apart from the documentary requirements stipulated in the regulations, district officers interviewed indicated that other documents besides these were being required before applications could be submitted. It is argued that these 'extra' requirements, irrespective of their justification, are unlawful *(ultra vires)*. These requirements included:

- proof of efforts to secure maintenance from the child's father;
- road to health cards/clinic cards;
- photographs of children on applications;
- letter from the child's school proving school attendance; and
- 'brown card' from the Department of Labour.

[12] Definition of 'personal income' read with Regulations 14 (1) and 15. (Definition and Regulation 14 (1) and 15 (1) substituted by R1233 of 23 November 2001).
[13] The PCG will be paid for up to six non-biological children and an unlimited number of biological children.
[14] Regulations Regarding Grants And Financial Awards, GN 418, March 1998.
[15] The *Procedural Manual for Grants Administration* still includes a requirement that, for a PCG to qualify for the CSG, proof of efforts made by the PCG to obtain maintenance from the parent/s of the child/ren must accompany the application. The Children's Institute has anecdotal evidence that some provinces are still enforcing this outdated requirement. This is *not* in accordance with the Social Assistance Act or the regulations.
[16] Amendment: Regulations under the Social Assistance Act 1992, GN 813, June 1999.

5.1.1 Maintenance

Cross refer to section 4.5 on the Department of Justice above.

5.1.2 Clinic cards

According to the officials at Rissik Street, Montshiwa, Ganyesa and Mafikeng, people should bring original identity documents, each child's birth certificate and clinic card when lodging an application. In Worcester, researchers were told that clinic cards are requested but are not compulsory and the application process will not be delayed if an applicant does not provide clinic cards.

Recommendation:

- **By requiring clinic cards in order to accept CSG applications, officials seem to be operating in terms of the 1998 regulations, prior to their amendment in June 1999. The current regulations contain no requirement to bring proof of immunisation. Officials should simply process the applications in terms of the regulations.**

5.1.3 Photographs of children/presence of child

Due to the heightened awareness of fraud and corruption in the Eastern and Western Cape during the time of the research, photos of children were required on application forms before applications could be submitted. This method of detecting fraud was put in place to prevent different people from applying for the CSG on behalf of the same child. It was questionable whether this method worked. It was certainly not required by the regulations. In Umtata it actually resulted in the social security office not taking in applications for the CSG on a day that researchers visited because the digital camera was not available.

At the Sebokeng office, officials said that in the past people were told to bring their children along when visiting the office. However, this proved very problematic since people have to wait in long queues before being attended to. The children would start crying and getting irritable, particularly if the weather was not good. Some children would get hungry and mothers were unable to fee them. These situations used to disturb officials and also made the environment unpleasant. Officials indicated that they no longer demand that people bring their children with them.

Recommendation:

- **The regulations do not require the child to be present on application, nor do they require a photograph. The department is simply adding to the burdens already placed on poor applicants applying for grants. This practice should be stopped immediately as it is unnecessary and does not, in any event, prevent those who are determined to defraud the state.**

5.1.4 Letter confirming child's school attendance

Schools in Worcester are required to complete separate forms confirming the child's attendance at the school.

The policy directive issued in Gauteng (Memo 6/10/2003) referred to the approach followed in another province (Krugersdorp office). Here, where a child did not accompany the parent to the DSD office, the parent was asked to provide a letter from the principal of the school or head of the crèche as proof that the child was attending the facility.

Recommendation:

- **There is no requirement for proof of school attendance in the regulations, and so cannot be a condition for processing a grant application.**

5.1.5 'Brown cards'

In East London, social security officials reported that a 'brown card' was required from the Department of Labour/Manpower to prove that applicants were registered as unemployed with the department and that they are on a list to receive a job. Senior staff told researchers this requirement was not applied strictly, but was merely requested from applicants. However, every applicant interviewed in East London had to go through the process of obtaining a 'brown card' and was not allowed to submit their application without this 'brown card'. This is not a requirement provided for in the Social Assistance Act or the regulations.

Recommendation:

- **There is no requirement in the Act or in the regulations, to bring proof of attempts to find employment ('brown cards'). Officials should simply process the applications in terms of the regulations. If they require additional documentation, they are operating outside the law.**

5.2 Affidavits

Cross refer to section 4.1 on SAPS above.

5.3 The 'primary care-giver' requirement

At the Alexandra satellite office, the requirement that only 'primary care-givers' qualify for the grant appears to often lead to conflict between applicants and officials. This seems to be due to a misunderstanding of the 'primary care-giver' requirement by both applicants and officials. Applicants who are parents but not PCGs often think that officials are denying them their rights.

Case study from Rissik Street office

Sinah (not her real name) is a 55-year-old woman with three daughters. Two of her daughters have children between the ages of three and six. Both daughters left their home in Meadowlands to look for jobs in Durban. Sinah has not heard from them since. The father of one of the children only came once to see his child but never returned. The other child's father never came to see his child.

When she went to apply for the CSG for the two children, the social security officials explained to her that, in cases like these, there has to be a police report and case number to confirm that the people missing were reported to the police and that the matter was investigated. The reason given was that the missing women are possibly alive and working somewhere, which means they may earn enough and may therefore not be eligible to apply for the CSG. The other reason is that the mothers are maybe already claiming maintenance for the children in another province. Sinah explained that even when they were still around, her daughters never used to care for the children, and they would go out for days without coming home.

The officials also explained to Sinah that, once the matter has been investigated, she can make an affidavit that she is the primary care-giver. Sinah's main concern however was the time needed to go through this process – she is self-employed and sells sweets in the street. She

earns not more than R50 a week, and does not have a husband or anyone else to help her support the children.

The officials had records of biological mothers claiming the CSG in another province while not being the primary care-giver. The official indicated that the sad thing is that these mothers do not send money home, even if they are employed, and also never tell their parents or the people caring for their child that they are claiming the CSG for that child. This means that grand-parents or other care-givers come to apply for a grant with the impression that the child does not receive the CSG. It is only when they enter the child's identity number into the computer data system that it is discovered that the grant is already being paid elsewhere.

An official indicated that this happens mostly with grand-parents who earn the Old Age Pension and who cannot afford to support all the grand-children with this money. While these cases are very difficult, officials indicated that they can do nothing about them. The official indicated that she encounters at least three such cases in a day.

Recommendations:

- **Officials should automatically check whether a CSG is already being claimed in another province via the SOCPEN system, before the person puts in an application.**
- **Officials who encounter instances of corruption where someone is receiving a CSG for a child that is not in their care, should suspend or cancel the grant and allow the actual 'primary care-giver' to apply for a new grant or transfer payment to her in terms of Reg 23. Directives for officials on how to handle these cases are clearly needed.**
- **Grandmothers or other non-biological 'primary care-givers' should not be required to prove that they have tried to claim maintenance from the parents of the child as this is not required in terms of the regulations. They simply have to show via an affidavit that they are the 'primary care-giver' of the child and that they cannot afford to look after the child.**

5.4 The means test

Cross refer to section 10.1 on Changes to the Act and regulations, below.

A primary care-giver will qualify for the CSG if the primary care-giver and the child:

- Live in a rural area in either a formal or an informal dwelling and the personal income of the PCG and his/her spouse is below R13,200 per annum.
- Live in an urban area in an informal dwelling and the personal income of the PCG and his/her spouse is below R13,200 per annum.
- Live in an urban area in a formal dwelling and the personal income of the PCG and his/her spouse is below R9,600 per annum. The amount of R9,600 is only applicable to a person living in an urban area and who occupies a brick/concrete or asbestos dwelling. [17]

It appears from the research that social security officials do not always apply the many facets of the means test correctly; nor do they appear to understand the law or the reasoning underlying the means test.

[17] Sections 2 (d) and 4 of the Social Assistance Act read with Regulation 16 (2) to the Act (as amended by GN 813 of 25 June 1999).

5.4.1 Marriage certificates, spouse's ID, proof of spouse's income

The regulations to the Social Assistance Act require proof of marital status, *where applicable*. This should not be interpreted to mean that marriage certificates, spouses' IDs and proof of spouses' income are required for every person who is married. If a person says they are married but the husband has disappeared and does not support her or her children, this documentation is of no use. In addition, a person may be married to a man who is not the father of the child for whom the grant is being applied. Here, the step-father is not obliged in terms of the law to support the child. Thus, the fact that the mother is married has no bearing on the means test. It is just her income that should be considered.

Recommendation:

- **The DSD should provide direction to all offices on a proper interpretation of s9 of the regulations. Marriage certificates, spouses' IDs and proof of spouses' income should not be required unless their presence provides some useful purpose for means testing. Requiring further documentation from applicants compounds the burdens (cost, time, effort) that poor mothers face in having to obtain official documentation that they may not always have in their possession.**

5.4.2 Employment

Information regarding past and present employment is required to establish whether applicants pass the means test. The officials at the Sebokeng office said that if the parents have not been employed for more than four years, their child qualifies for the grant. If they have been employed in the past three years then they have to declare if they received any pension or benefits from their employer. The officials in this case also have to get the employers' details for verification. They also check investments that the parents might have, and if they have any insurance policies. In the case where the parents do have investments, they have to indicate the amount of their contributions and how they afford to do this.

At Sebokeng, in cases where the mother stays with a boyfriend, she has to bring his pay-slip even if he is not the father of the child. One official explained this by saying that if a boyfriend is not the father of the child but living with the mother, the man is also the guardian of the child. Thus, his salary or whatever he earns is also taken into consideration when an application is made. This is clearly unlawful as only the PCG's spouse's income may be considered, and a man living with the mother of a child is not the legal guardian unless designated by a court of law. People living in bonded properties also do not get the grant unless they prove that they have paid up the bond and are currently unemployed and have been for the past four years. But in most cases people living in bonded properties do not get the grant since they obviously have some way of paying for the bond.

Two officials indicated that they never ask beneficiaries to declare their investments or disclose the type of property they live in. The only thing that they ask for is a pay-slip if the applicant or her partner is employed. This seems to indicate that the means test is not being consistently applied. It also seems that officials do not always understand the law or the reasoning underlying the means test.

It was noted at social security offices visited in the Western Cape that applicants who had been employed in the past three years are required to produce an affidavit from their last employer, stating that they are no longer employed. If no income is declared, they are also required to produce an affidavit from the person who is supporting them and their children to indicate how they are able to survive without either earnings or social assistance.

The research also brought to light a misconception among some members of the public that any form of employment (even where the income was below the means test) was a bar to application for a CSG.

Recommendation:

- **Onerous requirements on applicants (such as affidavits from former employers) may assist to prove a small number of fraud cases, but generally, will just make access more difficult for most of the genuinely poor applicants who apply. The DSD should direct officers to ask only for documentation where it actually assists with the means test or where there is a reasonable chance that such documentation will prevent fraud.**

5.5 Identity documents and birth certificates

Birth certificates and identity documents have often been cited as a hurdle to getting access to the CSG. We only interviewed applicants who were applying or had already applied for the CSG, so it was not possible to identify those potential applicants who are precluded from applying due to the fact that they do not possess birth certificates or IDs. We will thus only briefly raise two issues related to birth certificates and IDs picked up in the fieldwork.

5.5.1 Certification of original documents

All photocopies of the original documents must be certified. At Mt. Ayliff, only the police can do certification, but they are also short-staffed. Magistrates did certifications until 1996 (i.e. under the old system – before the CSG was implemented), but this has since changed. However, the district office successfully secured one police officer to accompany the mobile team for the Mt. Ayliff district everyday to do the certifications.

In East London, birth certificates, IDs, marriage certificates, divorce decrees and death certificates were certified by the social security officials who made the photocopies of the documents. This could be done by an attesting officer or a contract worker from salary scale level 2 upwards. It was not clear whether they had to be a commissioner of oaths.

Recommendation:

- **Social security offices should be sufficiently resourced to enable CSG applicants to get birth certificates and identity documents photocopied and certified at the office where the application is made.**

5.5.2 Mismatches between names in required documents

Sebokeng officials said they asked for the parent's identity document and the child's clinic card and birth certificate. This establishes if the applicant is the biological parent or not. They also check whether the details on the birth certificate correlate with those on the clinic card and on the parent's identity document. According to officials they often encounter problems in cases where names of children are not recorded uniformly in all the documents.

Recommendation:

- **Where names of children are not recorded uniformly on all official documents, this should not preclude children getting the CSG. The problem should be solved immediately by social security officials by contacting the Department of Home Affairs and seeking clarification on the names of children. Home Affairs should be cooperative in this regard. The DSD and HA should also explore options for making HA data available to Social Security officials – ideally, officials should be able to check identities online.**

5.6 'Proof of residency'

CSG applicants (at some offices) are given proof of residency forms, which have to be completed by either a municipal officer or a tribal chief. On this form, the municipal officer or the chief has to indicate that the individual is a resident of the community and, where possible, give a stand number or physical address. Once this is obtained, the applicant can come to the office to fill in the CSG application forms.

As indicated in section 4.6 above, it is easy for people within the jurisdiction of municipalities to obtain a signature and stamp on these proof of residency forms, while applicants who come from areas under the jurisdiction of chiefs often struggle to get these.

Recommendation:

- **Proof of residence should only be required where it is needed for the purpose of qualifying someone under the means test, i.e. where a person earns more than R800 per month but says she lives in an informal dwelling or rural area. Any other request for proof serves no purpose other than to make life more difficult for applicants. This is not a legal requirement and since the CSG is a national entitlement regardless of the province in which a person resides, there seems no good reason to require such proof. This practice should be stopped (other than where it is genuinely useful for the means test).**

6. ADMINISTRATIVE JUSTICE

6.1 Processing, notification and waiting periods

Problems with notification of outstanding or incorrect documents submitted for application, and with notification of the final outcome of the application, were identified in the research. If there are any irregularities in the application form submitted by the applicant, it is sent back and the beneficiary has to be notified. It is easy for the office to track down beneficiaries with proper postal addresses but it is very difficult to track those who live in informal settlements as there are no reliable posting services there. In cases where there is no reliable posting service, the beneficiary will only know that the form has been sent back when returning to the office to check if the CSG has been awarded. This will be after two to three months, which is the normal waiting period. One official at Rissik Street said that this is very frustrating to the applicants and leads to confrontations. She said that is why they always try to make sure that people have the right documents during the screening process.

Beneficiaries at the Montshiwa office indicated that people did not know much about the CSG and other processes involved. Three women said they had applied for the grant and their money came through without them checking or knowing. They did not collect the CSG for more than three months. When they eventually went to the CSG office to get the money, they were told that they had to reapply since they did not collect their money for more than three months consecutively. They said that officials never gave them any extra information at the time of making the application. They had filled in the forms and had been told to come back to check their grant money after three months. They claimed that they were never told to check the availability of the money every month.

At Ganyesa, applicants said they had to keep on checking if the CSG had been approved. Beneficiaries said that officials never told them when they should check. They just kept going to the office to check until the money was paid out.

Recommendations:

- **Proper verification of documents must be done at the time of submitting the application to avoid return trips to social security offices and minimise extended waiting periods for approval.**
- **Proper explanations, preferably in writing as well as verbally, in their own language, should be given to applicants so that they understand when to return and what is happening with their application.**
- **The maximum time period of 90 days for processing of applications and informing applicants of their outcome, as articulated in the norms and standards guidelines, should be strictly applied.**

6.2 Appeals

According to the Act, "if the applicant is aggrieved by a decision of the Director-General, in the administration of this Act, such applicant may within 90 days after the date on which he or she was notified of the decision, appeal in writing against such decision to the Minister…"[18] In all provinces, appeals must be directed to the relevant Member of the Executive Council (MEC).

At the Mafikeng office, officials stated that applicants could appeal to the MEC for Social Services if their application was declined. The MEC would set up a committee to investigate the matter and make recommendations. According to the officials, most of the cases that go through that committee are approved.

In Mt. Ayliff, East London and Umtata, applicants wanting to appeal the rejection of a grant application have to write to the MEC at the provincial social services office in Bisho. The district offices had no knowledge of which applications are appealed, as they are all dealt with by the MEC's office.

The head of the social services office in Khayelitsha reported that they do not receive many appeals. Generally, enquiries come when cases are rejected, but they don't get many for the CSG. The Atlantis office reported that they don't have many appeals about the CSG either. The acting head couldn't think of a single case. In Worcester, they reportedly get about five appeals per month – mostly related to the means test/income. Appeals have to be in writing and are handled by the head of social security.

Recommendation:

- **Applicants should be made aware that they have a right to appeal. More awareness of the appeal process should be raised and monitoring mechanisms put in place to track what appeals are received and what their outcomes are.**

[18] Section 10 of the Social Assistance Act 59 of 1992.

7. APPLICANT AWARENESS OF THE CSG AND REQUIREMENTS

7.1 Awareness-raising efforts

Many applicants in Rissik Street, Johannesburg, knew very little about the grant, such as how much it is worth, and what documents are needed for an application. They had heard about the grant from mothers and grandmothers already receiving Old Age Pensions. Some had heard by way of government pamphlets that they received. A number of myths and misapprehensions about the CSG were shared, such as that people who are married cannot get the grant and that single mothers can get the grant even if the father maintains the child.

An official at the Alexandra satellite office said that they attend different community meetings, conduct workshops, produce and distribute pamphlets to inform people of the grant. However, it seems that people choose not to attend these workshops and instead get the information (usually distorted) either from the police or other people. He said this leads to misinformation, conflicts and miscommunication between officials and applicants.

One of the interviewees at the Orange Farm pay-point did not know that a person could apply for a CSG if employed and earning below a certain amount. So she only applied after she lost her job.

In an interview with members of an Orange Farm community-based organisation that assist people with problems specifically related to accessing IDs and all types of grants, the DSD was accused of not doing enough to inform people about the CSG. This leads to people acting on incorrect information, and spending lots of money travelling between Orange Farm and the Sebokeng office. They indicated that it would be better if officials could come to the community to inform people properly, and negotiate with Home Affairs to establish a satellite office in Orange Farm.

7.2 Where do people get their information about the CSG?

Applicants shared with the researchers where they had received information about the CSG and its requirements for application. This feedback can be of assistance to the government in identifying the best means to transmit information about the CSG to mostly poor communities. Applicants in the North West said they heard via:

- neighbours and people talking about it in the village;
- local radio;
- at Old Age Pension pay-out points; and
- officials who went around different villages.

7.3 What do people know about the CSG?

In the North West Province, there was confusion in relation to the eligibility and administrative requirements for the CSG:

- There were different understandings about whom the money was meant for. Some people felt that the money was meant for the child only, whilst others said that it was meant to help the mother and the child. On the other hand, there were those who felt that the money was for the mother and she could decide what she wanted to do with it. If she wanted to use it for her own purposes she could do so as she was the one who had been pregnant.

- Some middle-aged women and younger girls not accompanied by their parents (grandparents of the children) indicated that they understood that the CSG was for the biological parent only. It had nothing to do with the grandmother of the child.
- People believed that a person had to be either unemployed or not getting maintenance from the father of the child to be able to get the CSG.
- Others knew a person could get the grant even when employed, but they did not know how much the limit was in terms of the person's earnings.

A really strange myth that was encountered was that if Mrs Graça Machel (former Pres. Mandela's wife) had a baby boy, the CSG would be increased for all boys by either R100 or R200 – Mandela still had to take that decision. Those with girls will not get an increment on their CSG money. Asked where they got this misinformation, people said they had heard it from other people. This myth was also found to circulate in Mafikeng and people seemed convinced that it was true. This certainly challenges the department to provide clear information and dispel such myths.

Recommendation:

- **More awareness-raising campaigns need to be launched on local radio stations and via road-shows at different villages, townships, informal settlements etc. These campaigns should clearly state the eligibility requirements for the CSG and the administrative requirements for application.**

8. COMBATTING FRAUD

There was a heightened awareness of fraud and corruption in all the provinces where the research was conducted – largely due to the Minister of Social Development's amnesty campaign for those who were defrauding the system, which ran until the end of March 2005. Various elaborate methods for detecting fraud were found to be in place, including the following:

- 'Welfare forums' or 'welfare committees' made up of volunteer community members were set up in the Umtata and Mt. Ayliff areas to monitor grant abuse and fraud and alert the officials at the department.
- Amnesty forms for people to declare fraud before 1 April 2005 were being handed out, and grants being cancelled that way. There were posters about the amnesty prominently displayed in some of the Social Services offices.
- Photos of children were required on application forms before applications could be submitted. Outreach programmes were set up at schools so that photos of children could be taken on the spot as applications were submitted.
- The interface between the Government Employees Pension Fund (GEPF) and PERSAL databases was being used to detect civil servants who are defrauding the system.
- A special fraud investigations unit for the province was set up in East London, with about six people working in it. Worcester also had its own investigating officers, who conducted home visits if there was a problem with someone's application. They also undertook random checks called "test inspections" on existing beneficiaries to find out whether they should be receiving the grant and identify fraudulent cases and misuse. They use a specific "test inspection" form for this process.
- It also appeared that some offices and officials automatically checked up on anyone who declared any income at all.

- People were reporting on each other by phoning the toll-free fraud hotline. These reports were handled by investigators at head office (provincial department).
- Careful screening of applicants by officials was taking place in most offices.

Social security officials spend many hours investigating suspected fraudsters who have not declared their income. This is unfortunate since a lot of government funds are now not only spent on investigating 'undeserving' beneficiaries but also on turning the Department of Social Development into a crime-fighting unit. This happens, ironically, whilst the SAPS become social security officials verifying documentation and taking down affidavits for grant applications.

There were allegations in Sebokeng that some councillors and politicians use the CSG issue for their own political gain. One official described the grant as ***'moferefere'*** – a Sotho word which literally means 'something with a lot of confusion'. She said the issue of grants is easily politicised because politicians want votes. Officials are expected to give people the grant and not say anything. Some of the politicians were accused by social security officials of using the grant as a campaigning tool.

Recommendations:

- **The Department's emphasis on investigation and 'crime prevention' should not outweigh the emphasis on getting the grant out.**
- **The allegations of grants being used by politicians and councillors for political gain, requires investigation by the Department of Social Development.**

9. EXPERIENCES OF BENEFICIARIES

Grant applicants and beneficiaries have a legal entitlement to the CSG and a constitutional entitlement to social assistance. Thousands of civil servants, committed to the principles of *Batho Pele,* are employed to administer these benefits to the public. However, many applicants are treated with disrespect and loaded with additional burdens. CSG applicants are by definition poor and burdened with the care of small children. Below are some of the concerns that applicants raised and it is hoped that they will be carefully noted by the national and provincial departments.

9.1 Pay-points

At the Alexandra pay-point most people said that the queues were too long. There was also a concern that waiting in long queues was uncomfortable. They also reported that sometimes there is not enough cash available to pay people, in which case they are told to return the following day. This is difficult for people with jobs and who have already spent one day away from them. It is also difficult for people with young children, who have to bring the children with them, or arrange alternative care while they are away. There were some complaints that officials arrived late on pay-days. Other people said officials were helpful and that security was good. Both young and old people in the queues felt it would be preferable to have separate collection days for the CSG and the Old Age Pension.

Some people at the Alexandra pay-point said they would prefer to get the grant deposited directly into their bank accounts. Others said they could not afford the bank charges given how small the grant is. An official at the Alexandra satellite office said that the lengths of queues at pay-points would be reduced if grants were paid directly into bank accounts. It would also make pay-points much safer since less cash would need to be brought to the pay-points. The problem is also that many people do not have bank accounts.

Recommendations:

- **It is preferable to have separate collection days for the CSG and the Old Age Pension.**
- **Pay-points should ensure that they have sufficient money for the payment of grants on pay-days.**
- **Grants should be paid into bank accounts where possible. The Department of Social Development or another relevant government department should negotiate with all banks to waive bank charges for grant recipients.**

9.2 Costs to applicants

The application process and its various requirements result in travel costs for applicants and their children, especially in rural areas. Sometimes the applicant has to go to the nearest big town as the majority of the social services offices are located in urban centres. This also potentially incurs child-care costs during the day of application as the trip to the office might take a half to a full day. This is a common scenario since the majority of poor people reside in rural areas and many poor children live with a single mother. In addition, a convoluted administration process results in repeated visits to the social security office and generally requires visits to other offices such as Home Affairs (for birth certificates and identification documents) and South African Police Services (for affidavits and certification).

i) Travel costs

Many applicants to the Piketberg office travel from remote farms and it is difficult to obtain and afford transport. In one case, applicants paid R170 one way to travel by private car to the social security office. The cost was split between three people, one of whom was the applicant's mother. People also walk long distances to get to offices.

Even where central offices have a number of service points, people often have to travel far to reach them. Sometimes applicants do not wait for the team to come to their area – they travel to the central office to speed up the application. One applicant in Worcester had come from Calvinia – almost a four-hour drive away. The cost of getting to pay-points is also a problem in this area. For instance, people living in Malgas would have to pay R300 to get to and from Swellendam, the nearest pay-point. This is nearly twice the amount of the monthly grant, and clearly not worth their while. Despite a marketing drive, the office has not received applications from Malgas. If they can register 50 people in the area, they would be able to open a pay-point there.

At the Orange Farm pay-point, people reported that they have to commute to the Home Affairs and the DSD offices either in Sebokeng, Vanderbijlpark or Johannesburg. Some people cannot afford to do this. Some interviewees were receiving a CSG for one child but had not made an application for another child because of the related costs. Some said they had prepared their affidavit but had not managed to get to the office to lodge the application. What happened in these cases was that, when they eventually raised the money to go to the office, they were told that the affidavit was old and that they would have to make another one.

One woman had to go to the old satellite office three times before she was assisted. On the first occasion she was told that only 40 people could be accommodated at one time because there was only one official working and the rest of the people must go home. On the next occasion she was told that the office was closed for the day as officials were on a course. She was finally assisted on her third visit.

At the Montshiwa pay-point people did not have money to come to the offices to apply for the CSG, since some of the villages were very far and people spent more than R40 per return trip.

Recommendation:

- **The DSD should send more mobile units to rural areas to collect applications and also to pay out the grants. Mobile units should consist of officials from the DSD and HA.**

ii) Loss of income

In the Western and Eastern Cape, applicants who were employed or engaged in income-generating activities were also asked how much money they lost through time spent making the CSG-related visits to government offices. Very few of the applicants interviewed were employed or doing income-generating activities, but several who were engaged in income-generating activities said that they would not have been engaging in these activities during the time they made the visits.

Overall, 13 applicants reported some lost earnings in terms of non-SAPS visits. Ten of these were in the Eastern Cape. Of these, three did not give sufficient information for even a rough estimate of the amount of income lost. For the other 10, the total amount lost was R343.50 – i.e. an average of R34 each.

At the Atlantis district office, the supervisor at the service point explained that most applicants in the area are seasonal farm workers. People do not usually take time off during season to apply – partly because they would lose income, and also because they are less likely to qualify while they are earning an income. The season usually extends from October to February, so the office has a lot of people coming for screening in March. These people return in a month's time, when social services comes around again, to complete their applications.

Orange Farm is a big area and has only one police station. Some people have to commute (some having to change taxis twice) just to get to the police station to make an affidavit. One of the interviewees was employed as a part-time worker and found it difficult to find the time to apply for the grant.

iii) Copies of documents

Applicants have to pay for photocopying original documents and have to find places which make copies. The officials in the Rissik Street office and the East London office made copies of the documents for the applicants without charging them. In addition, mobile units in the Eastern Cape and in Worcester took photocopiers along with them and made copies for applicants.

Recommendation:

- **Photocopying facilities should be made available at social security application points, including mobile units. Applicants should not be charged for this service as they are poor.**

iv) Costs of child care

Generally, people from Orange Farm first go to the police to get an affidavit signed and then travel to Sebokeng to apply for the grant. They usually take their children with them and the application process takes the best part of a day.

In the Eastern and Western Cape, applicants were asked who looked after their child/ren while they were doing each activity required for the CSG application process. We also asked whether this arrangement had to be made especially for the visit, and whether there was any

payment attached to a special arrangement. None of the applicants reported any payments. One noted that her sister paid a neighbour R50 per month to look after the child whenever this was necessary. There was, however, no extra expense attached to the CSG-linked visits. Several Eastern Cape interviewees noted that those who looked after their children, did it out of love and did not seek payment. One applicant from Khayelitsha said her sister took time off school to provide child care while she undertook a visit. Many applicants took their children with them on the visits to service points and the SAPS.

9.3 Language and communication issues

One official who screens beneficiaries at the Rissik Street office was English-speaking and did not understand or speak any African languages. In most cases she has to ask a second official to interpret for her.

Miscommunication was also found to occur sometimes between officials and beneficiaries. For example, a beneficiary might be told to go to the police for an affidavit but instead thinks she is being required to report the matter to the police.

Language was also identified as a problem for applicants in the Western Cape. The letter of approval sent to applicants is in English, and too complicated for applicants to understand, resulting sometimes in applicants missing out on payments. Applicants sometimes come to the office and queue just so that someone can explain the letter to them. Letters of refusal can be generated in Afrikaans or isiXhosa.

Recommendations:

- **Officials should as far as possible speak the language of the people living in the surrounding community or the social security office should have an official translator for each official who lacks the necessary language skills.**
- **Clear guidelines for getting the required documents for the CSG application should be made available to applicants. All documents explaining the requirements for the CSG should be available in the languages spoken in the surrounding communities.**

9.4 Farm workers

Amongst the people that were interviewed in the Western Cape, farm workers' earnings clearly fluctuated to some extent. The Head of Social Security in Worcester estimated that surrounding workers earned between R100/R200 and R400/R500 per week, and that these wages are seasonal. Factory workers in the area (mostly in Robertson) received higher pay but this also tended to be seasonal since most factory work is related to the fruit processing industry. Seasonal workers often wait until the season is over before applying for the grant – they need proof of unemployment to receive the grant if they were earning above the income threshold.

The social services office sends out letters to beneficiaries at the beginning of each season, asking them to declare whether they are going back to work for the season, in which case their CSG payments are stopped if their income was above the threshold. Previously, social security offices simply used to halt payments on the grant while the beneficiary was working, and reinstate payments again when the season ended, if the beneficiary provided a letter from their employer stating that they were no longer working. But since a directive from the provincial department in 2001, applicants have to reapply for the grant when they stop working. This means that they go through the entire application process *every year* (screening, providing certified documents, affidavits, etc.) This explained why the intake officer's register showed a high proportion of reapplications (there are separate columns for

new applications and reapplications). This requirement to reapply every year is clearly an extra, unnecessary burden on seasonal workers, while they also have to wait for the grant application to be processed, which can take months.

The district office in Worcester double-checks the applicant's employment status by requesting pay-roll details from the major employers (factories and large farms) to see whether beneficiaries are actually working, and how much they are being paid. The farms often don't comply, and it is assumed that this is because farmers are embarrassed about the low wages they pay their workers, and that the Department of Labour may be alerted to the fact that farm workers are paid below the minimum wage.

In addition, there has been a change in the way the district office calculates annual income for seasonal workers. Previously they based annual income only on the amount of income actually received during the period that they worked, but the office was instructed by the provincial department in December 2004 that this was incorrect. They now must multiply weekly income by 52 weeks to derive annual income – in other words, treating the calculations as if the applicant was working all year round. The Head of Social Security described the problem, and an attesting officer gave the following example:

- If an applicant works for three months (12 weeks) of the year and earns R220 per week, they used to calculate total earnings for the year (R220 x 12 weeks = R2,640, or R220 per month annual income). The applicant's income is clearly below the income threshold.
- Now they have to multiply it by 52 weeks (R220 x 52 = R11,440, or R953 per month). Since most of the areas that they service, including farmlands, are treated as urban, the applicant fails the means test and cannot qualify for the grant. The applicant must then return with proof of unemployment when they are no longer working, and go through the whole application process again.

People often fail the means test because their income is marginally higher than the threshold. The operations manager at the Worcester offices says this is because the minimum wage for farm workers is now about R850 per month. If farmers comply with the minimum wage, their employees are not eligible for the CSG. The office has received numerous complaints from farmers who do not want their employees to apply for the CSG. They regard the minimum wage as being sufficient income and they don't want their workers to take off time from work to apply for the grant and or go to the pay-point every month. And, they claim that receiving the grant increases alcohol abuse.

At Ganyesa social services officials reported that people living and working on farms were the ones who faced the biggest problems when it came to accessing the CSG. This was because many of the parents working on farms did not have identity documents. Also, children did not have birth certificates and clinic cards because the mothers delivered their babies at home and not in hospital.

Farm owners also allegedly did not want their employees to have identity documents because they (farm owners) would have to register them and pay them legal / minimum wage. In addition, some farmers refused to allow their employees time off when officials conducted outreach programmes in those areas, thus frustrating the officials' efforts to reach farm workers.

Farms in the North West Province, unlike in Gauteng, are very far from either villages or towns, so farm workers know very little or nothing about the CSG. They only hear about it when they are visiting other villages.

Another problem with people living on farms was that they often did not have identity documents or birth certificates. This meant that they had to travel to the nearest town to apply for these documents. The only farms where these services were accessible were a few with schools.

Some farmers take away any type of essential document that farm workers might have under the pretext of going to get identity documents for them, but this never happens. Consequently, farm workers cannot complete applications during the outreach programmes because they do not have the proper documents. Officials reported that farmers never attended outreach programmes and did not want to meet with the officials.

A few farm owners, however, encouraged their employees to make use of whatever the government made available to them. These farmers went as far as providing transport to farm workers to visit the pay-points without expecting them to pay for it.

Officials in the Mafikeng district explained that people living on farms also had difficulty in accessing the grant or the application forms because these farms were often far from the main centres and there was no proper public transport network in those areas. People had to depend on the farm owner for transport. According to officials, some of the farm labourers feared that, if they received the CSG, the food ration they got from the farmers would be reduced.

Recommendations:

- **The DSD should ensure that farm workers, and particularly seasonal workers are not unfairly disadvantaged by the implementation procedure.**
- **For the purpose of means testing, the DSD should consider the situation of farm workers (and others with erratic or seasonal income) as a specific group, and ensure that their annual income is fairly and accurately calculated.**
- **Farm workers should not have to reapply for a grant each year.**
- **Farmers should be educated about farm workers' right to claim the CSG, should they qualify.**
- **Greater efforts should be made to reach farm workers with outreach programmes where farmers try to prevent access to the CSG or do not allow their workers to take time off work to go to DSD offices.**
- **Where farmers are violating farm workers' rights to access grants, the DSD should work with the South African Human Rights Commission and similar bodies to assert the rights of such people.**

10. RECOMMENDED CHANGES TO THE ACT AND REGULATIONS

The above recommendations relate to the Department of Social Development's interpretation and application of the Social Assistance Act of 1992 and the regulations concerning the CSG. These relate to implementation issues that, if addressed, would go a long way in improving the conditions for applicants and beneficiaries of CSGs, as well as for those who have been unable to apply.

Beyond the implementation of existing laws, significant improvements in the nature of grants and their roll-out could be achieved through certain changes to the legislation and regulations. While this report does not attempt to set out in detail our recommendations for policy and legislative change, detail on the more important suggestions we have made can be accessed elsewhere.[19]

10.1 The means test

A successful application for the CSG is, in part, dependent on the primary care-giver establishing that she and her spouse comply with a *means test* that is linked to her/their personal income.[20] As noted above, an affidavit is the main source of evidence of the income of applicants for the CSG. Despite there being many aspects to the means test, an affidavit stating that the 'primary care-giver' and his or her spouse are not earning an income above the means test threshold will generally suffice. It was thus found through the research that the various elements of the means test are not generally enforced, understood or relevant.

Officials at Ganyesa social services office said they are aware of the means test, but do not use it since they are in a rural community with a high unemployment rate. They only ask if a person is employed and if they are, they ask for a salary slip. Most of these cases involve people who are employed and work either on farms or as domestic workers. Some employers write letters confirming employment, but most beneficiaries do not want their employers to know they are applying for the CSG because they are worried that their salaries will be reduced. Officials said that lack of resources to verify information also leaves officials having to trust what beneficiaries tell them, even if they suspect the information given to them by the beneficiary may be false.

Officials at the Mafikeng office, when asked if they use the means test, responded that they did not use it in relation to the CSG. They indicated that with the CSG the only thing they needed to check was the income of the biological mother. They never checked if there were other people assisting with the maintenance of the child. Officials also said they did not know how to ascertain the income of the mothers or fathers.

At the Sebokeng office, officials were asked about the means test and how it works. All of them knew the term 'means test' but were not sure how it works. They all knew that it involves asking a person about their financial status. None of them could explain anything beyond this. They did not have a copy of the regulations setting out the means test when asked for it. One official explained that it is a way of evaluating your finances, property and

[19] See Rosa S, Leatt A & Hall K (2005) Does the 'means' justify the end? Targeting the Child Support Grant. *In***:** Leatt A & Rosa S (eds) *Towards a Means to Live: Targeting poverty alleviation to make children's rights real*. Cape Town: Children's Institute, University of Cape Town [CD-ROM]. See also submissions to the department on the draft regulations to the Social Assistance Act 2004 by CALS, the Children's Institute and the Alliance for Children's Entitlement to Social Security. Download on: www.uct.ac.za/depts/ci.

[20] Section 4 of the Social Assistance Act.

investments. Another explained that a person has to be earning less than R800 a month. This is the only question that she asks parents in relation to the means test.

10.1.1 Rural/urban distinction

It appears from the research that there is much confusion about this part of the means test. In the Eastern Cape, the delineation between rural/urban areas is determined by the provincial Department of Social Development. Researchers were informed by the Head of Social Development, Mt. Ayliff district office, that the only urban areas in the province were Umtata, Port Elizabeth and East London. Mt. Ayliff was designated a rural area entirely. Around town, the municipality of Umtata was declared urban, while the outlying areas are defined as rural.

Rural and urban is defined in East London by municipal demarcations. Villages are rural. Before, villages were defined as those having chiefs/headmen, but now social security officials are not sure who defines them, or how they are defined. There was clearly confusion amongst senior social security officials in East London about the rural/urban and formal/informal dwelling distinctions.

In Khayelitsha it is not necessary to distinguish between urban and rural (the whole intake area is urban, even if undeveloped land) – they only distinguish between formal and informal dwellings. This is apparently easy, since the officials know the area, and if someone lives in a backyard shack then this is stated on the proof of occupancy.

Rural areas around Atlantis are: Witsand, Chatsworth, Riversand are Kalbaskraal. Everything else is considered urban, even the farms surrounding small towns like Piketberg, Mooreesberg, Porterville, etc. The district officers are in complete disagreement with the provincial department over the definition of urban and rural areas. Most of the towns where they work are small *dorps* serving the surrounding farms – with little infrastructure and employment opportunities – and they regard these as rural. But the department had forced them to treat the areas as urban for purposes of the means test, and as a result many applicants do not pass the means test. They are contesting this as a "big question mark", have had lots of correspondence and meetings with the department to debate the issue, and are now waiting for final confirmation.

Further problems with the rural/urban definition are that the SOCPEN definitions are not the same as local officials' own experience and perceptions, and seem illogical. In Worcester, informal and backyard residents are recorded on the system as "rural" (i.e. the upper income threshold), while many rural areas are called "urban" (e.g. Rawsonville & De Doorns). Even people living on farms are officially urban. They find this very confusing and hope that it will become clearer with the new regulations. It also results in many people failing the means test because they have to use the lower income threshold. Officials don't agree with this and have been arguing with the provincial department about it.

Further, it was found that the majority of the departmental officials that were interviewed in the Eastern Cape, and who were involved in some way with the CSG programme and applications, were unsure as to what the means test income thresholds were. When asked what the thresholds were, answers ranged from R800 per month to R1,500 per month, with different variations on the rural/urban lines. Some officials were extremely sure of themselves, despite having quite the wrong figures in mind. Ultimately, it is the computer that generates the rejection or acceptance letter, therefore it is not crucial that officials know the thresholds, but it is an indication of a lack of knowledge of the law regulating the CSG programme, particularly since the thresholds have not changed since their inception in 1998.

One therefore questions the benefits of having a split-level means test on two grounds. Firstly, it needs to be weighed against the fact that officials appear not to know, understand or apply the thresholds, and secondly that the means test is applied arbitrarily and unfairly when social security officials distinguish between rural and urban areas.

Recommendation:

- **The value of retaining the rural/urban division in the means test should be reviewed by the department.**

10.1.2 Formal/informal dwelling status

It also appeared that the dwelling status part of the means test was not really applied by the officials in any of the offices visited in the Eastern Cape and Gauteng. Officials merely checked the box on the application form referring to formal/informal dwelling based on their knowledge of the area in which the applicant lived and did not ask directly what the applicant's house was made of, even though the regulations are very specific about the definition of a formal / informal dwelling.

Umtata social development officers reported that they don't really enforce the dwelling part of the means test; they normally just insist on the income part. In East London, when asked about the implementation of the different thresholds of the means test, officials responded:

> *"This is a difficult question, because we say squatter camps are 'urban' and use the R800 limit People living in squatter camps are 'urban' for the means test, irrespective of dwelling type."*

Officials at the Sebokeng office indicated that they do not ask about the type of house that an applicant lives in. They only ask about their income. This seems to indicate that people may be screened out if they earn more than R9,600 per year (R800 x 12 months) but live in a rural area or informal dwelling.

***Recommendation*:**

- **The value of retaining the formal/informal dwelling aspect of the means test should be reviewed by the department.**

10.1.3 Costs to beneficiaries

As stated above, the means test requires official proof of the employment and income status of the applicant and spouse, and their marital status where applicable. This makes up the bulk of the application process for the CSG and mainly requires action on the part of police officers (and applicants) by affirming marriage certificates or divorce decrees, as well as making affidavits declaring the earnings of the applicant and spouse.

Meeting these various requirements incurs various expenses for applicants and their children. Budlender et al (2005) showed the average costs incurred by applicants related to the means test to be about *R25* for various transport costs for travel to social services offices, police stations and Home Affairs offices, as well as photocopying costs to complete the means test portion of their applications. They estimated the total money costs to beneficiaries by adding together the cost of transport, photocopy and other costs incurred in meeting the requirements at the SAPS and Department of Social Development, and adding the estimate for lost earnings. Overall for the sample, visits which related in some way to the means test part of an application required close on *eight hours* of time. Both time and money costs were higher in the Western Cape than in the Eastern Cape. The average R25 cost to each applicant represents 14% of the monthly value of the CSG to which poor caregivers are entitled – a significant

proportion of the money which is considered sufficient to provide for a child. In addition, the time spent seems an inordinate amount for a requirement of proof that is largely unverifiable.

Recommendations:

- **The income threshold should be reviewed to address the problem that the same threshold applies to all primary care-givers irrespective of the number of dependants.**
- **The threshold for both tiers of the means test for the CSG should be adjusted in line with inflation as calculated by Budlender et al (2005)[21]. They suggested that the current levels should be R1,123 (urban) and R1,544 (rural) respectively in 2004. This would ensure that the CSG programme for poor children under the age of six is not retrogressive, and will extend eligibility to more poor children in need across the age categories.**
- **The means test used for the CSG is irregularly applied; it does not allow for verification; and most of the applicants for the CSG earn little or nothing. It is therefore recommended that a self-selection targeting mechanism be implemented. The means test should be scrapped and replaced by a simpler, low-level application process without the need for proof of income. Applicants for the CSG would only be required to establish:**
  - **That there is only one CSG per child;**
  - **That the child is within the prescribed age category;**
  - **That the child and primary care-giver are South African citizens, permanent residents or refugees (allowing for discretionary documents in substitution of birth certificates and identification documents where they are unavailable); and**
  - **That the PCG applicant lives with the child.**

10.2 ID requirements

Recommendation:

- **Alternative proof of identification should be accepted by the DSD where inability to do so would prevent poor children from receiving a CSG, pending the furnishing of IDs and birth certificates by the Department of Home Affairs.**

10.3 Other legislative changes recommended

- **The CSG should be extended to all children up to the age of 18;**
- **The amount of the CSG should be increased to meet more of the needs of poor children;**
- **Improvements to the CSG should form part of a comprehensive social security system in South Africa;**
- **The number of children that a primary care-giver can apply for the CSG should be unlimited (as opposed to the current six);**
- **Children under the age of 16 should be able to apply as a primary care-giver for children in their care;**
- **Refugee children as well as non-citizen resident children should be entitled to the CSG.**

[21] Budlender et al (note 1 above).