

**UCT SAFER Workshop  
11 JULY 2012  
By: Office of the Public Protector**



**PUBLIC PROTECTOR  
SOUTH AFRICA**

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PUBLIC PROTECTOR  
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# Constitutional Mandate of the Public Protector

Section 182 of the Constitution mandates the Public Protector to:

- Investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice;
- Report on that conduct;
- Take appropriate remedial action;
- Be accessible to all persons and communities.

The only matters excluded from the mandate of the Public Protector are court decisions, judicial functions and matters outside the public sector.



# Mandate Areas

Legislation that seeks to give effect to Section 182 (1) of the Constitution has crystallised the Public Protector's mandate in the following five key mandate areas:

- **Public Protector Act 23 of 1994 (PPA);**

Corrects or redresses maladministration, service failure, improper conduct and related disputes in all state affairs or public administration on receipt of a complaint or on own initiative, through investigating, mediation, conciliation, negotiation, reporting or taking any appropriate action.





# Mandate Areas (cont.)

- **Executive Members' Ethics Act 82 of 1998 (EMEA);**

Investigate all alleged violations of the Executive Ethics Code of 2000 on receipt of complaints from the President, a Member of Parliament, a Premier or a Member of a Provincial Legislature and report to the President or a Premier who must forward the Report to Parliament.

- **Promotion of Access to Information Act (PAIA)**

Resolve disputes regarding access to information requests through mediation, conciliation or negotiation or any other expedient means necessary, advising any complainant on appropriate remedies.



# Mandate Areas (cont.)

- **Protected Disclosures Act 26 of 2000 (PDA);**

Receive and investigate a protected disclosure under the Protected Disclosure Act.

- **Prevention and Combating of Corrupt Activities Act (PCCAA);**

Using powers conferred by the Public Protector Act, investigate and resolve allegations of improper or dishonest acts or omissions or offences under Part 1 to 4 of Chapter 2 of the Prevention and Combating of Corrupt Activities Act of 2004, with respect to Public money.



# Mandate Areas (cont.)

- **Housing Protection Measures**

Review any decision or action of the National Home Builders Registration Council, its staff or its agents in accordance Section 22 (4) of the Housing Protection Measures Act of 1998, using powers conferred by the Public Protector Act.



# Other Mandate Areas

In addition to the above core mandate areas the Public Protector plays a role under the following laws:

- ❑ Electoral Commission Act 51 of 1996 (Member of Selection Panel)
- ❑ National Archives and Records Services Act 43 of 1996 (Must be consulted by the Council on investigations into the unauthorised destruction of protected records)
- ❑ National Energy Act 40 of 2004 (Competent to receive protected disclosures on energy matters)
- ❑ Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (Alternative forum for resolving disputes under the Act)



# Other Mandate Areas (cont.)

- ☐ Public Finance Management Act 1 of 1999 (Accounting Officers submit to relevant treasury a certificate from the Public Protector when a donor or sponsor requests to remain anonymous)
- ☐ Lotteries Act 57 of 1997 (Making a bona fide confidential disclosure or publication regarding grant application or grant itself)
- ☐ Special Investigation Units and Special Tribunals Act 74 of 1996 (Head of SIU may refer any matter which, in his or her opinion, could best be dealt with by the Public Protector and vice versa)
- ☐ National Environmental Management Act 108 of 1999 (Desirability of resolving differences and disagreements speedily and cheaply)



# Vision

A trusted, effective and accessible Public Protector that rights administrative wrongs and consistently acts with integrity to ensure fair, accountable and responsive decision-making, service and good governance in all state affairs and public administration in every sphere of government.



# Mission

To strengthen constitutional democracy in pursuit of our constitutional mandate by investigating, rectifying and redressing any improper or prejudicial conduct in state affairs and resolving related disputes through mediation, conciliation, negotiation and other measures to ensure fair, responsive and accountable public sector decision-making and service delivery.



# Core Principles and Values

Anchored on the supremacy of the Constitution and rule of law, basic values and principles governing public administration as envisaged in Chapter 10 of the Constitution, Batho Pele Principles and International Ombudsman Principles, the work of the Public Protector is informed by the core principles of:

- Independence and Impartiality
- Human Dignity
- Equality;
- Ubuntu;
- Redress;
- Accountability;





# Core Principles and Values (cont.)

- Integrity;
- Responsiveness;
- Transparency; and
- Justice and Fairness

# Service Promise

The Public Protector always seeks to:

- 1) Be trusted by and accessible to all persons and communities;
- 2) Provide Prompt Remedial Action;
- 3) Promote good governance in the conduct of all state affairs

# Corporate Service Pillars

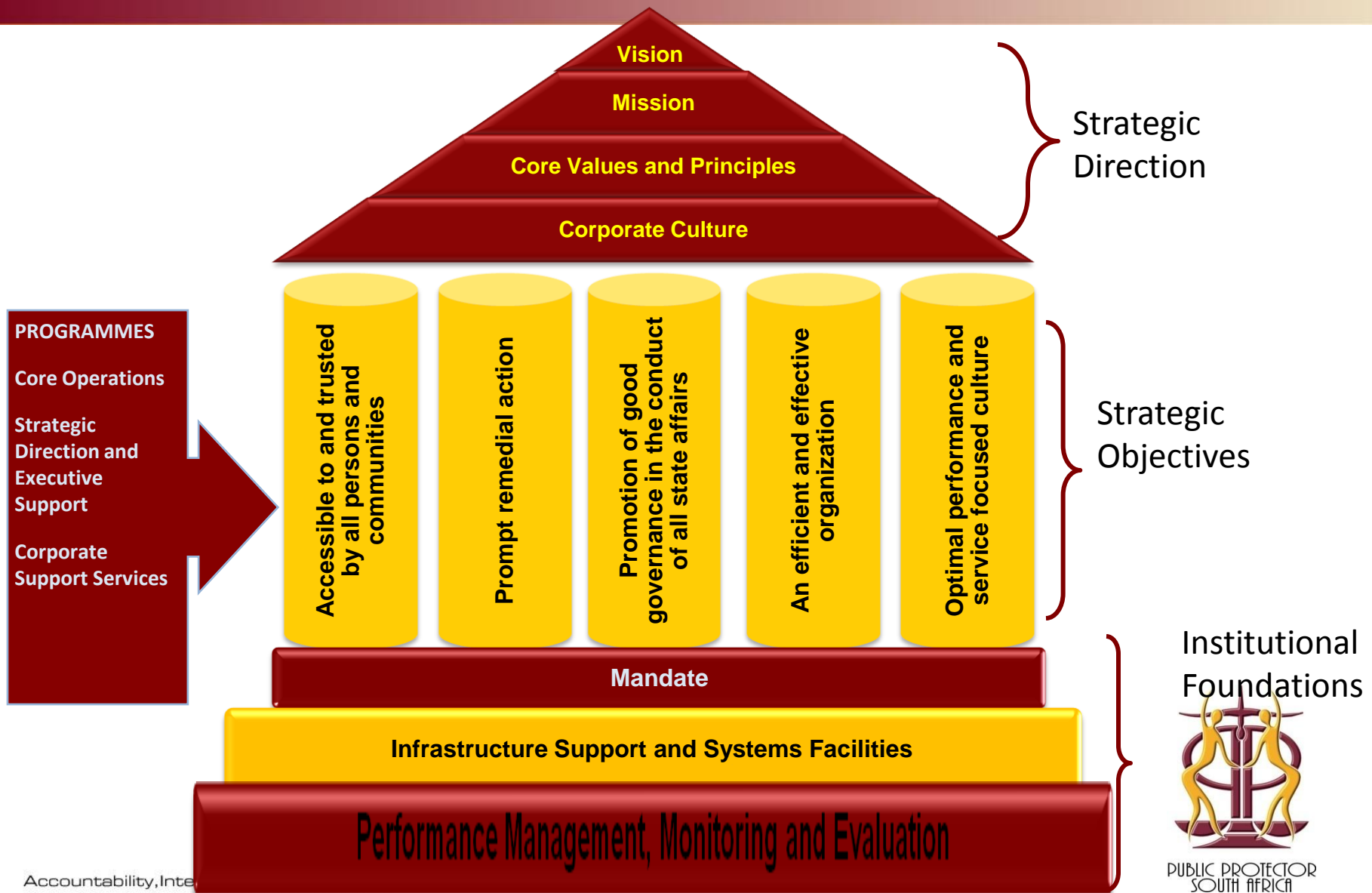
To activate the three service promises, the Office of the Public Protector seeks to review its business systems, processes, people management and stakeholder relations to achieve:

- 1) An efficient and Effective business support systems
- 2) An optimal performance and service focused culture

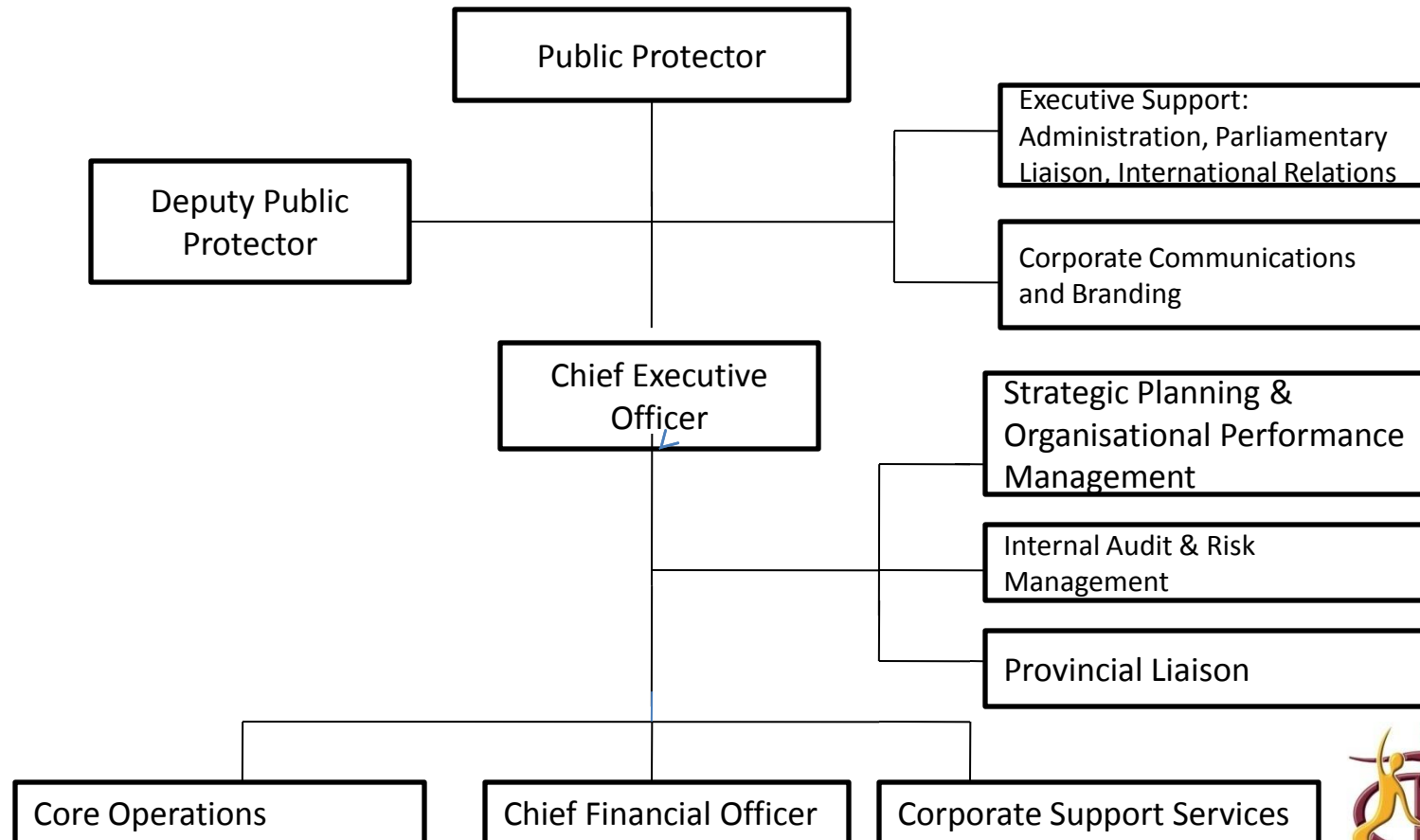
# Corporate Service Pillars (cont.)

The following strategic framework informs the relationship between the Service Delivery promises and the organisational alignment work effected to ensure delivery on the promises

# Corporate Service Pillars (cont.)



# Structure and Programmes



# Organisational Structure and Programmes

In pursuit of the organisational vision and Strategic Plan adopted at the beginning of 2010/11, the Office of the Public Protector has been restructured. Key changes include the following:

- Intake and Customer Service Component;
- Early Resolution Branch;
- Service Delivery Branch;
- Good Governance and Integrity Branch;
- Legal and Performance Support Component

Corporate Services has also been restructured. This includes internal audit and combined communications and outreach unit.



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# Case Initiation

- Who may initiate a case?

A case may be initiated by any of the following:

Public Protector Act and others

- 1) Member of the Public/Organisation
- 2) Members of Parliament;
- 3) Public Protector;
- 4) Organ of State/ Referral Body;

Executive Members' Ethics Act

- 1) President/Premier
- 2) Member of Parliament/Member of Provincial Legislature





# How do you initiate a case?

A complaint may be lodged through any of the following:

- 1) Call Toll-free line: 0800 11 20 40;
- 2) Visit any of the Public Protector. 19 exist across the country divided into :
  - National Office
  - 9 Provincial Offices
  - 9 Regional Offices
- 3) Participate in any outreach activity eg. Mobile office, clinics, TV or radio programmes
- 4) Write to the Public Protector



## How do you initiate a case? (cont.)

- 5) Complete a form on the website: [www.publicprotector.org](http://www.publicprotector.org)
- 6) Send an email to [registration2@pprotect.org](mailto:registration2@pprotect.org)

# Case Processing

- Acknowledgement within 48 hours
- Jurisdiction/Discretionary matters decided within 5 days
- Early Resolution within hours to 3 months. This includes mostly delays regarding bread and butter issues such as GEPA pension payouts, social grants, UIF, WCA and ID/Passports applications



# Methodology

- Methodology involves the following:
  - ☐ Preliminary Investigation
  - ☐ Approach determination
  - ☐ ADR + Settlement
  - ☐ Investigation + Interim Report
  - ☐ Negotiated Settlement
  - ☐ Closing Report
  - ☐ Report + Remedial Action



# Challenges

- 1) Prompt responses to enquires or request for information from organs of state
- 2) Inadequate understanding of Constitutional Mandate of the Public Protector and the responsibilities of state organs in terms of Section 181 (3) and to a limited extent (4)
- 3) Inadequate resources for investigations that ... rigour with promptness and for fulfilling the constitutional injunction on accessibility to all persons and communities (Sec 182 (4))
- 4) Managing stakeholder perceptions and related expectations
- 5) Support and resources for AOMA and other international work.



# Conclusion

Support received from key stakeholders such as the Parliament, organs of state, the public and selected organs of civil society has inspired the office and made it possible to understand and pursue its mandate with reasonable efficiency and effectiveness. Enhanced cooperation by organs of state would go a long way towards improving promptness and effective remedial action. Promptness relates primarily to cooperating during investigations whereas remedial action relates primarily to the implementation of the Public Protector's findings within a reasonable timeframe. It would be of great help if Parliament and Cabinet could play a more visible role with regard to monitoring state compliance and generally encourage support for the Public Protector.



# Thank You

**Physical address**

**4<sup>th</sup> Floor  
51 Wale street  
Cape Town  
8000**

**Postal address**

**P.O.Box 712  
Cape Town  
8000**

**Tel**

**021 423 8644**

**Fax**

**021 423 8708**

**Toll free**

**0800 11 20 40**

**\_Website**

**[www.publicprotector.org](http://www.publicprotector.org)**



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Accountability, Integrity, Responsiveness





Commission for Gender Equality

# REFUGEE RIGHTS



**Leonard Macakati**  
**Public Education and Information**  
**11 JULY 2012**  
**CGE Boardroom, Cape Town**



Commission for Gender Equality  
A society free from gender oppression and inequality

## **Overview**

1. Mandate
2. Vision and Mission
3. Execute Mandate?
4. Strategic Objectives
5. Gender and Constitution
6. Equality Act and Social issues



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# Mandate Constitution and Legislation

## **The CGE is a chapter 9 Institution; established in terms of Section 187 of the Constitution**

Section 187:

- (1) The Commission for Gender Equality must promote respect for gender equality and the protection, development and attainment of gender equality.
- (2) The Commission for Gender Equality has the power, as regulated by national legislation, necessary to perform its functions, including the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality.
- (3) The Commission for Gender Equality has the additional powers and functions prescribed by national legislation.



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## **Vision**

- A society free from all forms of gender oppression and inequality

## **Mission**

- The CGE shall advance promote and protect gender equality in South Africa through undertaking research, public education, policy development, legislative initiatives, effective monitoring and litigation.





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## **Strategic objectives**

### **Objective 1 :**

- To ensure the creation and implementation of an enabling legislative framework that promotes the attainment of gender equality

### **Objective 2 :**

- To protect and promote gender equality by engaging with relevant stakeholders to educate and raise awareness on issues on gender equality

### **Objective 3:**

- To monitor state compliance with regional and international conventions, covenants, and charters which have been acceded to or ratified by RSA, relating to the objects of the CGE

### **Objective 4:**

- To build an effective, efficient and sustainable institution that will fulfil its constitutional mandate on gender equality

•



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## **How does CGE execute its Mandate?**

- **Public Education and Information department**

*Develop, conduct and manage public education and information programmers for the promotion of gender equality. Liaise and interact with organisations and government departments.*

- **Legal department**

Main function to monitor and investigate complaints.  
Investigate any gender-related issues of its own accord or upon receipt of a complaint and Endeavour to resolve any dispute or rectify any act.



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## **How does CGE execute its Mandate?**

- **Research department**

Conducting field and desktop based research on issues pertaining to gender equality. Monitor all organs of state to ensure that gender equality is respected, protected, developed and attained. Assessing legislation from a gender perspective.

- **Parliamentary Officer**

Evaluate any Act of Parliament; any system of personal and family law or custom; any system of indigenous law, customs or practices; or any other law, in force at the commencement of this Act or any law proposed by Parliament or any other legislature after the commencement of this Act, affecting or likely to affect gender equality or the status of women and make recommendations to Parliament or such other legislature with regard thereto.



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# Gender

- Gender describes the expectations society have of you as woman or man, while sex describes whether you were born as male or female
- Refers to the social attributes and opportunities associated with being a female or male and relationships between women and men.
- Gender directs attention to the process of socialisation





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## Continues?

- Gender determines what is expected, allowed and valued to a woman or man in context.
- Gender is not biologically pre-determined nor is it fixed forever. It is part of a broader socio-cultural context that directs attention to the process of socialisation.
- **Sex:** is biological, male and female which is the base of Gender.



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## Gender issues

- Gender issues arise where an instance of gender inequality is recognised as undesirable or unjust.

There are 3 aspects of gender issues which are :

gender gap

discrimination

women's oppression



# Gender & The Constitution

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- **What is the Constitution?** A constitution is set of legal rules that explains how a country should be/is governed, Example:

How the government will be elected

What powers the government may have or may not have.

the relationship between the people who live in the country (Citizens) and the government.

the different branches of government = Law making branch-**Legislature**, make and implement policy-**Policy decisions=Executive** and the branch that **interprets the laws= judiciary** or the **justice systems**



## How our Constitution made?

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- In 1990 the opposition party of the Apartheid government was unbanned:

Negotiations began to transform South Africa into a democratic State

In 1994, the democratic government was elected through voting where the majority of voters were women.

The government was claimed democratic in 1994 (appointed by the people for the people) and Freedom in 1996 was also claimed when the Constitution was announced.

The most important elements (basic parts) that must be claimed for a democratic country is as follows: Citizens take part in the government

Multi-party systems

Regular free and fair elections

Political tolerance

An open, transparent and accountable government

A Bill of Rights



## Identifying the origins of Gender equality

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### Chapter 2, BILL OF RIGHTS

#### RIGHTS

**Section 7 (1)**, the Bill of Rights is a cornerstone of Democracy In South Africa. It enshrine the rights of all people in our country And affirms the democratic values on Human Dignity, equality and freedom.

- (2) The state must respect, protect, promote and fulfil the rights in the Bill of rights.
- (3) The rights in the Bill of Rights are subject to Limitations contained or referred to section 36, or elsewhere in the Bill.



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**EQUALITY**

..... continues

**Section 9 (1),** Everyone is equal before the law and has the right to equal protection and equal benefit of the law.

(2) Equality includes the full and equal enjoyment of all rights and Freedoms. To promote the achievement of equality, Legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair Discrimination may be taken.



..... continues

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**EQUALITY**

- (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National Legislation must be enacted to prevent or prohibit unfair discrimination





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**EQUALITY**

..... **continues**

- (5) subsection (3) is unfair unless it is established that the discrimination is or prohibit unfair discrimination.





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## Freedom and the Right?

- **Freedom:**

A freedom is an entitlement to expect that those things/values which society recognises as good, are not taken away from you.

- **A right:** is an entitlement to be given, and which the law recognises as yours.

- A **Right** must be distinguished from a **Freedom** although both rights and freedom usually exist in a Bill of Rights.



# CHALLENGES IN THE EQUALITY ACT

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## Gender: Culture, Religion and power

- **Culture, Tradition and customs:** are the very base of our belief systems and they influence the way women and men are treated.
- These belief are linked strongly with our own and group identity.
- The challenge is difficulty to change gender relations without touching the issue of identity.

**GENDER: Religion** the ideal women is obedient to her husband or men and her faith is silent.

Many religious laws give women an inferior status to men in their religious and family life.



# CHALLENGES IN THE EQUALITY ACT

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## Gender: Culture, Religion, power

- **Gender and Power:** (Dictionary=strength, energy or capacity to influence.....etc). Power, we get from access to and to control over resources.
- **Gender and Race, language**  
Sexism is an ideology of superiority in gender related issues.  
In South Africa white male has dominated the country so long.  
White women were the second followed by Black men.  
The Black working class and rurally –based women find themselves most disadvantaged.



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## **Roles of the Commission for Gender Equality**

- Resolving disputes referred to the Commission by the equality courts
- Participating in the Equality Review Committee
- Investigating complaints under the Act
- Developing codes of conduct
- Fostering public understanding of the Act
- Monitoring compliance in the public and Private institutions (CEDAW report, Gender and Elections).
- Advising parties regarding their rights in terms of the Act.



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**THANK YOU**

**Western Cape Office:**

**(021) 426 4080**

**5<sup>th</sup> Floor, ABSA Bank Building,**

**132 Adderly Street**

**Cape Town**

**Leonard Macakati (PEI)**

**leonard@cge.org.za**



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[ *paying the right social grant, to the right person,  
at the right time and place. NJALO!* ]

## UNIVERSITY OF CAPE TOWN – SAFER COURSE

Overview by SASSA: Western Cape Region  
– Operations Management Unit  
11 July 2012

# Content of Presentation

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## **This presentation covers:**

- SASSA Establishment
- Overview
- Western Cape Organogram
- Western Cape Access to Services
- Legal Framework
  - Disclosure
- Various Grant Types
- Documentation Required
- General Information
- Reviews
- Reconsideration Request
- Appeal
- Means Test
- Grant Amounts
- Payment Options
- Closure





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# **SASSA Establishment**

## **Reasons:**

- To improve service delivery to public.
- To create uniformity in administration and approach
- To eradicate fraud and corruption
- Customer centered service
- Introduce efficiencies and cost effectiveness

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# Overview

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- The number of beneficiaries of social assistance has increased to approximately 15.7 million – Nationally as on 30 April 2012
- Western Cape as on 30 April 2012 approximately 1 250 564 (7.96%) grants in payment – including adults and children
  - Old Age – 246 306
  - War Veterans – 206
  - Disability – 153 440
  - Grant in Aid – 9 061
  - Foster Child – 29 049
  - Care Dependency – 10 013
  - Child Support Grant – 802 489

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# Western Cape Organogram



- Regional Office in Cape Town, 5 District and 16 Local offices

DISTRICT	LOCAL
<b>Eden /Karoo District (District Office in George)</b>	<b>George (including Plettenberg Bay and Riversdale as satellite offices)</b>
	<b>Beaufort West</b>
	<b>Oudtshoorn</b>
<b>Boland/Overberg District (District Office in Paarl)</b>	<b>Paarl</b>
	<b>Worcester</b>
	<b>Caledon</b>
<b>West Coast District (District Office in (Vredenburg))</b>	<b>Vredenburg (including Piketberg as satellite office)</b>
	<b>Vredendal</b>
<b>Cape Metropole 1 District</b>	<b>Athlone (including Langa as satellite office)</b>
	<b>Wynberg</b>
	<b>Bellville</b>
	<b>Khayelitsha</b>
<b>Cape Metropole 2 District</b>	<b>Gugulethu (including Nyanga as satellite office)</b>
	<b>Cape Town (including Atlantis as satellite office)</b>
	<b>Mitchells Plain</b>
	<b>Eerste River</b>

# Western Cape Services



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Local Offices	Service Points	Pay Points
Athlone	3	7
Beaufort West	8	14
Bellville	8	14
Caledon	29	30
Cape Town	11	15
Eerste River	17	14
George	32	47
Gugulethu	3	8
Khayelitsha	5	5
Mitchells Plain	6	7
Oudtshoorn	20	19
Paarl	15	19
Vredenburg	35	27
Vredendal	22	25
Worcester	25	32
Wynberg	5	23
<b>TOTAL</b>	<b>244</b>	<b>306</b>



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# **Legal Framework: Grants**

- **Social Assistance provided in terms of the following legal frameworks-**
  - **Constitution: Section 27(1)(c) – Right to Access**
  - **South African Social Security Agency Act (Act 9 of 2004)**
  - **Social Assistance Act, 2004 (Act 13 of 2004), as amended**
  - **Regulations, 2008**
  - **Promotion of Access to Information Act (Act 2 of 2000)**
  - **Promotion of Administrative Justice Act (Act 3 of 2000)**
  - **Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000)**
  - **Public Finance Management Act (Act 1 of 1999)**
- **Social Assistance is non- contributory fund**
- **Social Assistance is means tested to ensure that the most needy do qualify – not universal system**

- **Section 14(2) of Social Assistance Act stipulates the following:**
  - *In considering an application made in terms of subsection (1), the Agency may conduct an investigation and request additional information*
- **Section 14(4) stipulates the following:**
  - *No person may divulge any personal information of an applicant furnished in respect of an application except-*
    - *To a person who requires it in order to perform a function in terms of this Act;*
    - *When required to do so by law or an order of court; or*
    - *With the consent of the applicant.*

- **Section 14(5) stipulates the following:**
  - ***If any information supplied by a beneficiary to the Agency in an application for a grant materially changes after that beneficiary has submitted that application, he or she must as soon as is reasonable possible after the change occurs, inform the Agency thereof.***
- **Section 21(1) – (3) stipulates the following:**
  - ***A person is guilty of an offence if such person, when applying for social assistance, furnishes information which he or she knows to be untrue or misleading in a material respect or makes a representation which to his or her knowledge is false, in order that he or she or another person may-***
    - ***Obtain or retain social assistance to which he or she is not entitled in terms of this Act; or***

# Disclosure

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- ***Obtain social assistance in excess of that to which he or she is entitled in terms of this Act.***
- ***If any person receives social assistance knowing that he or she is not entitled thereto, or is not entitled to the full amount which he or she is receiving, and he or she fails to inform the Agency thereof, he or she is guilty of an offence.***
- ***A beneficiary who knowingly fails to inform the Agency of any material change of information contemplated in section 14(5), is guilty of an offence.***



- **Section 16(1) of South African Social Security Agency Act stipulates the following:**
  - ***Subject to the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and the Promotion of Access to Information Act, 2000 (Act No.2 of 2000), no person may disclose any formation submitted in connection with any application or instruction for or in respect of a grant, payment or assistance made available by the Agency, unless he or she is ordered to do so by court of law or unless the person who made such application consents thereto in writing.***





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# Various Grant Types

- **Social Assistance Act makes provision for the following grant types –**
  - **Grant for the Aged**
  - **Grant for the Disabled**
  - **War Veteran's Grant**
  - **Foster Child Grant**
  - **Care Dependency Grant**
  - **Child Support Grant**



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# Various Grant Types

- **Grant for the Aged**
  - **Qualifying criteria**
    - **Female – attained the age of 60**
    - **Male – attained the age of 60 – with effect from 1 April 2010**
    - **Must be South African citizen, Permanent RSA resident or Refugee**
    - **Must be resident in South Africa at the time of application**
    - **Complies with the means test**
    - **Not maintained in one of the following institutions:-**
      - **Prison**
      - **Psychiatric institution**
      - **State home for the aged**
      - **Care and treatment centre**
      - **Treatment centre for drug dependents**



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# Various Grant Types

- **Grant for the Disabled:**

- **Qualifying criteria**

- Disabled person attained the age of 18 years
    - Disability confirmed by medical report
    - Assessment has to confirm whether disability is permanent or temporary (6 up to 12 months)
    - Degree of disability – makes incapable of entering labour market
    - Does not without good reason refuse medical or other treatment recommended
    - SA citizen or permanent resident or a refugee residing in SA at the time of application
    - Complies with the means test
    - Not maintained in one of the institutions indicated



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# Various Grant Types

- **Foster Child Grant:**

- **Qualifying criteria**

- **A foster parent can be a South African citizen, Permanent RSA resident of a Refugee**
    - **The child is under the age of 18 years**
    - **Was placed in the custody of the foster parents in terms of the Child Care Act**
    - **Foster parents must be resident in the Republic at the time of the application of the grant**
    - **RSA citizenship of the foster child(ren) and foster parent(s) is not a requirement**
    - **Process in place to foster placement of non-South African children**
    - **Complies with the prescribed conditions**
    - **Not means tested**



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# Various Grant Types

- **Care Dependency Grant:**
  - **Qualifying criteria**
    - **The child is under the age of 18 years**
    - **Child must receive permanent care due to his/her severe mental or physical disability**
    - **Disability confirmed by medical report**
    - **Parent or a foster parent or primary care giver must be resident in the Republic at the time of the application for the grant**
    - **Parents must be South African citizens, Permanent RSA residents or a Refugee**
    - **Child must not be in an institution (including special schools)**
    - **Complies with the prescribed conditions and the means test**
      - **Income of parent – single must not exceed R144 000.00 p.a**
      - **Income of parent's – married must not exceed R288 000.00 p.a**



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## Various Grant Types

- **Child Support Grant:**
  - **Purpose of the grant**
    - **Supplement income to poor families with children**
    - **Other services provided**
  - **Qualifying criteria**
    - **The child must have been born after 31 December 1993**
    - **Grant paid to primary care-giver who is a person whether related or not to the child who takes primary responsibility for the daily care needs of the child**
    - **Primary care-giver must not receive remuneration for taking care of the child**
    - **Primary care-giver (non parent) qualifies for a maximum of six children**
    - **Parent/care-giver must be South African citizen, Permanent RSA resident or a Refugee**



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# Various Grant Types

- **Child Support Grant**
  - **Qualifying criteria**
    - **Complies with the prescribed conditions and the means test**
      - **Income of parent – single must not exceed R33 600.00 p.a**
      - **Income of parent's – married must not exceed R67 200.00 p.a**



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# Various Grant Types

- **Documentation required – critical**
  - Bar coded identity document
  - Alternative documentation
  - Thirteen digit ID number for child/ren (birth certificate)
  - Proof of refugee status – Section 24 permits
  - Refugee barcoded ID document
  - Proof of assets and income
  - Last three months bank statement
  - Discharge papers – war veteran's grant
  - Medical certificate – disability and care dependency
  - Marriage certificate (if married)
  - Death certificate (deceased spouse)
  - School attendance certificate (child support and foster)
  - Court order/extension order (foster child)
  - Any other document (s) which may affect outcome of application





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# Various Grant Types

- **General information**

- **At 14 local offices there is a one day turn-around at the specific office. Service points linked to these offices have a ten day turn-around**
- **Norm of 21 working days set by SASSA: WC for processing of applications for social assistance (except disabilities)**
- **If a grant is refused or rejected the applicant will be informed in writing thereof in writing by registered post or hand delivered against a signature of the beneficiary**
- **In respect of grants for the disabled, the beneficiary will also be informed of the classification and when the medical coverage will expire. This is done to ensure that the beneficiary will have enough time to obtain an appointment at a medical facility for a medical assessment**
- **Three months prior to the suspension of a grant the beneficiary will be informed thereof in writing. This is not compulsory**



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# Reviews

- **Regulation 27(8)(a) stipulates the following:**
  - ***Where evidence exist that changes in the medical or financial circumstances of a permanently disabled person have or may have occurred, the review of the social grant may be done in accordance with subregulation 8(b).***
- **Reviews will be done as follows:**
  - ***Medical review***
  - ***Administrative review***
  - ***Will be given notification of the intention to review***
  - ***Will be informed of documentation required***
  - ***Will be informed of the place and time when he or she must review***
  - ***Will be informed of outcome and right to make representations – reconsideration process and appeal process thereafter***



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# Reconsideration

- **Section 18(1) of the Social Assistance Act, stipulates the following:**
  - ***If an applicant or a beneficiary disagrees with a decision made by the Agency in respect of a matter regulated by this Act, that person or a person acting on his or her behalf may, within 90 days of gaining knowledge of that decision, lodge a written application to the Agency requesting the Agency to reconsider its decision in the prescribed manner***
  - **At disengagement phase of business process the person will be informed of the following:**
    - **Contents of notification of outcome**
    - **Form to be completed if he or she want to request reconsideration**
    - **Provide assistance with the completion of the reconsideration application form**



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# Appeal

- **Section 18(1A) of the Social Assistance Act, stipulates the following:**
  - ***If an applicant or a beneficiary disagrees with a reconsidered decision made by the Agency in respect of a matter contemplated in subsection (1), that person or a person acting on his or her behalf may, within 90 days of gaining knowledge of that decision, lodge a written appeal with the Minister against that decision, setting out the reasons why the Minister should vary or set aside that decision.***
  - **In the notification of the outcome of the application for reconsideration the right to lodge an appeal is included and the full contact details are indicated.**



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## Means test

- **Apart from other criteria for eligibility, material means available to potential recipients are taken into consideration in determining whether they qualify for benefits, or what levels the benefits should be**
- **Sliding scale utilized – as the income increases above a certain level, the benefit level decreases until a point where no further benefits are paid**
- **Irrespective of whether a couple is married in or out of community of property, the means of a married person and his/her spouse shall be taken into account**
- **Means test consist of two elements, namely:**
  - **Assets**
  - **Income**

[..\\Means Test Income Thresholds\\INCREASE April 2012A.xlsx](#)

# Means test

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- **Assets**
  - **The market related value of any immovable property owned and not occupied by the applicant or his or her spouse**
  - **Any assets (property, etc.) relinquished**
  - **Investments**
  - **Maximum value – R792 000.00 single person & R1 584 000.00 married person**
- **Income derived from –**
  - **Salaries and wages**
  - **Income from trust**
  - **Any pension or annuity**
  - **Rent received from boarders**
  - **Any profits or withdrawals**
  - **Any other income – including interest and dividends from assets**
  - **Maximum value – R47 400.00 per annum (R3 950.00 p.m.) for a single person and R94 800.00 per annum for a married person (R7 900.00 p.m.)**



# Grant Amounts –

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- **Grant amounts**

**Minimum amount for grants for the aged, disabled and war veteran's is R100.00**

**Other grants fix amount**

GRANT TYPE	GRANT AMOUNT
Older Persons Grant	R1 200.00
Older Persons Grant above 75	R1 200.00 + R20.00
Grant for Disabled	R1 200.00
War Veteran's Grant	R1 200.00 + R20.00
Grant-in-Aid	R280.00
Child Support Grant	R280.00
Foster Child Grant	R770.00
Care-dependency Grant	R1 200.00

# Payments Options

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- **Beneficiaries have three options of how to collect their monthly grants:**
  - **Banking System – ACB payments**
  - **At homes for the aged and infirm or institutions**
  - **Through CPS payment system**



# The end



## Comments and or Questions

# ROLE OF UNHCR IN SOUTH AFRICA

# UNHCR Global Strategic Priorities

2

- Favourable Protection Environment
- Fair Protection Processes and Documentation
- Security from Violence and Exploitation
- Basic Needs and Services
- Community Participation and Self Management
- Durable Solutions:

# Objectives of UNHCR Cape Town

3

- Liaison with Parliament to positively influence legislation that affects persons of concern
- Prevention and Response to xenophobic attacks directed at persons of concern
- Provide guidance and assistance to UNHCR Implementing Partners to ensure smooth delivery of services to beneficiaries.

# Objectives of UNHCR Cape Town

4

- Establish a network of mutual trust and efficient coordination with and between Provincial and City governmental authorities, civil society, UN agencies and other stakeholders.
- Support Government in fulfilling its obligations towards persons of concern
- Engage with press and media

# Role of UNHCR FO Cape Town

5

- Assist DHA with technical advice, help the authorities to continue building the capacity of RROs and train their personnel. Encourage the implementation of fast and fair asylum processes
- UNHCR's IPs to deliver shelter assistance on the basis of individual assessments geared to meet immediate needs. To support interventions with longer-term impact on refugee self-reliance i.e vocational training, job placements and microcredit facilities.

# Role of UNHCR FO Cape Town

6

- Pursue all three durable solutions for refugees, supporting voluntary repatriation, seeking to expand local integration, and using resettlement for individuals for whom no other options are available.
- Continue to work with Government and other partners to build tolerance toward refugees and asylum-seekers through public information campaigns against xenophobia and interventions at the community level to facilitate dialogue.

# Global Role of Resettlement

7

- Resettlement is part of UNHCR's responsibility in assisting Governments to find permanent (durable) solutions for refugees (*1950 UNHCR Statute*)
- Mainstreaming of resettlement into everyday protection/community services activities
- Resettlement given due consideration when assessing durable solutions, i.e. local integration and voluntary repatriation



# Global Role of Resettlement

8

- Resettlement as a tool of protection and durable solution:
  - Refugees denied human rights in the country of asylum
  - Lives and freedom of refugees threatened
  - Authorities fail or are unable to protect refugees
  - Protracted refugee caseloads

# Global Role of Resettlement

9

- Burden-sharing mechanism
- Strengthening of asylum system and opening-up opportunities
- Resettlement is not a right embodied in international law; no country is legally obliged to resettle refugees

# Role of Resettlement in South Africa

10

- South Africa is party to the International and Regional Refugee Instruments and has incorporated principles of international refugee law into national legislation
- In principle, South Africa offers opportunities for integration, especially socio-economic, not found in most African countries
- However, Xenophobia past and present has created obstacles for integration of refugees

# Role of Resettlement in South Africa

11

- Mainly used to address the needs of the most vulnerable sectors of the refugee population
- Limited places and opportunities are made available for resettlement
- No application or appeal process/ not to be equated with applying for asylum

# Resettlement Criteria

12

- Resettlement criteria guides decisions by UNHCR staff on the need for resettlement intervention
- Criteria should not be interpreted as “Blue Print” for resettlement
- Criteria in the Resettlement Handbook was developed in cooperation with Resettlement Countries and NGOs
  - Resettlement countries have other specific criteria they apply, as per established policy and legislation

# Resettlement Criteria

13

- UNHCR interprets and applies criteria in light of asylum conditions and general profile of the refugee population and persons at-risk
- UNHCR does not use integration potential – resettlement is a protection tool not immigration programme

# UNHCR Resettlement Criteria

14

- Legal and physical protection needs
- Survivors of violence and torture
- Medical needs
- Women-at-risk
- Family reunification
- Children and adolescents
- Elderly refugees
- Lack of local integration / solution prospects