



SOCIAL GRANTS

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Introduction

South Africa's Constitution guarantees the right of all citizens to have access to social security, including, if they are unable to support themselves and their dependents, appropriate social assistance. Section 27 of Chapter 2 of the Bill of Rights states that " (1) Everyone has the right to have access to (a) health care services, including reproductive health care, (b) sufficient food and water; and (c) social security, including, if they are unable to support themselves and their dependents, appropriate social assistance. (2) The state must take reasonable legislative and other measures within its available resources to achieve the progressive realisation of each of these rights."

Social assistance grants are one way in which the government gives people access to social security which is a right guaranteed in the Constitution. Everyone pays taxes to the government, through working (income tax) and buying things (VAT). Some of this money is used to pay social grants to people who cannot support themselves and/or their families.

The South African Social Security Agency (SASSA) administers social assistance grants on behalf of the Department of Social Development.

Underpinning the whole welfare delivery system are the Batho Pele Principles (People First). This is a government programme to improve delivery in the public service and requires that eight service delivery principles be implemented by all public servants.

The **Batho Pele Principles** are as follows:

1. Courtesy: don't accept insensitive treatment
2. Access: one and all should get their fair share
3. Service standards: insist that our promises are kept
4. Consultation: you can tell us what you want from us
5. Value for money: your money should be employed wisely
6. Redress: your complaints must spark positive action
7. Openness and transparency: administration must be an open book
8. Information: you are entitled to full particulars

LAWS THAT APPLY TO SOCIAL WELFARE

The main laws that concern social welfare are as follows:

- The Constitution
- The Social Assistance Act (no 13 of 2004)
- The Social Security Agency Act (No 9 of 2004)
- The Children's Act (No 38 of 2005)
- The Children's Amendment Act 41 of 2007)
- The Promotion of Administrative Justice Act (No. 3 of 2000)

Other Acts that concern social welfare include:

- Refugees Act (No. 130 of 1998)
- Maintenance Act (No 99 of 1998)

THE CONSTITUTION

The Constitution guarantees the right of all citizens to have access to social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.

(See page 28 Section 27: Right of access to health care, food, water and social security)

THE SOCIAL ASSISTANCE ACT

The *Social Assistance Act* provides a national legislative framework for the provision of different types of social grants and crisis intervention in the form of social relief of distress, the delivery of social assistance grants by a national Agency (SASSA), as well as the establishment of an Independent Tribunal for Social Assistance Appeals (ITSAA) and the Inspectorate for Social Security.

The functions of the Inspectorate are to:

- Conduct investigations to ensure the integrity of the social assistance Frameworks and systems
- Carry out internal financial audits and audits of sassa to ensure that it is Sticking to laws and policies
- Investigate fraud, corruption and mismanagement within sassa
- Establish a complaints mechanism
- Fight against the abuse of social assistance.

THE SOUTH AFRICAN SOCIAL SECURITY AGENCY ACT

The *South African Social Security Agency Act* makes provision for the effective management, administration and payment of social assistance and services through the establishment of the South African Social Security Agency (SASSA). Payment is either electronic (EFT) or manual. SASSA contracts service providers to administer its cash payments.

SASSA is responsible for the administration of social assistance grants. In addition to its main function of administering grants it must also:

- Provide assistance to all grant applicants to help them understand and exercise their rights to social security
- Pay beneficiaries what they are entitled to receive
- Provide information about grants to beneficiaries and potential beneficiaries
- Investigate any irregularities relating to grants
- Provide assistance with foreign grants if there is an agreement with other countries to do so

THE RELATIONSHIP BETWEEN SASSA AND THE INSPECTORATE

SASSA is the agent that is responsible for implementing social assistance policy, in other words, for process and delivery of social assistance. The inspectorate is a watchdog of the whole social assistance system and SASSA.

The functions of the Inspectorate are to:

- Conduct investigations to ensure the integrity of the social assistance frameworks and systems
- Carry out internal financial audits and audits of sassa to ensure it is sticking to laws and policies
- Investigate fraud, corruption and mismanagement within SASSA
- Establish a complaints mechanism
- Fight against the abuse of social assistance

THE RELATIONSHIP BETWEEN SASSA AND THE INDEPENDENT TRIBUNAL FOR SOCIAL ASSISTANCE APPEALS (ITSAA)

In terms of the Social Assistance Act, the minister has to consider written appeals that will go to the Independent Tribunal for Social Assistance Appeals (ITSAA).

Section 18 includes reconsideration of a decision by SASSA.

The function of SASSA in respect of appeals is to:

- Reconsider its own decision before the applicant or beneficiary lodges an appeal with the minister or tribunal
- Make a decision to confirm, vary or set aside its own decision

The functions of the appeals tribunal are to:

- Receive the lodging of an appeal
- Hear appeals for all social grant types
- Make a decision whether to confirm, vary or set aside the decision made by sassa and whether to award the grant temporarily or permanently
- Communicate the outcome of the appeal to the applicant and SASSA

THE RELATIONSHIP BETWEEN SASSA AND CASH PAYMENT CONTRACTORS

The payment of grants is now largely made through Electronic Fund Transfers (EFTs). However, the payments of grants in cash still occurs although it is being phased out. SASSA has contractual relationships with cash payment contractors who are responsible for the physical payment of grants in cash at various agreed sites.

Section 26a of the *Social Assistance Act* makes provision for one deduction of not more than 10% of the value of the social grant for funeral cover only. Unrecognised and unlawful deductions must be reported to SASSA offices to be stopped.

TYPES OF SOCIAL GRANTS

In terms of the *Social Assistance Act* social assistance is provided in the form of the following types of grants:

- Social grants for adults who are 18 years and older
 - Older Person's Grant
 - Disability Grant
 - Care Dependency Grant
 - War Veteran's Grant
 - Grant-in-Aid
- Children's social support (*a child is someone who is younger than 18 years*)
 - Foster Child Grant
 - Child Support Grant
- Special Grant
 - Social Relief of Distress Grant

Social grants for adults who are 18 years and older

There are four different state social grants for adults: Older Person's Grant, Disability Grant, War Veteran's Grant and Grant-in-Aid.

Social grants are available to South African citizens and permanent residents. In addition, refugees can access disability grants.

WHO CAN APPLY FOR A GRANT?

GENERAL CRITERIA FOR APPLYING FOR A SOCIAL ASSISTANCE GRANT

Social grants are available to South African citizens and permanent residents. Non-citizens of South Africa, for example refugees, people with work permits, children born in South Africa of non-citizens, may also receive South African social grants.

Payment of social grants is made on condition that there is an agreement between South Africa and the country of origin of the non-citizen. (See page 43 *What does South African citizenship mean?* page 48 *Legal entry and staying in South Africa*)

HOW MUCH MONEY CAN YOU GET?

The amount you get depends on your income and assets. The amount also changes each year with the annual government budget.

From 1 April 2015 the following will be paid per month:

TYPE OF GRANT	NEW AMOUNT
Older Person's (60 – 74 yrs)	R1 410
Older Person's (75 yrs and over)	R1 430
War Veteran's	R1 430
Disability	R1 410
Grant-in-Aid	R330

OLDER PERSON'S GRANT (OPG)

In order to apply for an Older Person's Grant the applicant must:

- Be a South African citizen or a permanent resident
- Be resident in South Africa at the time of application
- Be 60 years or older
- If married, the spouse must comply with the means test
- Have a valid identity document or produce alternative identification

A person cannot apply for an Older Person's Grant if:

1. They are living or being taken care of by any of the following institutions which are wholly funded by the state:
 - a prison
 - an old age home and state treatment centre
 - a psychiatric hospital
 - a drug rehabilitation centre

A person can still apply if they are in an institution which is partially funded by the state – however the grant would be reduced to 25%.

2. If the applicant is receiving another adult social grant, unless it is a Grant-in-Aid. (See page 302 *Grant-in-Aid*)

Applicants for an Older Person's Grant must have proof of the following before applying:

- A South African bar-coded identity document (to prove identity, citizenship and age)
- If single, an affidavit stating this fact
- Marriage certificate if the person is married
- Divorce papers if the person has been divorced
- Death certificate, if the husband or wife died
- If they are employed, a wage certificate
- If they are unemployed, any UIF record of registration, discharge certificate from the previous employer
- If they have a private pension, proof of the pension
- If they have a bank account, bring a bank statement of three consecutive months
- Proof of any other income and assets

DISABILITY GRANT

A disability grant is a social grant intended to provide for the basic needs of adults (people who are over 18 years) who are unfit to work due to a mental or physical disability. The applicant should not have refused to do work that they are capable of doing and should not have refused treatment. The disability must be confirmed by a valid medical report of a medical officer stating whether the disability is temporary or permanent.

PROOF OF DISABILITY

When an application is made for a disability grant, the SASSA officer will give the person a medical form to be completed by either a medical officer or an assessment panel. The medical person must write on the form what kind of disability it is and how long they think it will last.

The assessment by an assessment panel will take place if there is no doctor available. The panel will consist of medical people such as nurses, psychologists and social workers as well as community leaders such as chief magistrates or priests.

The SASSA officer sends the doctor's certificate in with the application form. The medical officers in SASSA look at the medical certificate or assessment and see if they agree that you are disabled. If they do not agree, they turn the application down.

A person can apply for a *temporary* disability grant where it is believed the disability will last between six months and a year, OR a *permanent* disability grant where it is believed the disability will last for more than a year.

The medical certificate for a grant may not be older than 3 months at the date of application.

In order to apply for a Disability Grant the applicant must:

- Be a South African citizen, or a permanent resident or refugee
- Be resident in South Africa at the time of the application
- Be between the ages of 18 years and 60 years
- Be unfit and unable to work because of the nature of your disability
- If married, your spouse must comply with the means test
- Have a valid identity document or produce alternative identification

A person can still apply if you are in an institution which is partially funded by the state, and may then receive a partial grant.

A person cannot apply for a Disability Grant if that person is living or being taken care of by any of the following institutions which are wholly funded by the state:

- A prison
- An old age home and state treatment centre
- A psychiatric hospital
- A drug rehabilitation centre

A person can also not apply for a Disability Grant if that person if:

- they have refused to undergo medical treatment;
- they are receiving another grant, unless it is a Grant-in-Aid.
(See page 302 Grant-in-Aid)

Applicants for a Disability Grant must have proof of the following before applying for a grant:

- A South African bar-coded identity document (to prove identity, citizenship and age)
- If you are under 60 years bring a medical assessment or report stating that you are disabled and cannot work

- If you are single, an affidavit stating this fact
- Marriage certificate, if you are married
- Divorce papers if you are divorced
- An affidavit if your spouse has deserted you for more than 3 consecutive months
- Death certificate, if your husband or wife died
- If you are employed, a wage certificate
- If you are unemployed, any UIF record of registration, discharge certificate from your previous employer and affidavit made at a police station to state you are unemployed
- If you have a private pension, proof of the pension
- If you have a bank account, bring a bank statement of three consecutive months
- Proof of any other income and assets
- If your partner died within the last 5 years, a copy of the will and the first and final liquidation and distribution accounts

WAR VETERAN'S GRANT

In order to apply for a War Veteran's Grant the applicant must:

- Be a South Africa citizen, or a permanent resident
- Be resident in South Africa at the time of application
- Be 60 years and over or disabled
- Have fought in the First World War (1914-1918), the Second World War (1939-1945), or the Korean War (1950-1953)
- Not be cared for in a wholly funded state institution
- If married, your spouse must comply with the means test

Special grants have been introduced for war veterans who fought in the liberation struggle for a democratic South Africa. If a person thinks that they qualify they should contact their political party. The amount will be calculated against length of service.

The Special Pension makes provision for individuals who made sacrifices in fighting for a democratic South Africa. In the event of the death of those who fought, their survivors may receive a pension or lump sum payment.

Applicants for a grant must have proof of the following before applying for a grant:

- South African identity document (to prove identity, citizenship and age)
- Proof of 'official war' service (discharge certificate or medals)
- If the applicant is under 60 years, they need to bring a medical assessment or report stating that they are disabled and cannot work
- If single, an affidavit stating this fact
- Marriage certificate if the person is married
- Divorce papers if they are divorced
- An affidavit if the spouse has deserted the applicant for more than 3 consecutive months
- Death certificate, if their husband or wife died
- Death certificate, if their husband or wife died
- If the person is employed, a wage certificate
- If the person is unemployed, any UIF record of registration, discharge certificate from your previous employer and affidavit made at a police station to state you are unemployed
- If they have a private pension, proof of the pension

- If they have a bank account, bring a bank statement of three consecutive months
- Proof of any other income and assets

GRANT-IN-AID

The Grant-in-Aid is a social grant intended to provide for the basic needs of adults who are unable to care for themselves and are certified by a medical officer to be in need of full-time care from someone else. The Grant-in-Aid is provided as an additional grant to adults who are already receiving an Older Person's Grant, a Disability Grant or a War Veteran's Grant. The Grant-in-Aid is not paid out on its own – it must be in addition to a main social grant. Please note this grant is paid out to the person receiving the main grant, and not to their assistant. In addition, note that there is no means test for the Grant-in-Aid. *(See page 321 Problem 8: Person receiving an Older Person's Grant needs full time care)*

In order to apply for a Grant-in-Aid you must:

- Be a South Africa citizen, or a permanent resident
- Be a South Africa citizen, or a permanent resident, or a refugee in respect of the Disability Grant
- Be resident in South Africa at the time of application
- Be receiving an adult social grant
- Require full-time care by another person due to a physical or mental disability.
- Not be cared for in a wholly funded state institution

What do you need in order to apply?

- A South African bar-coded identity document to prove identity, citizenship and age
- A medical report or medical assessment report (less than 3 months old)
- If single, an affidavit stating this fact
- A marriage certificate, if you are married
- Divorce papers if you are divorced
- A death certificate, if your husband or wife died
- If you are employed, a wage certificate
- If you are unemployed, any UIF record of registration, discharge certificate from your previous employer
- If you have a private pension, proof of the pension
- If you have a bank account, bring a bank statement of three consecutive months
- Proof of any other income and assets

NOTE

You can also apply for a Grant-in-Aid at the same time as you apply for an Older Person's Grant, Disability Grant or War Veteran's Grant if you cannot look after yourself and need full-time care.

THE MEANS TEST FOR ADULT SOCIAL ASSISTANCE GRANTS

Anyone applying for a social grant must qualify through a means test. This is a way of measuring a person's income and assets. If the person applies for a grant, SASSA will evaluate their income and assets. If the income and/or assets are higher than the thresholds set by government, then they will not qualify for a social grant. The means test depends on their own income and assets if they are not married, and on

the income and assets of the applicant and their spouse if married. It makes no difference if the applicant is married in community of property or out of community of property.

INCOME & ASSETS THRESHOLD

The income and assets thresholds set for the means test as of April 2015 are as follows:

Older Person's Grant: People aged 60 and older who earn less than R64 680 (if single) and R129 360 (if married) a year, whose assets do not exceed R930 600 (single) and R1 861 200 (married).

The value of a house that a person lives in is not taken into account, regardless of who it belongs to

War Veterans Grant: Men and women who fought in World War II or the Korean War who earn less than R64 680 (single) and R129 360 (married) a year, whose assets do not exceed R930 600 (single) and R1 861 200 (married).

Disability Grant: People with permanent or temporary disabilities earning less than R64 680 (single) and R129 360 (married) a year, whose assets do not exceed R930 600 and R1 861 200 (married).

Grant-in-Aid: There is no means tests for this grant.

The income of a spouse is taken into account whether you are married in or out of community of property. However, if your spouse has deserted you for more than 3 months, then the marital status of the applicant is not taken into account. In this case you would need to attest to the desertion with an affidavit.

For up-to-date information on the asset and income thresholds for the means test, check the South African Social Security Agency (SASSA) website: www.sassa.gov.za, or the Black Sash website: www.blacksash.org.za

WHAT COUNTS AS INCOME?

Income means money you get from somewhere else. This can be:

- Renting out a room in your house for a fee
- Leasing out any other property for a fee
- From a private pension fund
- Earning money for work that you do
- Profits you make from farming or from any business
- Compensation for instance from UIF, Road Accident Fund or Compensation for Occupational Injuries and Diseases Fund (COIDA)
- Financial support received from relatives such as dependent children
- Maintenance received as an ex-spouse or for a child

NOTE

A husband and wife can claim separate grants. If either of the spouses already gets a grant, then that grant must not be counted as income when the other spouse applies for a grant.

WHAT CAN BE DEDUCTED WHEN CALCULATING INCOME?

You are allowed to deduct the following:

- Contributions to a pension fund or retirement annuity
- Income tax that you pay
- Payments made to a medical aid
- Payments made to the unemployment insurance fund

WHO CANNOT GET A GRANT?

Even if you are old enough, disabled, or a war veteran, you may still not get a grant. A grant can be refused if you:

- Already get another social grant (except in the case of a Grant-in-Aid which is only given to a person if they are already receiving either an Older Person's Grant, Disability Grant or War Veteran's Grant)
- Are a mineworker who receives money in terms of the *Occupational Diseases in Mines and Works Act*
- Get money for permanent disablement from the COIDA
- Are kept and cared for in a wholly funded state institution (like a state-run nursing home, a hospital or a prison), although you may be entitled to a part if you are in a private institution which has a contract with the state
- Do not pass the means test

Social grants for children below the age of 18 years

The *Children's Act* (No 38 of 2005 commencement date 1 July 2007) and the *Children's Amendment Act* (No 41 of 2007, commencement date 1 April 2010) brings South African child care and protection laws in line with the Bill of Rights and international law. The purpose of both Acts is to give effect to children's rights to:

- Family care, parental care or appropriate alternative care
- Social services
- Be protected from abuse

There are three different state social grants for children below the age of 18 years: Child Support Grant, Foster Care Grant and Care Dependency Grant.

HOW MUCH MONEY CAN YOU GET?

The amount you get depends on your income. The amount also changes each year with the annual government budget.

From 1 April 2015 the following amounts will be paid per month:

TYPE OF GRANT	NEW AMOUNT
Child Support (per child)	R330
Foster Care (per child)	R860
Care Dependency (per child)	R1 410

MAINTENANCE

Both parents have a duty to support the child. If the parent of a child is still alive and has money, and their whereabouts are known, the primary care-giver can get maintenance from the parent. If the parent refuses to pay, this can be taken to the

Maintenance Court at the Magistrate's Court. The maintenance officers will help the applicant to get money from the parent who is not providing support.

(See page 349 The duty to support)

(See page 370 Problem 4: Getting maintenance through the Maintenance Court)

But if the parents have no money to support the child then the primary care-giver can apply for a Child Support Grant. A primary care-giver is any person who takes responsibility for the daily needs of the child and who may or may not be related to the child.

CHILD SUPPORT GRANT (CSG)

The Child Support Grant is intended to provide for the basic needs of South African children whose parents or primary care-givers are not able to provide sufficient support due to unemployment or poverty. They may apply for the CSG if they qualify as per the means test.

The amount of the grant from 1st April 2015 is R360 for every child who qualifies.

For up-to-date information on grant amounts check the following website:

www.sassa.gov.za or www.blacksash.org.za

It does not matter whether you are the parent of the child or not, or whether the parents of the child are living together, whether they are married or not married, whether either of the parents is in prison or not, or whether the husband or wife receives another state grant.

WHO CAN APPLY FOR A CSG?

A primary care-giver can apply for the Child Support Grant on behalf of a child or children in his or her care. A primary care-giver can be a parent, grandparent, or anyone who is mainly responsible for looking after and providing for the basic needs of the child. A primary care-giver must be older than 16 years old and does not need to be family of the child.

The grant will be paid for all qualifying biological or legally adopted children. In the case of non-biological children and who are not legally adopted, the grant will be paid for a maximum of six children.

The grant is paid to the primary care-giver. In all cases the grant follows the child. This means that if someone else becomes the primary care-giver, then the grant goes to that person.

The primary care-giver is responsible for ensuring that the child is fed, clothed, immunized, given access to health-care and for using the money to benefit the child. SASSA must be allowed to have access to the child at all reasonable times.

The child's ability to get the grant will depend on the financial situation of the primary care-giver and their spouse. If the primary care-giver is a single parent, they should first try to get money from the child's other parent through applying for a maintenance order.

The person who applies must:

- Be the primary care-giver of the child

- Be over the age of 16 years
- Be living with the child in South Africa at the time of the application for the grant
- Be a South African citizen or a permanent resident
- Pass the means test.

A primary care-giver cannot apply for a grant if:

- They are being paid to look after a child
- Someone else is already getting a grant for the child
- They represent an institution which takes care of the child
- They do not qualify in terms of the means test

WHAT IS THE MEANS TEST TO QUALIFY FOR A CHILD SUPPORT GRANT?

In order to qualify for a Child Support Grant the primary care-giver must pass a means test to see if the child is eligible for the grant. The asset threshold test is the same for all other grants but the income threshold differs.

(See page 302 The means test for adult social assistance grants)

INCOME THRESHOLD

- A single person should not earn more than R39 600 per year or R3 300 per month
- A married couple's joint income should not be more than R79 200 per year or R6 600 per month

HOW CAN A PRIMARY CARE-GIVER APPLY FOR A CHILD SUPPORT GRANT?

The process for applying for the Child Support Grant is the same as for all other grants. *(See page 311 Applying for a social grant)*

The following documents are required for the application

- Primary care-giver's South African identity document
- Child's identity document or birth certificate
- Proof that the child has been immunized
- Proof of any maintenance received from a parent of the child, or proof of efforts made to obtain maintenance from a parent
- Proof of your and your spouse's earnings; if you are working, the employer must fill in a special form for an employer's report
- If married, a marriage certificate
- If divorced, the court order giving details of custody of the child
- If the primary care-giver is not the parent of the child, a letter or affidavit from the parent of the child giving the person permission to take care of the child
- A death certificate if one or both parents are dead, or if the father or mother is missing, proof of this, like a missing person's report from the police and sworn statements from you and another family member
- A school report is not a requirement for application for a CSG or for ongoing receipt of a grant

All copies of documents must be certified. This means they must be signed and stamped by a police officer or any other commissioner of oaths.

The applicant will be given a copy of the application or a dated receipt signed by the SASSA officer. This provides proof of the application.

If the application is not approved, a letter will be sent to give reasons for the rejection. There is a right of appeal against this decision.

(See page 314 Stage 3: Appeals process)

PAYMENT OF A CHILD SUPPORT GRANT

There is supposed to be a waiting period of only up to 3 months before the primary care-giver receives payment. The first payment of the grant should include all the money from the date of application.

Payment can be made in the way that suits you:

- Cash payment on specific days at a paypoint
- Electronic payment into a bank account.

FOSTER CARE GRANT

A Foster Care Grant is a grant intended to provide for the basic needs of foster children who have been placed in the care of foster parents by a Children's Court. The Foster Care Grant is paid to foster parents for children between the ages of 0 and 18 years. An extension order for foster care can be given until the age of 21 years if the child is still at school.

(See page 356 Foster care)

Usually a grant is for 2 years but a social worker can extend the grant depending on the circumstances, subject to a review by a social worker or a magistrate through a Children's Court (which will be valid until 2017).

A foster parent is responsible for ensuring that the child is fed, clothed, healthy, attending school and that the foster grant is used to benefit the child. SASSA officers must always be allowed to have access to the child.

(See page 304 How much money can you get)

WHO CAN APPLY FOR A FOSTER CARE GRANT?

Any adult or caregiver who is taking care of a child that qualifies, – and has no common law duty to maintain that child – can apply for this grant. In order to apply for a Foster Care Grant, the foster parent and the foster child must:

- Be resident in South Africa at the time of making the application (but they do not have to be South African citizens);
- Be in possession of a court order that makes the foster care status legal;
- Qualify in terms of the means test for a Foster Care Grant
- A child from any country that finds themselves in need of care and protection in South Africa, can be fostered. This will include a child who is undocumented, or a child who is a refugee.
- A foreign national who is a refugee can qualify to be a foster parent

WHAT IS THE MEANS TEST TO QUALIFY FOR A FOSTER CARE GRANT?

There is no means test to qualify for a Foster Care Grant.

HOW TO APPLY FOR A FOSTER CARE GRANT

The process for applying for a Foster Care Grant is the same as for all other grants.
(See page 311 Applying for a Social grant)

The following documents are required for the application:

- The foster parent's bar-coded identity document (ID)
- The foster child's RSA or non-RSA identity document or birth certificate
- The court order indicating foster care status
- If there is no birth certificate, check with SASSA what alternative document will be accepted

The situation of the child who is placed in need of care is reviewed from time to time. A social work review may take into account, whether the foster child:

- Remains in the care of the parents
- Is living in adequate housing
- Is fed and given clothes to wear
- Receives necessary medical and dental care
- Goes to school regularly

WHEN DOES THE FOSTER CARE GRANT STOP OR LAPSE?

A Foster Care Grant will stop:

- If the foster child or both foster parents pass away
- If the child is no longer in the custody of the foster parent
- When the child turns 18, the grant will stop in the last month of that year. If the child is still attending school over the age of 18 the foster placement can be extended until age 21
- When the court order expires
- When the child leaves school at school leaving age

The beneficiaries must inform SASSA of any changes in the foster parent/s' or foster child/ren's circumstances.

If a child is severely disabled, the foster parent can get a Care Dependency Grant as well as a Foster Child Grant.

NOTE: The Children's Amendment Act deals with foster care.

(See page 345 The Children's Act and Children's Amendment Act)

CARE DEPENDENCY GRANT (CDG)

The Care Dependency Grant is a social grant intended to provide support to parents, primary care-givers or foster parents of any child with severe mental and/or physical disabilities up to 18 years, requiring full-time home care. Even though the child may make use of professional support services, the child should not be cared for in an institution but at home in order to qualify. The child's disability must be assessed by a medical doctor appointed by SASSA.

The person receiving the grant is responsible for ensuring that the child is fed, clothed, receives care and stimulation as well as access to health services.

(See page 304 How much money can you get)

WHO CAN APPLY FOR A CARE DEPENDENCY GRANT?

In order to apply for a Care Dependency Grant, the parents, primary care-giver, or foster parents and the child must be:

- South African citizens, permanent residents or refugees
- Resident in South Africa at the time of application
 - In possession of a medical/assessment report confirming disability
- Qualify in terms of the means test for a Care Dependency Grant

A child with severe disabilities cannot get a Care Dependency Grant if:

- The child is being cared for on a 24 hour basis for more than 6 months in an institution that is wholly funded by government, for example a psychiatric hospital or special care centre

WHAT IS THE MEANS TEST TO QUALIFY FOR A CARE DEPENDENCY GRANT?

Only the income threshold of the care-givers of the child who is care dependent is assessed. There is no asset threshold test. The applicant, spouse and child must meet the means test (except for foster parents where a different means test applies)

(See page 307 What is the means test to qualify for a Foster Care Grant?).

Therefore, receiving the Care Dependency Grant depends on the income of the entire family.

A person can qualify for the CDG if:

- The parent/s or primary care giver earns less than R151 200 per year or R12 600 per month (if single), or R302 400 per year or R25 200 per month (if married).

HOW TO APPLY FOR A CARE DEPENDENCY GRANT

The process of applying for a Care Dependency Grant is the same as for all other grants. *(See page 311 Applying for a Social grant)*

The following documents are required for the application:

- Bar coded identity document of the parent/s, primary care-giver, or foster parents
- Child/ren's birth certificate with identity number
- A medical report for the child, which must say what the child is able to do - this is known as a functional assessment
- If you are the foster parent of the child, the court order making you the foster parent
- Proof of your marital status, such as a marriage certificate, divorce papers, the death certificate of your spouse or a sworn statement (affidavit) if you have never married
- Proof of the income and if you receive the care dependency grant, the primary care-giver must ensure that the child:
 - is tested at the age of 6 years to see whether he or she needs special schooling
 - receives appropriate education according to level of disability
 - remains in their care
 - is living in adequate housing
 - is fed and given clothes to wear
 - receives necessary medical and dental care
 - is not be in a wholly funded state-run institution

WHEN DOES THE CARE DEPENDENCY GRANT STOP OR LAPSE?

The Care Dependency Grant will be stopped in any of the following situations:

- If the parents, care-givers or foster parents die
- If the child dies
- If the child is admitted into a wholly funded state institution when the child turns 18 years (after this the child can apply for a disability grant)

The grant will be reviewed from time to time to check changes in the child's circumstances.

The amount you get depends on your income. The amount also changes each year with the annual government budget. The amount of the grant from 1st April 2015 is R1 410 for every child who qualifies.

Social Relief of Distress Grant

A Social Relief of Distress Grant is a temporary form of support - in voucher, cash or food - for people that are in crisis and in need of immediate help to survive. The amount of temporary relief will usually be equivalent to the amount of a grant that the person would qualify for and it will only be given for up to three months. You can apply for an extension of the relief for another three months. A social worker or officer, referred by SASSA, will be sent to check your situation and write a report to qualify for further extension. Because this is supposed to be for immediate relief, the application should not take long to process.

WHO CAN APPLY FOR THIS GRANT?

Relief can be granted to anyone:

- If they have applied for a grant and the grant is not yet ready (this relief will be deducted from their grant once they get it)
- Who has appealed against the suspension of their grant
- Who is too sick to work for less than 6 months (if a person is sick for more than six months, they can apply for a disability grant)
- Where the person in the family who earns the money (the breadwinner) has just died, gone to prison or gone to a treatment centre or hospital
- Who has experienced a disaster, such as a house burning down or being flooded; however they will not receive relief if the whole area has been affected by the disaster and other emergency funds are made available for the area
- If they or their household is experiencing undue hardship

A person cannot get relief if:

- They are receiving assistance from another organisation
- They are receiving another grant, for example a Child Support Grant.

APPLYING FOR RELIEF

The process for applying for Social Relief of Distress is the same as for all other grants.

WHAT DO YOU NEED IN ORDER TO APPLY FOR RELIEF?

You will need the following documents in order to apply for relief:

- A valid bar-coded South African identity document or any other alternative proof of identity of the applicant, spouse or their children
- Proof of minimal resources (in other words, that you are in a crisis situation)
- Proof of marital status
- Proof of admission of spouse to prison, treatment centre or hospital or proof that you are awaiting trial
- Discharge certificate of prison, treatment centre or hospital
- Proof of temporary medical disability
- Proof from the magistrate's court that you are not receiving any maintenance
- Proof of insufficient means by way of a declaration
- Any other alternative proof may be accepted

(See page 326 Model letter: Application for Social Relief of Distress Grant)

WHAT IS THE VALUE OF THE SOCIAL RELIEF OF DISTRESS GRANT

The value of the Social Relief of Distress Grant must be equal to, in the case of:

- *A single person*: an amount not more than the maximum amount payable per month in respect of an older person's grant
- *A married person*: where both spouses live together, an amount not more than the amount payable per month for each adult
- *A child*: an amount not more than the maximum of the type of child support grant applied for

If you are not eligible for a grant, the amount would be at the discretion of SASSA but it should not be less than the amount of the Child Support Grant.

HOW IS THE SOCIAL RELIEF OF DISTRESS GRANT PAID OUT?

When your application is approved, you will be issued with a voucher or a food parcel.

It will take less than 30 working days for your application to be processed and checked and either approved or refused. If it is refused you will get a letter explaining why it has been refused and how you can appeal.

TRANSPORT RELIEF

There is also a special form of relief for transport money. This relief is given once only and must be recommended by the social worker for people who:

- Have been told by their doctor or clinic that they need special medical treatment, but they cannot afford the transport to get to the place where they will be treated
- Have been promised a job but do not have enough money to pay for transport to reach the place of employment

What do you need in order to apply for relief?

- A document from the doctor which explains the treatment needed and where it is available
- A letter from a prospective employer confirming date and place of employment in order to substantiate the application

Applying for a social grant

WHERE CAN YOU APPLY?

You can apply at the nearest SASSA local or counter service point of a district office in your area.

WHEN CAN YOU APPLY?

You can apply from Monday to Friday but some counter service points are only open for grants on certain days of the week or month, or sometimes only once in two months. Check with your local counter service point for opening times.

WHAT CAN YOU USE FOR PROOF OF IDENTITY?

PROOF OF IDENTITY, SOUTH AFRICAN CITIZENSHIP AND AGE

ADULTS

- A South African 13-digit bar-coded identity book (ID) or

- A temporary South African identity document from the Department of Home Affairs
- As a refugee they should have a refugee identity document OR a refugee status permit together with proof of having applied for an identity document from the Department of Home Affairs
- Where adults act on behalf of others in applying for or receiving a grant (i.e. are 'procurators') they need identity documents of any country, or a passport, or a driver's licence

CHILDREN

- As a South African citizen, they should have a birth certificate with a 13-digit identity number which was issued free of charge immediately after the registration of their birth at any Home Affairs service point
- As a South African citizen over 16 years old, they should have a South African 13 digit bar-coded identity document
- As a permanent resident, they should have a birth certificate OR a South African 13-digit bar-coded identity document if they are over 16
- As a 'documented' or 'undocumented' foreign national child, they should have a birth certificate, identity document or passport from their country of origin. Where they do not have these, their biological or foster parent or primary care-giver should make an affidavit and apply for a birth certificate at the Department of Home Affairs (obtaining a receipt of the application when they do so).

ALTERNATIVE IDENTIFICATION DOCUMENTS

Some South Africans and foreign nationals have experienced problems in getting their identity documents from the Department of Home Affairs. As this remains a challenge, it is important to know what alternative identity documents can be used to apply for and receive social assistance.

In 2005, the Alliance for Children's Entitlement to Social Security (ACCESS) – in which the Black Sash participates along with other civil society organisations – took the Minister of Social Development to court. The purpose was to insist that the government implements the 2005 Regulations which allowed children to use alternative identification where they did not have any, particularly where the Department of Home Affairs had not yet issued their documents. This became known as the 'Paper Chase Case'. ACCESS won the case, but the government appealed. Finally in March 2008, the court instructed the government to allow alternative identification to be used by adults and children. Five months later, in August 2008, new regulations were published which included the option of using alternative identification documentation.

SASSA offices have since then been implementing these regulations, and the Department of Social Development has monitored implementation to ensure the court order is complied with.

Section 11(1) of the 2008 Regulations of the Social Assistance Act of 2004 says that SASSA may accept alternative proof of identification where the person currently has no valid proof (an identity document or a birth certificate).

Alternative proof could include

- A sworn statement (an affidavit) on a form provided by SASSA, and, where available,
- Proof of having applied for formal identity documentation from Home Affairs

These could also be supported by

- A sworn statement by a reputable person (like a councillor, traditional leader,

social worker, priest, school principal) who verifies that he/she knows the person; and/or

- other documents like baptismal certificates, school reports, clinic cards, etc.

Ideally alternative identification should only be used as a temporary measure. While it has not been regulated, SASSA requires that grant beneficiaries apply to the Department of Home Affairs within three months for their proper documents. Once the person provides proof of having applied for their documents, the grant will continue to be paid until the beneficiary receives their identity documents and returns to the SASSA office to update their records. However, if they do not apply for these documents and do not return to SASSA to confirm that this has been done within the three month period, payment of their grant may be suspended.

(See page 44 South Africa's citizenship law)

PROOF OF DISABILITY

When an application is made for a disability grant, the SASSA officer will give the person a medical form to be completed by either a medical officer or an assessment panel. The medical person must write on the form what disability you have and how long they think it will last.

The assessment by an assessment panel will take place if there is no doctor available. The panel will consist of medical people such as nurses, psychologists and social workers as well as community leaders such as chief magistrates or priests.

The SASSA officer sends the doctor's certificate in with the application form. The medical officers in SASSA look at the medical certificate or assessment and see if they agree that you are disabled. If they do not agree, they turn the application down.

HOW DO YOU APPLY FOR A GRANT?

There are three stages in the process of applying for a grant:

1. **APPLICATION PROCESS:** Filling in the application forms, taking fingerprints, interview with SASSA officer (2 hours)
2. **NOTIFICATION PROCESS:** Letter of approval or rejection (less than 3 months/ 30 working days after application)
3. **APPEALS PROCESS:** Appeals of the decision (within 90 days of receiving letter of rejection)

STAGE 1: APPLICATION PROCESS

The application for the social assistance grants is free and should not take longer than 2 hours. This has to be done at a SASSA office.

You must take all your proof to the nearest SASSA District office or counter service point. Some of the forms that you are required to complete will be given to you and you will need to have these correctly filled in.

You will first have to fill in an application form in the presence of a SASSA officer. After this there will be an interview, fingerprints will be taken, and then you must present information to prove your means (income and assets) to see if you qualify under the means test. The documents will be verified by another SASSA officer. All information that you provide during the application process will need to be signed by you as being true and correct. When the application is made, you should say how you would like the money to be paid. *(See next page Getting paid)*

In addition, if you are applying for a Disability Grant, the following steps will be taken:

- The SASSA officer will send you to a state medical doctor – or a doctor contracted by SASSA – for a medical examination to assess your disability.

You should show all medical records, even old records from another doctor or hospital to the doctor.

- You must take the doctor's certificate or assessment panel's report back to the SASSA officer.

Please check the correct procedure with your SASSA office. In some cases when the application process is completed, you will get a receipt and a copy of the completed application form. This receipt is the only proof of application that you have and should therefore be kept safe. Check that the following is on the receipt: date of application, official stamp, name of applicant, and name of SASSA officer. However, in other places SASSA will collect the form and it will not be given to you. Please note that the medical assessment is free of charge for the applicant.

STAGE 2: NOTIFICATION PROCESS

It will take about thirty working days for your application to be processed and checked and either approved or refused.

If your application is approved it must be dated and in the language that you prefer.

If the application is approved, you should start getting payments within 3 months. Payments will be backdated to the day you applied for the grant. If you have not received payment within 3 months, you can find out what has happened to the application and when you can expect payment by contacting the following number: SASSA toll-free helpline on 0800 601 011.

If the application is rejected, the rejection must be made in writing in the language that you prefer and it must advise you on your right to appeal and the process to follow.

STAGE 3: APPEALS PROCESS

If the application is rejected, a letter of appeal can be written to the Minister of Social Development explaining why you do not agree with the decision. This appeal must be sent (lodged) within 90 days of receiving the letter of rejection. The Minister reviews the appeal and may decide to overturn the decision of rejection or may agree with the first assessment.

The Minister may also appoint an independent tribunal which has to deal with the matter within 30 days. If the matter has been referred to a tribunal, you must be given a chance to address the tribunal. The Minister must inform you, within 30 days of the finalisation of the tribunal process, of the tribunal's conclusion.

CAN ANOTHER PERSON MAKE THE APPLICATION ON BEHALF OF AN APPLICANT?

If the application cannot be made by the care-giver or beneficiary because they are too old or sick, a friend or family member can bring a letter from them and a doctor's note saying why the primary care-giver cannot visit the office themselves. A home visit may then be arranged. The Agency can also appoint a Procurator for this person. *(See opposite page: Can another person fetch an applicant's grant?)*

GETTING PAID

METHODS OF PAYMENT

When you apply for a grant you need to say how you would like the money to be paid. You can receive your grant by the following methods:

- Cash payment on specific days at a paypoint
- Electronic payment into a bank account.

If you want to have the money paid into a bank or post office account, you must fill in a special form when you make the application.

If you want to change the method and place of payment of the grant you can make an application to the local service office. (See page 320 Problem 2: *Not having a bank account*)

If you cannot collect the grant yourself, you may nominate a procurator to collect it on your behalf (See below: *Can another person fetch an applicant's grant?*).

WHEN CAN YOU GET THE GRANT MONEY?

Your first payment can be bigger than the regular monthly payment, because the first payment is counted from the date of your application. So if you waited four months after applying, you should get four month's money in your first payment.

(See page 320 Problem 4: *Long delay in getting grant*; page 322 Problem 12: *Applying for back-pay*)

HOW DO YOU GET YOUR GRANT MONEY?

When you go to collect your grant you must take a valid identity document with you. When you receive the money, count it to check that it is right and then sign or thumb print for receipt of the money. This is proof that you have received the money. You must not sign or give your thumb print before you get the money. If something is wrong with the money you must not sign. You must complain immediately to the person who makes the payouts.

CAN ANOTHER PERSON FETCH AN APPLICANT'S GRANT?

If a grant applicant is too old, sick or disabled and cannot get to the SASSA office to fetch their grant, they can sign a paper called a power of attorney to say that another person called a procurator, can fetch the grant. The SASSA office has a special power of attorney form which specifies what details to fill in order to appoint a procurator. The procurator who will collect the grant on behalf of the sick or disabled person must take the form to the grant applicant. The applicant must sign or put their thumb print on the power of attorney, in front of a Commissioner of Oaths (for example, a lawyer, church minister, police officer or bank or post office official). The procurator must do the same.

If the applicant is too old, sick or disabled to go to a Commissioner of Oaths to sign the power of attorney, they must ask at least two people (who know the applicant well) to make an affidavit. This is a sworn statement that says the applicant is still alive but he/she cannot collect their own grant because of sickness or disability. They must sign the affidavits in front of a Commissioner of Oaths.

It is also possible to request a SASSA officer to do a home visit to enable the applicant to complete and sign the Power of Attorney form in front of the official.

The SASSA officer must approve an applicant's request to let someone else fetch the grant. The SASSA officer can regularly ask to see the applicant, or to see some proof that he/she is still alive. The grant can be stopped if proof is not given that the applicant is still alive. However, the SASSA officer must send a notice to the applicant or give the notice to the person who collects the grant, before the month when the SASSA officer wants new proof.

When the procurator goes to collect the grant money, s/he must produce a valid identify document and an affidavit to prove that s/he has been authorised to do this.

A welfare organisation can also be appointed to collect grants on behalf of beneficiaries, for instance an old age home.

CAN ANYONE CLAIM ACCESS TO A BENEFICIARY'S GRANT MONEY?

All your grant money must be paid to you in full. Deductions can only be made from your grant money if the law believes it is in your best interests. The only

lawful deduction which can be made is for a funeral policy, if you have agreed to have this deducted from the grant.

No deductions can be made for moneylenders and creditors, who may also not enter the premises or be within 100 metres of where grants are paid. Moneylenders and creditors may also not hold your ID book or card and you may not cede your grant to another person.

WHEN DOES THE GRANT STOP OR LAPSE?

A grant can stop for many legal reasons.

OLDER PERSON'S AND WAR VETERAN'S GRANT

This grant stops:

- The last day of the month when the beneficiary dies
- If you do not provide proof that you are alive when asked; about once a year your pension will be reviewed to check that you are still alive
- If it is not collected for 3 consecutive months; you can apply to have the grant payments start again but if it is more than 90 days later, you must apply for a new grant
- If you are admitted to a wholly funded government institution, for example, a jail or government hospital
- If you are absent from the country without notice for a continuous period that is longer than 90 days
- If your income and/or assets improve so much that you no longer qualify for the grant in terms of the means test

If you die, the person who holds the receipt for funeral expenses can claim your pension up to the end of the month in which you die, providing that pension was not already paid during that month. He or she can use this money to help with the funeral and other expenses. After the person claims, this money takes about 3 months to come.

DISABILITY GRANT

This grant stops for all the same reasons as the Older Person's Grant, plus:

- A temporary Disability Grant will not continue for more than six months or a year, depending on how long it was originally awarded for. After this it will lapse and you will have to reapply
- If it is a permanent Disability Grant, you will have to undergo another medical assessment after 5 years of the date of the application. But SASSA can ask permanent disability grant holders to provide proof every year that they are still alive
- If a refugee is in receipt of a disability grant, if their refugee status lapses then the disability grant will no longer be awarded

The law also says the SASSA officer can review the disability grant –

- Every year where there is documentary proof that your financial circumstances have or may change, or
- More regularly where there is documentary proof that your medical circumstances may change

A Disability Grant will be converted to an Older Person's Grant when a beneficiary turns 60 years old.

GRANT-IN-AID

This grant stops for all the same reasons as the above, and if the main grant is withdrawn.

WHAT HAPPENS WHEN A GRANT IS WRONGLY STOPPED?

There are times when a grant is wrongly stopped. If this happens, you should send a letter to the same office where you made the application. The letter should give:

- All details of the application
- Date of last payment
- Details of payments missed
- Any reasons you know of why the correct payments were not made
- Request for the money

Keep a copy of the letter and proof that the letter was sent, for example a registered mail slip.

STOPPING A GRANT ON GROUNDS OF FRAUD

A grant will be stopped if it is found that you provided information to SASSA that is known to be untrue to get the grant in the first place. It will also be stopped if it is discovered that you failed to inform SASSA of changes in your circumstances (for example, you start earning a big salary or you are no longer disabled) which would disqualify you from receiving the grant. Providing misleading information constitutes fraud and SASSA can claim any money that has been overpaid back from you. SASSA will send 90 days written notice of their intention to investigate. The beneficiary can respond to provide the necessary information within a further 90 days. If they do not do so, or if it is not acceptable to SASSA, then the beneficiary will be given 90 days notice of SASSA's intention to suspend the grant. No notice of a suspension needs to be given if the grant was approved based on fraudulent information, or was approved in error.

SASSA Fraud Hotline is Tel: 0800 601011 or Fax: 0800611011

Private welfare and service organisations

There are thousands of private welfare and service organisations in South Africa. Just a few of the bigger organisations that have branches all over the country are mentioned here. It is useful to have up-to-date lists of the local organisations in your area. *(See page 686 - 687 Resources)*

CHILD AND FAMILY WELFARE SOCIETY

The Child and Family Welfare Society deals with adoption, foster care and children's homes; protection and homes for destitute, neglected, physically or sexually abused children; and educare facilities. They train care-givers, and run community development and intervention programmes. Counselling and support groups are usually available for children and parents.

FAMILY AND MARRIAGE SOCIETY OF SOUTH AFRICA (FAMSA)

This is a non-profit organisation that helps to build and maintain good relationships in the family, in marriage and in the community. They offer a variety of services including counselling (advice) and education to individuals, groups and organisations about family relationships.

These are some of their activities:

- Pre-marital (before marriage) counselling

- Marriage counselling for couples and individuals
- Family counselling for parents and children
- Divorce counselling and mediation (negotiating between husband and wife)
- After-divorce counselling and after-divorce support groups
- Community education through talks, workshops and groups
- Training of professional groups in marriage counselling skills.

(See page 687 Resources)

NATIONAL INSTITUTE FOR CRIME PREVENTION AND REHABILITATION OF OFFENDERS (NICRO)

NICRO is a national crime prevention non-profit organisation working towards a safer South Africa. It has offices in all the provinces in South Africa.

NICRO runs a number of projects and programmes to support their aims. These are:

- Diversion for youth offenders – this aims to divert youth away from the criminal justice system and into constructive programmes
- Community victim support project – assisting victims of crimes
- Offender reintegration programme – this aims to help current and past offenders and their families to reintegrate into society
- Economic opportunities project – to help people start their own business

View their website: www.nicro.org.za

PROBLEMS

There are many problems that people have when they apply for grants. There are also problems that people have relating to the payment of grants or lapsing of grants. These are some of the problems, and some things you can do about them

The *Promotion of Administrative Justice Act (No 3 of 2000)* (also called the PAJA) is an important Act that says everybody has a right to administrative justice that is lawful, reasonable and procedurally fair.

All government departments and their officials and private people who exercise public powers or perform public functions have to comply with the PAJA.

'Procedural fairness' means:

- An administrator should not make a decision that affects someone without first hearing what they have to say
- An administrator must be seen by everyone to be making a decision fairly and impartially (without any bias) and not because they have a private or personal interest in the matter.

An administrative action is a decision that affects the rights of:

- Individual people, for example, a decision to refuse an application for a child grant
- The general public – for example, a decision to change the age for being eligible for a child grant

There are different procedures that an administrator has to follow in each of these cases and different actions that can be taken if an official doesn't follow the requirements and procedures of the PAJA.

(See page 29 Section 33: Just Administrative Action)

The PAJA has important implications for people applying for grants. You can use this Act to help people in different situations where they have problems being paid their grants.

1. Application for grant turned down

*"My application for a grant was turned down.
But I am sure that I do qualify for a grant."*

If your application was refused, you should get a letter from SASSA, giving reasons why you were turned down. If you feel your application was turned down unfairly, you can appeal against the decision. This means you can ask someone higher up to look at your application again. In order to appeal you must write a letter to the Minister of Social Development. The letter must explain when and where your application was turned down, why it was turned down, and why you don't agree with the decision. In other words, you must give reasons why you think you qualify for a grant. You must state that this is your appeal. Other requirements include:

- The appeal must be in writing
- The appeal must be sent to the Minister of Social Development
- The appeal must be sent within 90 days of receiving the letter of rejection (notification); if the time limit has passed, you will have to reapply for a grant, and then when it is turned down, you can appeal within 90 days.

(See page 314 Stage 3: Appeals Process)

2. Not having a bank account

"The SASSA official told me I must have a bank account before I apply for a grant. She said I must come back in 2 or 3 months. But then I will lose 2 or 3 months' grant money"

This is wrong. A grant beneficiary does not need a bank account. The SASSA officer cannot stop you applying for a grant because you do not have a bank account.

3. Bribery

"My headman says I must pay him for helping me to apply for my grant."

The SASSA official says I must pay him for helping me to apply for my grant.'

This is wrong. All applications for grants are free. There is no payment required for any grant application. Nobody needs to be paid at all.

If any of these people ask you for money, you can lodge a complaint with SASSA or report them to the police.

4. Long delay in getting grant

"I applied for my grant four months ago and I have still not heard anything."

If you do not hear anything after three months, you must go to the payout point or check your bank or building society account to see if your money is there.

If your money is not there, you must take action. You can go to the SASSA officer and ask when the money will come and why it is taking so long.

You can write to the SASSA office at the provincial administration in your province, or you can write to the Director General or Minister of Social Development. In your letter you must ask for written reasons why your application has not been processed. Getting written reasons is your legal right. Always give your ID number (your grant number is often just your ID number.) You can get the help of paralegal, but do not make another application.

While you are waiting and you cannot survive, you should be able to get some money or food for the months that you are waiting, from the office where you applied. This is called a Social Relief of Distress Grant. It will be deducted from your grant once you get it. Take your ID book and your receipt of application with you to the office when you go to ask for relief.

(See page 310 Social Relief of Distress Grant)

5. Moving from one place to another

"Must I apply for a new grant if I move from one place to another?"

If a person moves from one place to another, the grant can be moved. The beneficiary must however inform the SASSA officer about the move. There is a special form to sign to transfer your grant. The SASSA officer must arrange to have the grant paid in the new place. There should not be a delay.

6. Applicant wants to apply for a Disability Grant and Child Support Grant but does not have the correct documents

Ravi wants to apply for a Disability Grant and Child Support Grant for his children. Unfortunately he does not have an identity document and none of his children have birth certificates although he has applied for these. On this basis he was refused grants by SASSA.

SASSA should have told Ravi that he was entitled to receive a Social Relief of Distress Grant while he was waiting for his documents to be processed.

(See page 310 Social Relief of Distress Grant)

7. Shops refuse to honour vouchers given as a Social Relief of Distress Grant

Futhi has applied for a Social Relief of Distress Grant. During the assessment the SASSA official decided that she could receive vouchers for food as well as water and electricity. She was told she could use the vouchers to buy food at approved shops in her area. When Futhi went to buy food from one of the shops, she was told that they won't accept the voucher because the Department takes too long to pay them out for the vouchers. What should she do?

Futhi should immediately report this shop to SASSA and they will have to take steps to ensure that her vouchers are accepted by all accredited service providers.

(See page 310 Social Relief of Distress Grant)

8. Person receiving an Older Person's Grant needs fulltime care

John receives an Older Person's Grant. He is however very sickly and cannot look after himself. He needs a person who can care for him on a fulltime basis.

John can apply for a Grant-in-Aid which he can get in addition to his Older Person's Grant. *(See page 302 Grant-in-Aid)*

9. Getting a new power of attorney or procurator

'I gave my daughter power of attorney to fetch my grant. She has not given me the full grant amount for the last two months. I want to change procurators, what do I do.'

The beneficiary must write a letter to SASSA explaining that they want to stop the current procurator and the effective date. If the beneficiary is unable to read or write then SASSA can obtain a sworn statement to this effect. The procurator whose power of attorney has been stopped has ten days to transfer any outstanding money to the beneficiary. new application for appointing a procurator will need to be made. Generally SASSA would review the power of attorney from time to time when they review the older person's grant.

(See page 315 Can another person fetch an applicant's grant?)

10. Grant stops when not collected

"I could not collect my money last month because I was sick. When I went this month the SASSA officer said my grant had stopped because no-one collected it last time."

This is wrong. A grant only stops if it is not collected for 3 consecutive months. If the SASSA office fails to pay you what is owing, you must lodge a complaint to the head of the Regional SASSA office in your province.

11. SASSA paypoint runs out of money

"Last month the officials at the SASSA paypoint said they had run out of money. Many of us did not get our grants."

All applicants who are affected by this should go together to the Regional SASSA office and complain. If you are not satisfied you must write to the Minister of Social Development and report the complaint.

12. Applying for back pay

"I only got my first payment 6 months after I applied. They only paid me two month's grant money."

You are supposed to get back pay from the date of your application. This is why it is important to get a receipt of the application when you apply for a grant. Then you have proof of the date you applied. If you have this receipt, you can write to the Regional SASSA office and ask for the four months back pay.

13. SASSA officers are rude to grant applicants

"At the payout point the SASSA officers are always very rude to us. They do not help us or tell us the right information."

The law requires SASSA officers to treat people with dignity and provide them with correct information. The Batho Pele Principles also require that eight service delivery principles be implemented by all public servants. If you are not satisfied, you should lodge a complaint with the district or regional SASSA office. If you are still not satisfied you can write to the Minister of Social Development.

(See page 296 Introduction, Batho Pele Principles)

14. Foster Care Grant is terminated because social worker does not extend the foster care court order

Namhla cares for a child whose mother is deceased. The social worker assisted her with getting a foster care court order for the child for 2 years. After this Namhla applied for and received a Foster Care Grant. Two years later the grant is terminated because the Social Worker did not extend the foster care order in terms of the *Children's Act*. What can Namhla do?

According to a recent court case, SASSA is required to pay all foster care orders even though they have lapsed and the Department of Social Development is required in terms of the court ruling to deal administratively with the matter. Therefore Namhla is still able to receive the foster care grant while the social worker and the DSD deals with her grant and the foster care order.

15. Grant beneficiary's circumstances changes and she does not report this to SASSA

Vicky receives a Disability Grant as she is unable to work. After she has been receiving the grant for a number of years, Vicky gets married. Her spouse is earning well above the income threshold of the means test. Vicky continues to receive her grant and fails to tell the SASSA office of her change in circumstances

If the circumstances of a grant beneficiary change she or he must report this to a SASSA official. Failure to do this may mean that a beneficiary is guilty of fraud.

In terms of the law, if SASSA has paid more money to a grant beneficiary than they should have received, the beneficiary will have to repay the amount that was overpaid. In addition to having to repay the money, the person who has received the money will be guilty of committing an act of fraud which is a criminal offence.

16. Grandmother is being paid to take care of a child

Marie is taking care of her granddaughter while her son is working in another town. He sends his mother an amount of R1000 every month for the care of his daughter. Marie cannot manage with this money so she goes to SASSA to apply for a CSG grant. The SASSA official refuses to take the application as Marie is already being paid to care for the child.

The SASSA official is wrong. The grandmother is the primary care-giver and if she qualifies in terms of the means test she should be able to access the CSG. As Marie receives R1000, which is under the maximum allowed in terms of the means test, she will still qualify for the CSG.

Model Letters

LETTER OF APPEAL

Remember: As an applicant or beneficiary your client should lodge an appeal to the following institutions in the following order.

- 1) The Social Security Agency for South Africa
- 2) Independent Tribunal for Social Assistance Appeals (ITSAA) on behalf of The Minister of Social Development (If your client is not satisfied with the outcome of SASSA they may appeal to the Minister within 90 days)

EXAMPLE LETTER

SAAMWERK ADVICE CENTRE

Room 9, Avocado Centre
Claremont
7700

Telephone: 021-6836252

1 November 2015

Our Ref: 111/15

The Social Security Agency for South Africa
(Fill in address)

.....
.....

Dear Madam / Sir

Re: (NAME)

IDENTITY NUMBER.....

lodging an appeal in terms of Section 18(1) of the Social Assistance Act 13 of 2004

(put in the client's name, identity number)

In our capacity as (paralegal caseworkers) we confirm that we are assisting the above mentioned client to lodge an appeal in terms of Section 18 of the Social Assistance Act 13 of 2004.

Ms/Mr [name] has nominated our offices to follow up and receive all correspondence relating to this appeal.

Kindly take note that Ms/Mr [name] lodged all relevant documentation during the application procedure with SASSA. We herewith ask for an investigation into the appeal and the furnishing of reasons for the decision to reject the application to Ms/Mr [name]. We further ask for an appeal hearing date within 30 days of your office receiving this appeal.

Mrs/Mr [name] believes that the service centre officer of SASSA or the appeal division in SASSA did not apply her/his mind to the records presented and therefore bases this appeal on the following;

.....
.....

(In this section the client must explain the reasons why he/she believes they are entitled to the grant, what records they have to support their case)

We trust this appeal application is in order and await the date of the appeal.

Yours faithfully

..... (put your name and capacity, and sign)

LETTER TO THE REGIONAL SASSA OFFICE

This is a letter explaining that the Power of Attorney has been renewed, and asking for all grant payments that were kept back to be paid to the client.

EXAMPLE LETTER

SAAMWERK ADVICE CENTRE

Room 9, Avocado Centre
Claremont
7700

Telephone: 021-6836252

15 November 2015

Our Ref: 1511/15

The District Pensions Officer
PO Box 1053
Uppington
0100

Dear Madam / Sir

Re: NAME.....

IDENTITY NUMBER.....

GRANT NUMBER.....

NAME OF POWER OF ATTORNEY HOLDER.....

(put in the client's name, identity number and grant number, and the name of the person who has power of attorney to collect the grant for the client)

We have been approached for assistance by the abovementioned pensioner/disabled person who was in receipt of an Old Age Pension/Disability Grant/War Veteran's Pension until payments were stopped on.....*(put in the date)*

We understand that payments were stopped because our client Mr/Ms
(put in the client's name) failed to renew the Power of Attorney as required.

The Power of Attorney has now been renewed and accordingly there is now no impediment to continued grant payments.

In the circumstances, would you ensure that on the next payout date the grant is paid as normal together with the sum of R.....*(put in the amount of back grant that is owed)* being arrears since date of last payment.

We regret that should the matter not be settled as set out above, we shall have no alternative but to take legal action.

Yours faithfully

..... *(put your name and capacity, and sign)*

APPLICATION FOR SOCIAL RELIEF OF DISTRESS GRANT

EXAMPLE LETTER

SAAMWERK ADVICE CENTRE

Room 9, Avocado Centre
Claremont
7700

Telephone: 021-6836252

8 December 2015

Our Ref: 0812/15

The SASSA
Private Bag 9677
Claremont
7700

Dear Madam / Sir

Re: NAME.....

IDENTITY NUMBER.....

We write to you on behalf of the above-mentioned client.

S/he is in need of temporary material assistance.

Our client is currently: *(select only what is relevant and delete the rest BEFORE printing)*

- Awaiting permanent aid
- Medically unfit to undertake remunerative work. This has been the case for a period less than 6 months
- Entitled to maintenance from a person obliged to pay maintenance
- A member of a household of which the breadwinner is deceased and insufficient means are available
- A member of a household of which the breadwinner has been admitted to an institution for less than 6 months
- Affected by a disaster or emergency, although the area of the community in which he/she lives has not yet been declared as a disaster area
- Not receiving assistance from any other organisation
- Appealing the suspension of his/her grant
- Not a member of a household that is already receiving social assistance
- Entitled to relief in terms of the regulations which hold that a person may be granted relief in exceptional circumstances.

It would be appreciated if you could assist our client in the application for this alleviation grant by ensuring that his/her application gets processed speedily. S/he is in serious need of social assistance and this would ensure that his/her difficult circumstances are not prolonged.

Should you decide not to grant our client a Social Relief of Distress Grant, kindly provide written reasons for such refusal.

We look forward to your co-operation.

Yours faithfully

..... *(put your name and capacity, and sign)*

Paralegal Caseworker

CHECKLISTS

GENERAL QUESTIONS

Name and address

What income and assets does the person have?

Will the person pass the means test?

Which kind of grant does the person qualify for?

Is the person disqualified by any special regulation?

SOCIAL GRANTS FOR ADULTS 18 YEARS AND OLDER

Have you already applied for a state grant?

When were you born? (How old are you?)

Are you working or earning any money? If so, how much?

(See page 302 The means test for adult social assistance grants)

Do you have an identity document or reference book or passport or travel document or birth certificate or baptismal certificate or marriage certificate?

If disabled, do you have a doctor? What is your doctor's name? Do you have a medical form stating your disability?

Do you get another grant from somewhere else?

(See page 304 Who cannot get a grant)

CHILD SUPPORT GRANT

Is the father (or mother) of the child alive?

Do you know where he (she) lives?

What are the ages of your children?

IF THE PERSON RECEIVED A GRANT PAYMENT IN THE PAST BUT PAYMENT HAS STOPPED

When was payment last claimed?

Was failure to claim the grant due to circumstances beyond the person's control?

Has the person been admitted to a state institution?

Has the person received a review card?

SASSA tollfree hotline: 0800 601 011