

# Foreword

## Social Development Procedure Manual

2005

The vision of the Department of Social Development is a self-reliant, content and caring society. In order to make this vision a reality, we as employees of the Department have a highly responsible task. It is our duty to ensure that the poor, vulnerable and marginalised people who live in South Africa get quick and easy access to the social grants for which they are eligible. These are the people who are our customers and they should be viewed as the top priority in every aspect of our work.

This manual has been compiled to make it easier for all officials to understand the procedures that are necessary to ensure that our customers remain "Number One". It is intended to serve as a rapid reference when dealing with any of the social grants that the state makes available to its citizens. These are the Old Age, Child Support, Disability, Foster Child, Care Dependency and War Veteran's Grants, as well as Grants-in-Aid and Social Relief of Distress. Few people would choose to have to depend on a social grant from the state and it is therefore up to us to deal sensitively and professionally with all applicants and existing beneficiaries.

My best wishes to you as you strive to enhance the quality of life of the most needy South Africans.

Dr. Zola Skweyiya  
Minister of Social  
Development



# Preface

## Social Development Procedure Manual

2005

This Procedure Manual confirms the constitutional role of the Public Service Commission as the custodian of service delivery improvement. The overall objective of the manual is to enhance the implementation of the *Batho Pele* principles and in doing that, to ensure that the anticipated/expected outcomes of the various social development grants contained in the manual are achieved. Although great progress has been made in registering beneficiaries of the various social grants, the full impact of these grants will only be realised when all eligible citizens are registered.

The Minister and the Department of Social Development should be commended for the initiative and timely action in collaborating with the Public Service Commission and the German Technical Co-operation in the preparation and publication of this very useful and user friendly operational Manual.

The Public Service Commission pledges to continue its close collaboration with the Minister and the Department, through its mandatory inspection function, to ensure efficiency and effectiveness in the application of the manual within the *Batho Pele* framework.

This manual is very critical and germane to Government's priority on redressing poverty through social development.

It is trusted that this manual will contribute to the improvement of services rendered especially to the end-user of social development services, the beneficiary of a social grant.

Prof. Stan Sangweni  
Chairperson  
Public Service Commission





Department of Social  
Development

**Social Development  
Procedure Manual**

2005

Department of Social Development  
Social Development Procedure Manual  
29 June 2004

The Department of Social Development produced this Procedure Manual with the technical assistance of the Public Service Commission and the German Agency for Technical Cooperation (GTZ).

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German Technical Cooperation



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## About this manual



**The grant administration process** is the process for dealing with grants – from the time the person first arrives to apply for it, until payment is made.

### 1 Objective

This manual has been designed for Department of Social Development employees involved in the grant administration process.

The manual was written to:

- Provide you with a 'step-by-step' guide to processing applications;
- Make sure the grant administration process is the same all over the country;
- Improve financial management;
- Ensure that people receive the grants they are entitled to;
- Speed up the grant-making process; and
- Improve the service we provide to the poor.

### 2 Results

The manual will be successful when the following results are achieved:

- The same procedures are used throughout the country;
- Service delivery is improved;
- Grant applications are processed quicker than before; and
- The public notices improved customer service.

### 3 Structure of the manual

The manual is divided into three parts:

**Part 1** deals with the background to social assistance, the laws and policies that cover it and the grant administration process generally.

**Part 2** has the procedures for each of the various grants dealt with by the department.

**Part 3** is a dictionary of difficult words found in the manual.

### 4 Updating your manual and ordering more copies

To keep your manual up to date, new or revised pages will be sent to you whenever changes are made to the procedure or law dealing with grants.

If you would like more copies of this manual, please contact the National Department of Social Development office, Social Security Directorate at telephone number (012) 312 7500.



# Part 1 – **The grant administration process**

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## 1 Overview

The Department of Social Development's mission is to empower the poor and to secure a better life for those in need. It does this mainly by providing grants to poor people to:

- Help them to get the basic necessities of life; and
- Provide them with a minimum income.

Put simply, a grant is a payment of money by the State to people who are unable to provide for themselves. People qualify for a grant if they satisfy the conditions (or requirements) set out in the Social Assistance Act (Act No. 59 of 1992) and its regulations.

## Chapter 1

### The Social Assistance (grant) system

## 2 The grants

There are currently six main grants available:

- 1 **Social grants for aged persons.** These are paid to women of 60 years and older and men of 65 years and older.

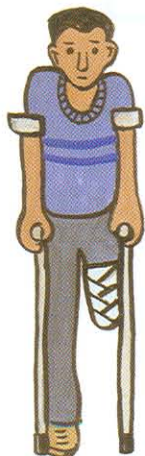


- 2 **Child support grants** are paid to the main person responsible for looking after a child under the age of 11 (the 'primary caregiver').



- 3 **Social grants for disabled persons** (known as **disability grants**). These are paid to people who:

- Are 18 years and older (less than 60 for women and less than 65 for men);
- Who are disabled for a period of 6 months or more; and
- Who cannot support themselves because of their disability.



- 4 **Foster child grants** are for children who are placed by a court in the care of someone who is not their parent (their 'foster parent').



## Chapter 1

### The Social Assistance (grant) system

5 **Social grants for war veterans (known as war veteran's grants)** are paid to people who are 60 or older and who once served in the South African army during certain wars.



6 **Care dependency grants** are for children who are severely mentally or physically disabled and who need permanent home care.



There are also two types of assistance that can be used to give some people more than what they are already receiving:

- 1 **Grants-in-aid** can be given to people who are receiving a social grant but who need full-time care from someone else.
- 2 **Social Relief of Distress** (also called 'social relief'), which, although not a grant, is temporary assistance (such as food parcels or food vouchers) to people who cannot meet their needs and the needs of their families.

From **April 2005**, child support grants will be available for primary care-givers of children under the age of 14.

People receiving a foster child grant may **also** apply for the **care dependency grant** if the child qualifies for it. They will then receive both the **foster child grant** and the **care dependency grant**.





## 1 Introduction

This chapter deals with the Department of Social Development and the law that applies to it.

The main law governing the Department is the



and its Regulations, which:

- List all of the grants offered by the Department;
- Say who qualifies for them; and
- Set out the procedures to be followed when dealing with grants.

In addition to the rules in the Social Assistance Act and its Regulations, there are also policies, principles and laws that you need to be guided by. These are found in:

The Department's own vision, mission, values and priorities;

The government's priorities (that is, what it regards as important);

Section 33 of the Constitution;

The Promotion of Administrative Justice Act; and

## Chapter 2

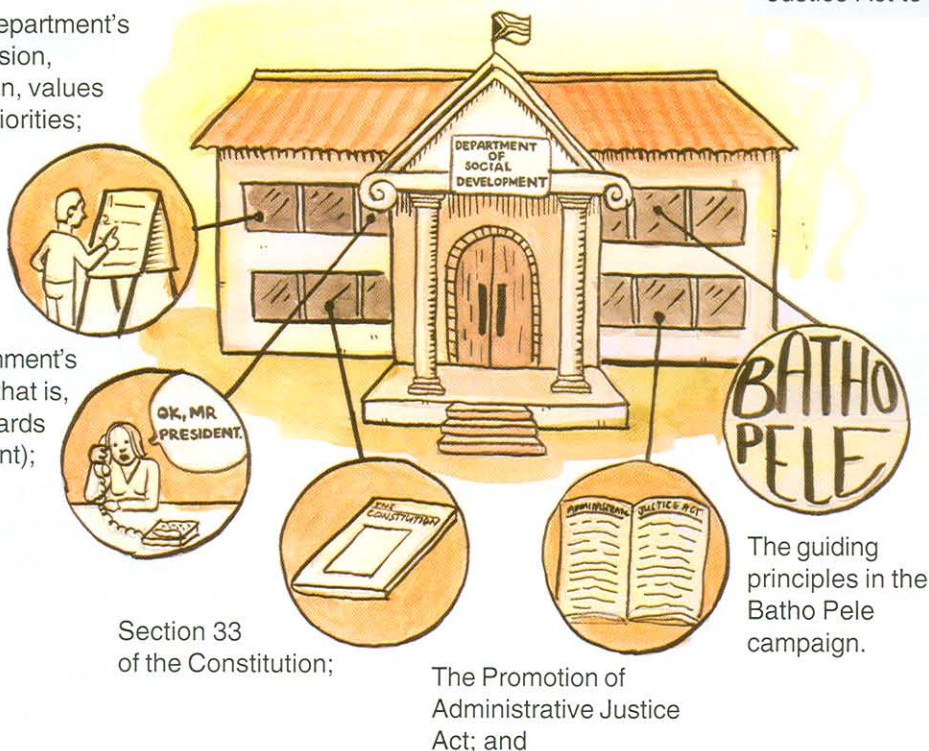
### Guiding principles and law

#### Outcomes: Chapter 2 –

#### Guiding principles and the law

By the end of this chapter, you will be able to:

- Describe the guiding principles in the National Department's vision, mission, mission and priorities;
- Explain Government's priorities and how your work fits in;
- Describe the guiding principles in the Batho Pele campaign; and
- Describe the importance of the law in the Constitution and the Promotion of Administrative Justice Act to your work.





## Chapter 2

### Guiding principles and law

The Social Assistance Act sets out general rules about grants and then allows the Minister of Social Development to set out the details in regulations. The original regulations for the Act were written in 1998, but these have been amended (changed) on a number of occasions (1999, 2001 and 2003).

To fully comply with the law, you need to follow the rules in the Social Assistance Act and those in the regulations.



In this manual we have listed the specific regulations governing what you should do so that you can check these for yourself.



Generally, when we refer to a regulation, we will usually be referring to those from 1998. Where these have been changed by later regulations, we will tell you where to find the latest rules by saying, for example, Reg. 14 (2001).

## 2 The National Department's vision, mission and values

The National Department of Social Development has set its own vision, mission and values to guide members of the Department.

*Mission* – what the National Department would like to achieve; its objectives.

*Vision* – the way it sees itself.

*Values* – the things it regards as important.

**Mission** – To enable the poor, the vulnerable and the excluded of South African society to secure a better life for themselves, in partnership with them and with all those who are committed to building a caring society.

**Vision** – A self-reliant and caring society.

**Values** – The people we serve come first in performing our duties. The following values were used as guiding principles for the procedural manual:

- We will ensure equity and freedom from discrimination and harassment in the workplace and in the services provided by our department.
- We will work in partnership with the people we serve and with other stakeholders.
- We will use the resources entrusted to us, to deliver on the Government's priorities in the most efficient, effective and innovative ways.
- We will be transparent and accountable for our decisions, actions and performance.
- We will share our knowledge and expertise with other departments and the broader welfare sector and learn from them.



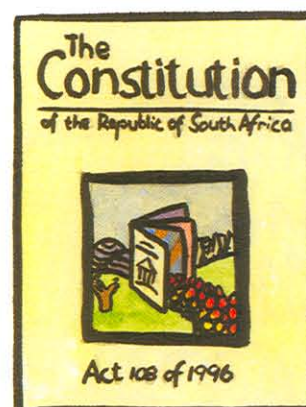
- In performing our duties, we will uphold the Constitution of the Republic of South Africa, the laws governing the public service and the Code of Conduct for the Public Service.
- We will act in a lawful, reasonable and procedurally fair way in accordance with Section 33(1) of the Constitution and the Promotion of Administrative Justice Act, 2000.
- To us, lawful means to observe the provisions of the Constitution, the Promotion of Administrative Justice Act, 2000, the Social Assistance Act, 1992 and its regulations.

## Chapter 2

### Guiding principles and law



**Provincial Departments' vision, mission and values:**  
Please note that your Provincial Department will have its own vision, mission and values (in line with those of the National Department) that you must read and understand.



The Constitution is the highest law in the country. All other laws and all practices must follow the rules in the Constitution.

Everyone (including members of the Department) must follow its rules.



Social Development  
Procedure Manual  
Department of Social Development

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## Chapter 2

### Guiding principles and law

### 3 Government's priorities

Government has identified the following issues as important:

- Improving the quality of every person's life and freeing their potential;
- Focusing on visible service delivery
- Reducing poverty levels;
- Ensuring all races, gender and people with disabilities are represented;
- Ensuring people are empowered and developed;
- Building institutions and improving management; and
- Rationalising and restructuring the public service.

When dealing with grants, you are actually assisting the government to deliver on its priorities.



### 4 The guiding principles in Batho Pele

One of the ways Government is trying to improve service delivery is through the Batho Pele campaign. 'Batho Pele' is a Sesotho phrase meaning 'People First', and putting people first is the main aim of the campaign. The Batho Pele campaign has eight principles that affect the Department:

- 1 The Department should give its clients (the people who make use of its services) the best value for money.
- 2 People should be consulted about the level and quality of service they receive. Whenever possible, they should be given a choice of services.
- 3 People must be told about what level and quality of service they will receive so that they know what to expect.
- 4 Everyone should be given access to the services they are entitled to.
- 5 People must be treated with courtesy and consideration.
- 6 People must be given full and accurate information about the grants they are entitled to.
- 7 People are entitled to know how much the national and provincial departments cost to run and who is in charge.
- 8 If the standard of services is not as promised, people should be given an apology, an explanation and an effective remedy. When complaints are made, the Department must deal with it properly.

These principles have been used in designing this manual. By following them, you will help to improve the lives of all the people your Department serves.



## 5 The Constitution and the Promotion of Administrative Justice Act

In addition to following the specific rules in the Social Assistance Act and its Regulations, you also need to follow the general rules in the Constitution and the Promotion of Administrative Justice Act.

### a Section 33 of the Constitution

The Constitution is the highest law in the country and must be followed by **everyone**. Section 33 of the Constitution gives everyone in South Africa the right to Just Administrative Action (action by the government) and says:

- 1 Everyone has the right to administrative action that is lawful, reasonable and procedurally fair;
- 2 Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons; and
- 3 National legislation must be enacted to give effect to these rights.

The law that Section 33 (3) of the Constitution required parliament to pass is the Promotion of Administrative Justice Act.

### b The Promotion of Administrative Justice Act (3 of 2000)

This Act must be followed by all members of the administration (which includes the National Department and all of the provincial departments). The Act:

- Requires you (as an administrator) to act lawfully and reasonably, and to follow fair procedures when making decisions;
- Requires you to give proper written reasons for your decisions;
- Requires you to tell people about their right to review or internal appeal and their right to request written reasons for your decision;
- Gives members of the public the right to challenge administrative decisions in court; and
- Lays down the procedures that must be followed during judicial review.

This Act only really applies when your decision adversely (negatively) affects the rights of a member of the public. For example, when you decide to:

- Turn down an application for a grant;
- Withdraw a grant;
- Stop or cancel a grant; or
- Reduce the amount of money to be paid to a person.

## Chapter 2

### Guiding principles and law





## Chapter 2

### Guiding principles and law

Decision making in terms of this Act involves a three-step process:



#### Step 1 – Before the decision is made

If it seems that your decision could go against someone's rights, you must tell them what you are planning to decide and you must give them a chance to tell you why they think you should not make that decision.



#### Step 2 – Making the decision

The Act says that all decisions must be:



- Lawful.
- Reasonable.
- Procedurally fair.

In other words, your decision should be based only on the facts before you, the Constitution, the Promotion of Administrative Justice Act (if it will go against the person) and on the Social Assistance Act and its Regulations. You should not allow your own personal feelings or interests to get in the way.



#### Step 3 – After the decision (if it goes against the person)

The Promotion of Administrative Justice Act says that, where you decide against someone, you must tell them:

- What you have decided;
- That they have the right to request written reasons for the decision; and
- That they have the right to make an internal appeal or to take the matter to court on review.

However, the Social Assistance Act and its Regulations say that, when telling a person that you have decided against them, you must give them written reasons for your decision **at the same time**. Because this approach is better than that in the Promotion of Administrative Justice Act, you must follow the Social Assistance Act and provide written reasons for your decision when telling someone what you have decided.



## Chapter 2

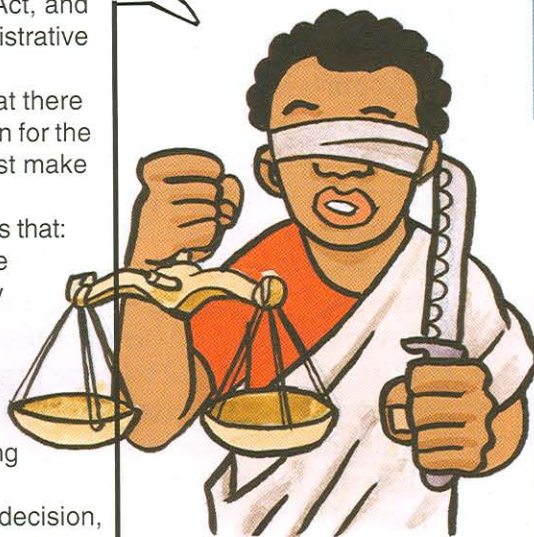
### Guiding principles and law

**Lawful** means that what you decide must be allowed by the law – that is, the Constitution, the Social Assistance Act, and the Promotion of Administrative Justice Act.

**Reasonable** means that there must be a proper reason for the decision and that it must make sense.

**Procedurally fair** means that:

- You should not make decisions that adversely affect people without consulting them first (which is why you must notify them of the decision you are planning to take); and
- When making your decision, you must do so in a way that is fair, unbiased and impartial.



**Unbiased** means that you must not favour one person over another when deciding. **Impartial** means that, when making your decision, you should not take sides and you should not allow your feelings to get in the way or influence your decision.

#### Temporary disability grants

Where someone applies for a disability grant but is only awarded a **temporary** disability grant, this is actually a decision that adversely affects them (that goes against them). This is because, even though they receive something, it is less than what they applied for. As a result, you need to provide written reasons for the decision not to give them what they applied for. The same applies where a person applies for a grant and then, because of their income and assets, they are given a grant for a lesser amount than what they applied for.



If your decision is in favour of the person (for example, if you approve their application), then there is no need to tell them about their right to request reasons or to take the matter on appeal or review. However, you must still write to them and tell them:

- That the decision is in their favour;
- How much money they will receive;
- From which date; and
- Where they will receive their money.





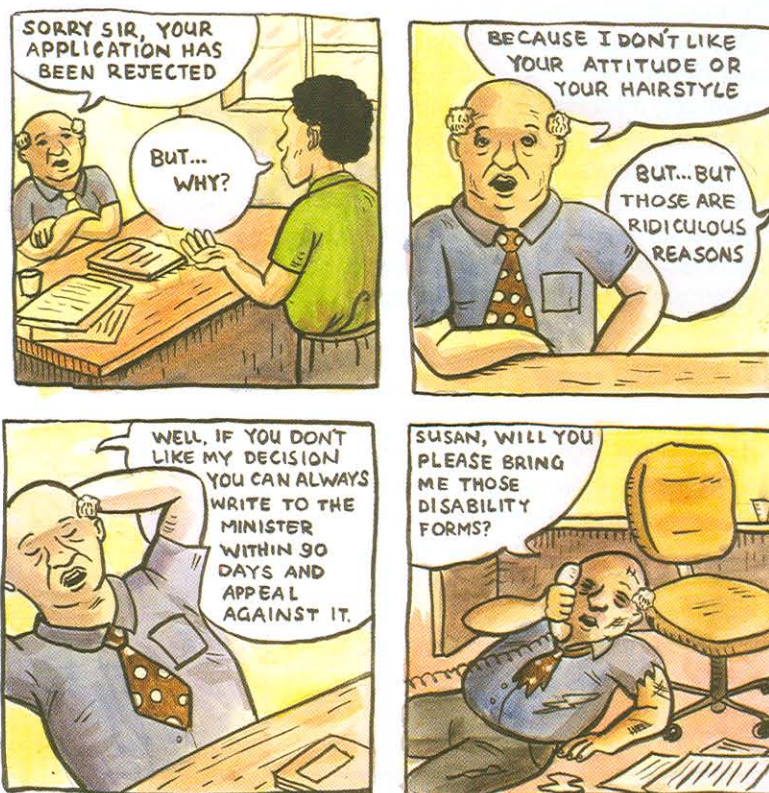
## Chapter 2

### Guiding principles and law

#### c The Promotion of Administrative Justice Act and the Social Assistance Act

The Promotion of Administrative Justice Act works hand in hand with the Social Assistance Act and most of its rules are already in the Social Assistance Act and its Regulations. For example:

- Regulation 25(2) says that, if your decision goes against someone, you must tell them what you have decided and you must give them reasons for your decision. This is the same as what the Promotion of Administrative Justice Act requires (although the Promotion of Administrative Justice Act does not require you to do both in the same letter).
- Section 10(1) of the Social Assistance Act and Regulation 25(2) say that you must tell a person that, if they are not happy with your decision, they can write to the Minister within 90 days of the decision and appeal against it. This is the internal appeal that the Promotion of Administrative Justice Act requires you to tell people about.





## 1 Introduction

This chapter looks at the grant administration process. This is the process you need to follow from the time a person applies for a grant until payment and reconciliation is made. It consists of the following four stages:

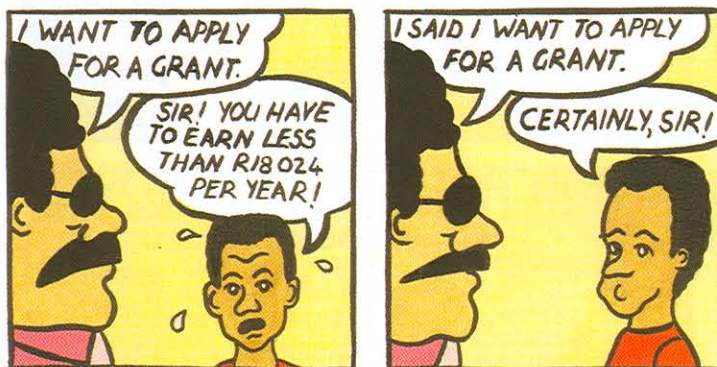
- Section A – Application
- Section B – Verification
- Section C – Approval
- Section D – Payment and reconciliation

### Section A – Application



#### 1 Introduction

The application starts when a person in need of a grant arrives at a service point or service office for the first time and the first attesting officer completes the application form. It ends when the completed application form with all the required supporting documents is given to the second attesting officer for verification (checking).



#### 2 Who is responsible?

The first attesting officer for the area in which the applicant (the person applying for the grant) lives is responsible for screening applicants and assisting them to complete the necessary forms.

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### The grant administration process

#### Outcomes: Section A - Application

By the end of this section, you will be able to:

- Say who is responsible for this step and how long it should take;
- Describe the process to be followed, including the screening process, when someone applies for a grant;
- Explain what qualifying conditions are;
- Describe and apply the various means tests ;
- Explain what a procurator is; and
- List the offences for false representations.



## Chapter 3

### The grant administration process

#### 3 How long should it take?

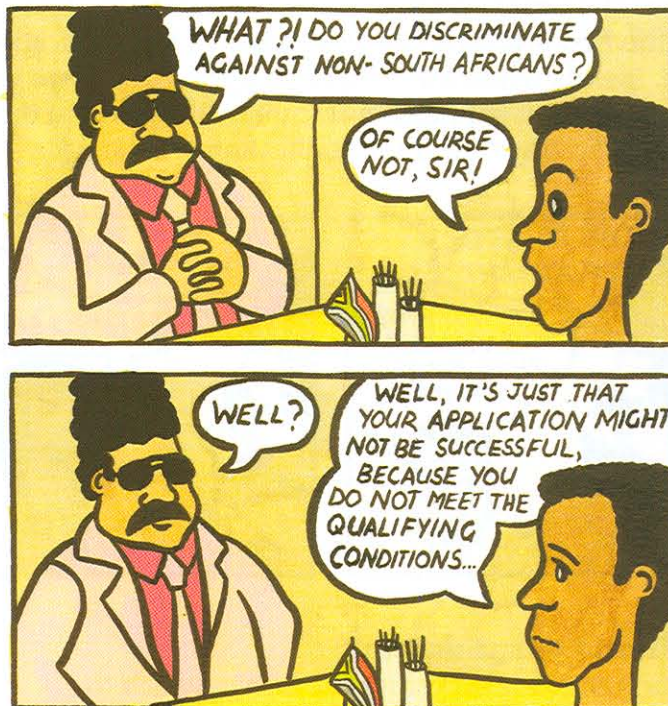
Conducting the screening process and completing the application form should not take more than an hour (provided the person has all the necessary documents with them). However, the whole process takes up to 90 days from the date of application.



#### 4 Qualifying conditions

To qualify for a grant, the applicant must meet certain conditions. That is, there are certain requirements (**qualifying conditions**) that must be met before a person will be entitled to a grant. For example, they should **usually** be:

- A South African Citizen or permanent resident; and
- In possession of a 13 digit bar-coded identity document.



Each grant has its own requirements, which we will look at later in this manual. Before processing their application, you first need to make sure that the applicant satisfies these requirements. If they do, you can begin to process the application. If they do **not**, they will not qualify for the grant.



## 5 The application process

### a The screening process

In practice, the first attesting officer conducts a **screening process** before completing the application form for them (with their assistance). During this, the attesting officer:

- Checks to see whether the applicant meets the requirements for the grant. For example, if the person is applying for an old age grant and their ID document shows that they are only 54 years old, they will not meet one of the requirements;
- Makes sure that all the necessary documents are available;
- Assists the applicant to complete affidavits (sworn statements) for missing documents if these are acceptable;
- Advises the applicant where to go if the documents can be found somewhere else or where an affidavit is not allowed;
- Checks to see that the applicant satisfies the means test for the grant;
- Advises the applicant whether or not to proceed with the application (based on whether the applicant will satisfy the qualifying conditions and the means test); and
- Completes the application form (based on the information given to them by the applicant) if it seems that the applicant satisfies the requirements for the grant.

Many provincial departments have developed checklists to help during this process and to make it easier for you to check that all of the necessary documents are available. Examples of these checklists are included in some of the chapters to guide you if your department has not yet developed them.

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Even if it seems **during the screening process** that the applicant does not meet the qualifying conditions or earns or owns too much to satisfy the means test, you may **not** refuse the application at this stage. (If you did, you would be making a decision that goes against them and they would be entitled to written reasons for your refusal, to make an internal appeal or to take the matter on review). Instead, you may only **advise** them that they should not continue with the application – if they want to continue, you **must** allow them to.





## Chapter 3

### The grant administration process

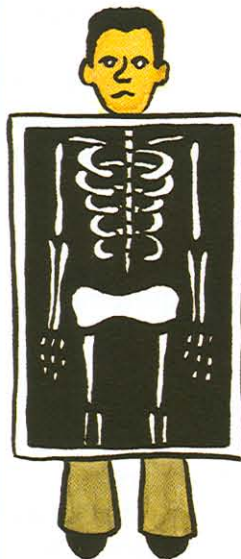
#### b. Overview of the application process



The person who is applying for the grant (the **applicant**) arrives at your service office or service point.



They are **screened** and advised of the qualifying conditions and supporting documents that are needed. During the screening process, you must also check that they satisfy the means test for the grant.



- If it is clear at this stage that they do not meet the requirements, you should advise them that their application will probably not be successful. However, if they want to continue with the application, you **must** allow them to.
- If they own or earn too much, you should advise them that they will not satisfy the means test (remembering of course that, if they earn or own just a little more than the means test allows, they might qualify for a reduced amount). Again, if they want to continue with the application, you **must** allow them to.
- If an applicant does not have the correct documents, you should check why. Regulation 9(6) (as amended in 2001) allows you to accept alternative proof (such as an affidavit) of any of the documents required **except** an ID or birth certificate.
- If an affidavit can be used, assist the person to fill in the affidavit and continue with the application.
- If the documents can be obtained, or if the Regulations and your procedures do not allow affidavits to be used, then you should tell them what documents are needed and where and how to get them. You should not register the application though until they return with the correct documents.



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If they have all of the necessary documents, the **first attesting officer** completes the application form in their presence.



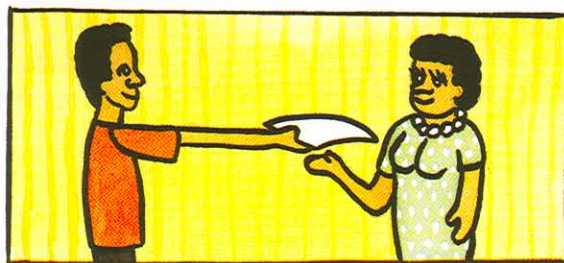
The first attesting officer 'certifies' the application form by signing it to confirm that the relevant sections have been completed and the required documents are attached (Reg. 8(2)(a)(b)).



All of the supporting documents are attached to the application form, the applicant signs the form (Reg. 8(2)(b)), and a full set of fingerprints is taken.



The completed application is given to the **second attesting officer** to verify.



**Remember** the process may differ slightly in some provinces. **Please check which system is used in your province.**



Because applicants for **disability grants and care dependency grants** need medical reports before the application procedure starts, the screening process for these grants is slightly different to that for other grants. This is explained in more detail in Chapter 6 (disability grants) and Chapter 11 (care dependency grants).



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### The grant administration process

## 6 The means test

The means test is a way of checking that only those people that most need them receive grants. Those that (together with their husbands or wives) earn over a certain amount (their **income**) or who own a lot of things or have a lot of savings (their **assets**) are expected to take care of themselves and their dependents and will not qualify for grants.

A means test **must** be applied for every grant although there are different tests for different grants (see below). In practice, the way this is done is to complete the appropriate prescribed form and to do the relevant calculations. The following rules are explained to help you to understand how to do this and why it is done.

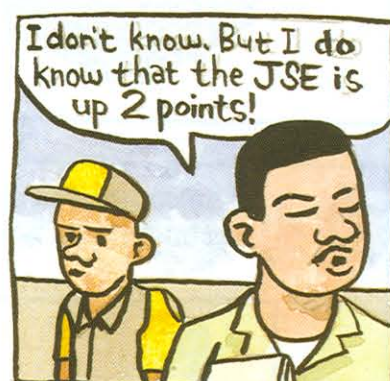
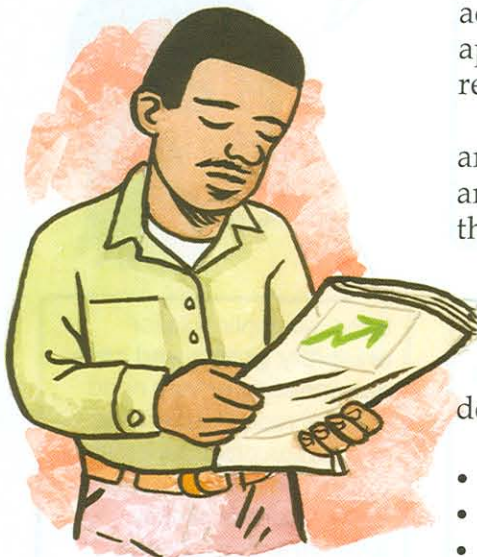
### a Assets, income and deductions

When deciding whether someone qualifies for a grant, both their **assets** and **income** need to be taken into account. Generally, 'assets' are things owned by an applicant and 'income' is money that they earn or receive.

Regulations 13, 14 and 15 set out a long list of what are regarded as assets and income and cover almost anything that a person can own and any way in which they can receive money.

Regulation 15 also deals with **permissible deductions** when calculating an applicant's means. These are amounts that must be subtracted from the applicant's income and assets. However, these deductions are only allowed in the case of applicants for:

- Social grants;
- Care dependency grants; and
- Child support grants.





### Difficult terms

Regulations 13, 14 and 15 cover a wide variety of assets and sources of income. They use a number of difficult terms, some of which may be a bit strange to you.

**Annuity** – This is a payment of money that a person receives each year from somewhere or someone for life or for a set number of years.

**Bond** – a bond is a loan given by a bank for the purchase of property.

**Bond payments** – the amounts paid each month towards a bond.

**Dividends** – each year, public companies (companies that people own shares in) pay out an amount of money to their shareholders based on the profits they have made. These payments are called dividends.

**Endowment policies** – this is a type of private pension, usually with an insurance company.

**Ex gratia compensation** – this is a 'once-off' payment of money to a person.

**Fideicommissum / fideicommissary rights** – this is a very unusual way of 'owning' property and is usually only found in rural areas.

Sometimes, when a person dies, they leave their property to one or more of their children, but say in their will that their surviving spouse is allowed to live on and use the property until they die or choose to leave. The rights that the person has to live on and use the property are called **fideicommissary rights**.

**Interest in shares** – more commonly known as 'shares'. Some companies (called **public companies**) raise money by selling shares in the company to the public. Because these are worth money and can be sold by the person who owns them, they must be taken into account when a person applies for a grant.

**Leasehold** – this is property which a person is renting. It was also the only way that black people could hold property in urban areas and townships under apartheid.

**Market value** – this is the amount of money that property could be sold for on the open market.

**Municipal value** – this is the amount of money that the local municipality says a piece of property is worth. It is used to work out what rates and taxes the owner of the property has to pay and can be quite different to its market value. The municipal value of a property is usually written on the rates statement that the owner of a property receives each month. Or you could call the local municipality to find out the municipal value of any property in their area.

**Nett income** – the amount of money a person owns **after** deductions.

**Provident fund** – this is a type of private pension.

**Retirement annuity fund** – this is a type of private pension.

**Share capital** – the name given to the total amount of cash which the shareholders have contributed to a company.

**Transfer duty** – this is the amount of money that has to be paid to the government by a person buying the property.

**Usufruct** – this is a very unusual way of owning property and is usually only found in rural areas, where it is used to deal with farms.

Sometimes, a person leaves a right in their will to another person to use their property and to take or use the fruits of the property for themselves (including any money that the property earns in rentals). Although they do not own the property and cannot sell it, the value of the fruits of the property need to be taken into account.

**Withdrawals** – this is any amount of money drawn from a bank or building society account.

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Assets are **only** taken into account when someone applies for a social grant. You do **not** have to consider assets when the applicant is applying for any other type of grant.



#### Pension or annuity:

Although neither the Social Assistance Act nor the Regulations deal with the issue, it seems that only pensions, provident or retirement annuity funds from **South African** companies are included in this definition.

As a result, any private pension that a person receives from another country should not be taken into account. So, if a permanent resident in South Africa has a retirement annuity in their country of origin, this must **not** be included when working out their income.

#### i Assets (for social grants only)

**Regulation 13(3)** lists the following assets that must be taken into account when a person applies for a **social grant**:

- Property held under leasehold;
- Money that they have invested (for example in a bank or in the share market);
- Bonds, loans or any outstanding debts that are **owed** to the applicant or their spouse;
- Interest in shares;
- Share capital or assets of a company or other institution;
- Endowment policies;
- Any cash that they have at home or in an account at a bank or building society;
- Any fideicommissary rights that they or their spouse have; and
- Any lump sum invested by the applicant or his or her spouse in a company or financial institution with the aim of procuring an annuity.

**Regulations 13(1) & (2)** set out the rules relating to these assets:

- Any assets donated (given away as a gift) by either the applicant or their spouse must be taken into account unless they were 5 years or longer before the application. This is to prevent people donating their property to someone else so that the total value of their assets is reduced and so that they will qualify for a grant;
- If the selling price of a house or a piece of land is less than the amount on which transfer duty was paid, then the difference between the two amounts must be taken into account. For example, if the applicant sold their house for R100 000 but paid transfer duties on an amount of R150 000, then the amount of R50 000 must be regarded as an asset. This is to prevent a person misleading the Department about how much they sold their house for. However, if the sale was made 5 years or longer before the application, this amount must **not** be taken into account; and
- If the applicant or their spouse has deliberately given away some of their assets to make themselves poor enough to qualify for a grant, then the amount that they gave away is regarded as part of their assets and must be taken into account. However, if this was done 5 years or longer before the application, the amount must **not** be taken into account.



**Regulation 13(3)** says that any land or houses owned by the applicant or their spouse must, generally, be taken into account when working out the applicant's assets. However, Regulation 13(1) (as amended by the 2001 regulations) qualifies this by saying that the value of the house that an applicant and their spouse **own and live in** must **not** be taken into account.

Where the applicant or their spouse own a house **but do not live in** it, the **municipal value** must be taken into account **minus** what they still owe on the house as bond payments. So, if the applicant owns a house that their daughter lives in and the municipal value of the house is R100 000 but they still owe R60 000 on the bond, then only R40 000 must be taken into account as an asset.

## ii Income

**Regulation 14** sets out the income of the applicant that must be taken into account when applying for:

- Social grants;
- Foster child grants;
- Care-dependency grants; and
- Child support grants.

**Regulation 14** defines 'income' as:

- The applicant (or their spouse's) salary or wages, even where they give some of these away. This is to prevent people giving away some of their wages or salary so that it looks like they earn less than they do;
- Any profits, withdrawals or other benefits from a business or farm that the applicant or their spouse own or over which they have a usufruct or fideicommissum. This applies even where the applicant or their spouse gives up a certain amount of these profits, withdrawals or other benefits - **unless** 5 years have passed since when they did so;
- Money that an applicant, their spouse **or their foster child** gets from a trust or inheritance, even where they give some of this money away - **unless** 5 years have passed since when they did so;
- Money that the applicant or their spouse gets from their usufruct or fideicommissary rights over land or a house;
- Any money that an applicant or their spouse receives from cash investments, bonds, loans or any other outstanding debts, share capital or assets of a company;
- Any money that an applicant or their spouse gets from money that they have invested in a business, a bank or building society. For example, interest on a savings account;

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#### Other income:

Income does **not** include social assistance that the applicant or their spouse is receiving. For example, if a husband applies for an old age pension and his wife is already receiving a disability grant, the amount she receives under this grant is **not** taken into account when working out the husband's income.



#### What is the difference between salary and wages?

- Salary is money that a person is paid **monthly**.
- Wages is the amount of money that a person is paid **weekly**.



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- Any money that an applicant or their spouse receives from a pension, provident or retirement annuity fund. However, this does **not** include benefits received from a lump-sum investment;
- Any ex gratia compensation received by the applicant or their spouse;
- Any money that the applicant or their spouse receives for accommodation that they rent out;
- Any profits, withdrawals or other benefits that an applicant or their spouse earns from farming on property that they rent; or
- Any other income. This includes interest and dividends from their assets or those of their spouse or foster child.

#### iii Permissible deductions

Regulation 15 deals with the deductions that are allowed for:

- Social grants;
- Care dependency grants; and
- The personal income of the primary caregiver and their spouse in the case of a child support grant.

These amounts **must** be deducted (subtracted) from the applicant's income:

- The amount they **have** to pay towards a pension, provident or retirement annuity fund;
- The amount which they **choose** to pay towards a pension, provident or retirement annuity fund – as long as this is not more than 22 % of their nett income;
- Employee's tax or standard income tax;
- Their membership fees to an approved medical scheme; and
- Their UIF contributions.

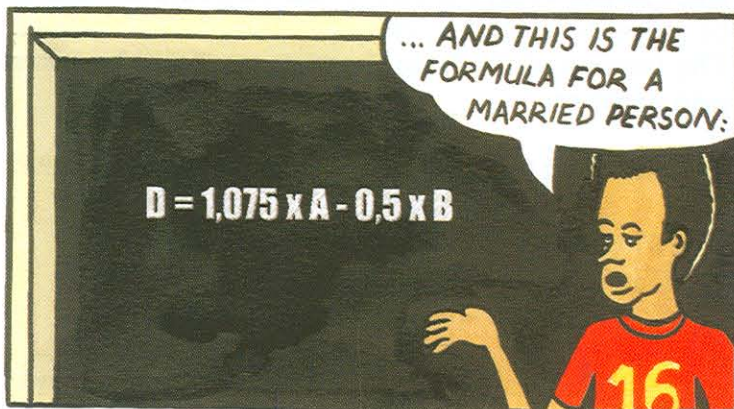
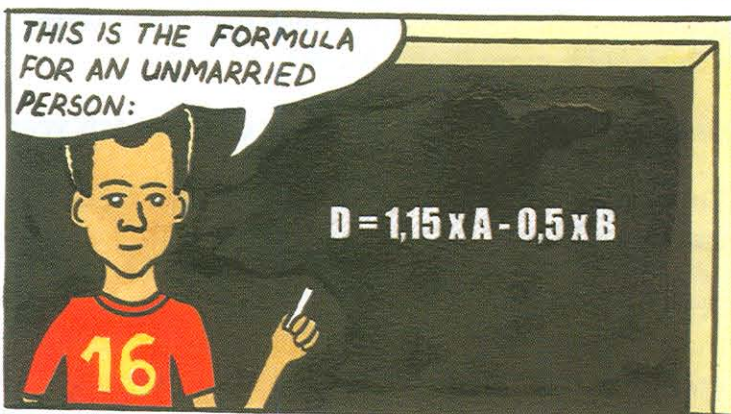
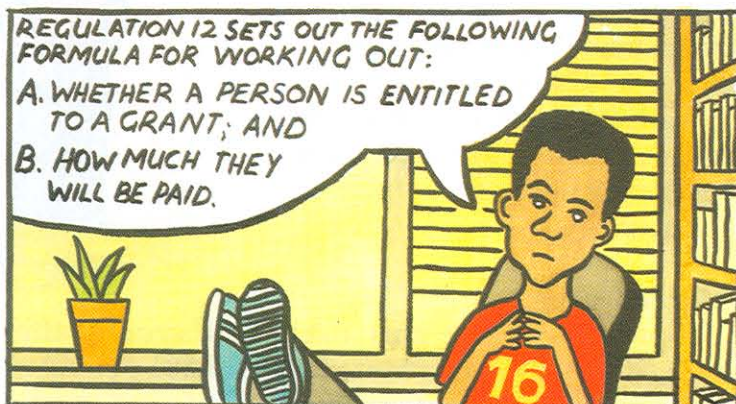




## b The means test for social grants – Reg. 12

The means test for social grants is found in Regulation 12.

### i The formula



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D = how much the person will be paid.

A = the maximum amount of the grant that could be paid in a year.

B = the annual income of an unmarried applicant, or half the applicant and their spouse's annual income in the case of a married applicant - after all permissible deductions have been made.

The following rules also apply:

- The maximum amount to be paid can never be more than 'A';
- No grant will be paid out if it amounts to less than R100 per month;
- No grant will be paid to an unmarried person if their total assets exceed  $30 \times A$ ;
- No grant will be paid to a married couple if their total assets exceed  $60 \times A$ ;
- When working out the income of a couple, it makes no difference how they are married; and
- If a person can prove that they were deserted by their spouse for a continuous period of at least three months and that they get no money from them, then they can be treated as **unmarried**. As a result, their spouse's assets and income must not be taken into account.



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ii The current amounts  
As of 1 April 2004, the relevant amounts are:

#### Single people

- The person's income (after deductions) cannot be more than R18 024 per year;
- Their total assets (excluding the value of their house, if they live in it) must not be more than R266 400.

#### Married people

- The person's income **plus** that of their spouse (after deductions) cannot be more than R33 384 per year;
- Their total assets **together** with their spouse's assets (excluding the value of the house that they live in) must not be more than R532 800.



Please note that these amounts may change each year.

#### c The means test for foster child grants – Reg. 14

Regulation 14 says that:

- The income of **the foster child** must not be more than twice the annual amount of the foster child grant. For example, if the grant is R530 per month (or R12 720 per year) then the child's income should not be more than R12 720 per year; and
- **The income of the foster parents must not be taken into account.**

Please note that these amounts may change each year.

#### d The means test for care dependency grants – Reg. 5(1)

Regulation 5(1) says that:

- The combined annual income of the applicant and their spouse (after deductions) must not be more than R48 000;
- The annual income of the care dependent child must not be more than twice the annual amount of the care dependency grant. That is, currently, it must not be more than R17 760; and
- The income of the foster parents of a care dependent child **must not** be taken into account (Reg. 5(2)).

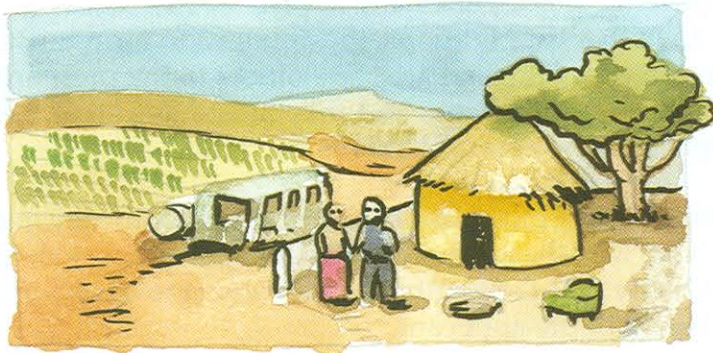
Please note that these amounts may change each year.



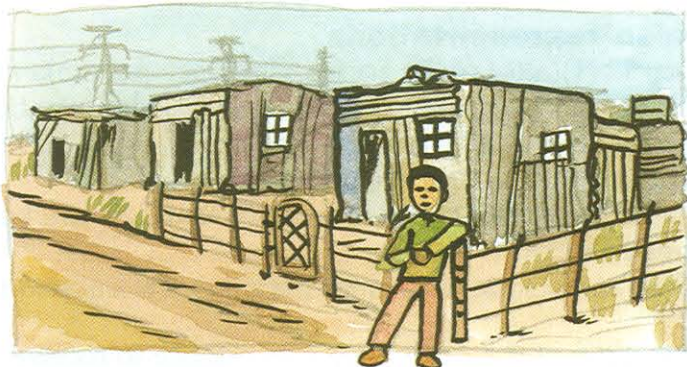
**e The means test for child support grants – Reg. 16**  
Regulation 16 sets out different amounts depending on where the primary caregiver and child live. It says that an applicant will qualify if both the primary caregiver and the child:

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- Live in a **rural** area (in either a formal or informal dwelling) and the personal income of the caregiver and their spouse is less than R13 200 per year;



- Live in an **informal** dwelling in an **urban** area and the personal income of the caregiver and their spouse is less than R13 200 per year; or



- Live in an **urban** area in a **formal** dwelling (a brick, concrete or asbestos house) and the personal income of the caregiver and their spouse is less than R9 600 per annum.

Please note that these amounts may change each year.



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**A grant for someone else?**  
A procurator can only receive grants for a maximum of five other people – Reg. 8(4)(a).

#### 7 Can a person apply for a grant for someone else?

In terms of Regulation 8(4)(a) and (b) (2001), it is possible for someone else to apply for a grant if the applicant is unable to apply personally. However, this person will need to explain and prove why the applicant cannot personally apply.

As with all applications, the application form must be completed by the first attesting officer in the presence of the person applying, and they must have all of the applicant's necessary documents.

If the attesting officer approves the application, they must:

- Note why the applicant could not apply in person; and
- Certify that they authorise the person to apply on behalf of the applicant.

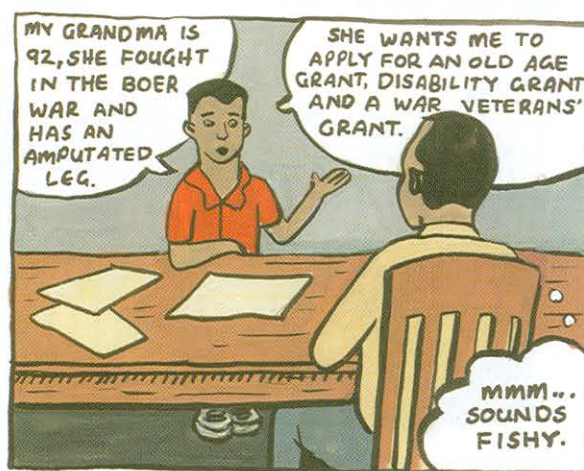
The grant can then either be paid into the applicant's bank account, or a person can be authorised to collect it on their behalf. This person is known as a **procurator**.

#### 8 False representations

Section 12 (1)(a)(b) of the Social Assistance Act makes it an offence for an applicant to provide false information or say something which is not true to:

- **Get** a grant that they are not entitled to;
- **Continue getting social assistance** that they are not entitled to; or
- **To get more** social assistance than they are entitled to.

Section 12(2) of the Act makes it an offence to receive social assistance knowing that you are not entitled to it.





## Section B – **Verification** (called ‘assessment’ in some provinces)



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#### 1 **Introduction**

The second stage in the grant administration process is to verify (check) that:

- The application form has been properly filled in by the first attesting officer;
- All of the information provided is correct;
- The first attesting officer has not made any mistakes during the application process;
- No fraud has been committed; and
- The applicant satisfies the relevant means test (See Reg. 1 - Definitions).

This step is done immediately after you receive the application from the first attesting officer and **before** the applicant leaves.

#### 2 **Who is Responsible?**

The second attesting officer is responsible for this.

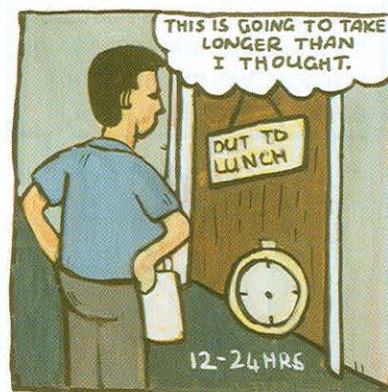
#### 3 **How long should this take?**

Verifying that the application has been completed properly, that all of the necessary documents are attached and that the applicant satisfies the means test will take 30 minutes. Where possible, the second attesting officer should check the application with other government systems, which could take 12 – 24 hours.

#### Outcomes: Section B – Verification

By the end of this section, you will be able to:

- Explain who is responsible for this step and how long it should take;
- Provide an overview of and follow the verification process; and
- Explain what to do with difficult cases.





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#### 4 Overview of the verification process

1. The **second attesting officer** verifies the application form before the applicant leaves the office (Reg. 8(2)(c)).



2. **Perform the means test again** to make sure that the applicant is entitled to the grant. If your department has access to the databases of other government departments, the application is cross-checked with these departments.



3. **Check whether the case is difficult or complicated** – if it is, refer it to the Compliance Section for review before entering it into the register.



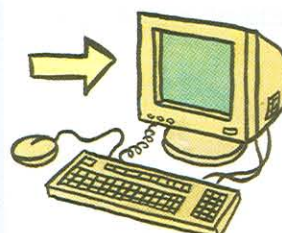
4. **Check whether the applicant is already receiving a grant** and cross check (if possible) with other government departments and outside organisations (such as banks or building societies).

In some provinces, this information is entered into SOCPEN at this point – Function 1050.

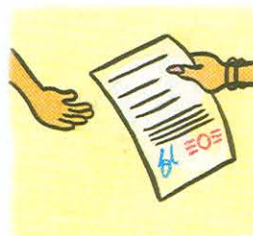
In some provinces, the application is also sent to the Registry for the Registry Clerk to see whether a file already exists for the person. If it does, the new application is placed into this file. If not, a new file is opened.

5. **Enter the following information into a paper register or a computer register:**

- The person's identity details;
- The date of the application;
- The type of grant they are applying for;
- The status of the application; and
- The province in which application was made (Reg. 8(5)).



6. **Give the applicant a dated and stamped receipt** with the following information on it:
  - Their name;
  - The name of the attesting officer; and
  - The date of application (Reg. 8(3)(b)).



7. **Send the application for a decision** (as discussed in Section C).

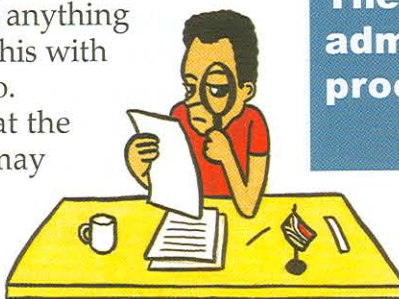




## 5 The process in detail

Most of this part of the process is done while the applicant is still present so that, if anything is missing or unclear, you can check this with the person or advise them what to do.

Because you will be checking what the first attesting officer has done, you may have to do anything that they have not done. As a result, some of the steps here are the same as during the application part of the process.



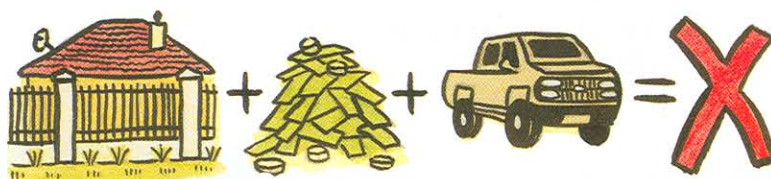
## Chapter 3 The grant administration process

**Step 1:** Verify that all documents and information are available, true and correct. If not, do **not** refuse the application. Instead, first consider your own provincial procedures and Regulation 9(6) (2001), which allows you to accept affidavits for some missing documents (except ID documents or birth certificates).

If the documents can be obtained by the applicant somewhere else, or if affidavits are not allowed for these, tell the applicant:

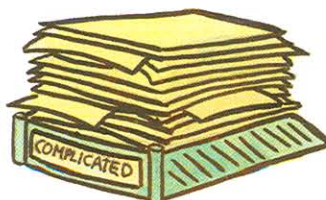
- What documents or information is needed;
- Where they can get this from; and
- By when they should return with these documents (the **deadline**).

**Step 2:** Perform the relevant means test (as set out in detail Section A above) and check other government departments' databases (if you can).



**Step 3:** If the application is complicated or difficult, refer it to the Compliance Section for review before registering it. This includes cases:

- Where it seems that the applicant may be receiving more than one benefit;
- Which could involve fraud; and
- Where the applicant is a foreign national but is not a permanent resident.



If the applicant has still not produced the document by the deadline and it is not possible to give them a further extension, then you should refuse the application and notify the person of your decision and the reasons for it.

In such a case, you can decide to reject the application without having to consider the qualifying conditions of the grant. It is only when you have all of the relevant documents and the application is correct and complete that you need to check the qualifying conditions.

### Cross reference

The decision making process is described in more detail in the next section (Section C).



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### The grant administration process

Most banks are reluctant to give information about their client's accounts. As a result, you will usually have to rely on the bank statement the applicant gives you to show how much they earn or have in the bank.

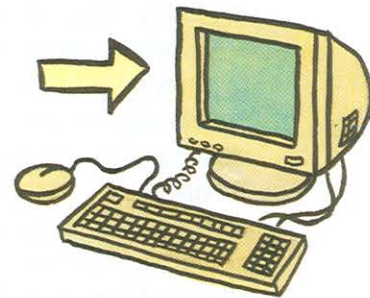


*Step 4:* If the claim is not complicated or difficult:

- Check whether the applicant has applied for (or is receiving) another grant. If an application was rejected, check why it was;
- If possible, cross check with other departments to see if the applicant is receiving any benefits from them; and
- If you have technology which allows it, do an automatic or electronic cross check with other organisations before finalising the means test.



*Step 5:* If all of the required documents and information are available and the applicant satisfies the means test, record the full application details in SOCPEN (Function 1050) or in your register.



*Step 6:* Give the applicant a dated and stamped receipt with all of the following information on it:

- The name of the applicant;
- The name of the attesting officer; and
- The date of application (Reg. 8(3)(b)).



*Step 7:* Send the application for a decision.





## Section C – The approval or decision phase



### Chapter 3

### The grant administration process

#### 1 Introduction

Once the application has been verified, a decision must be taken whether to approve or reject the application – or to grant it in a different form (for example, awarding a temporary disability grant when the applicant applied for a disability grant) or for a lesser amount. In this phase, the question is really whether or not the person meets the **conditions or requirements** of the grant and whether or not they satisfy the means test.

Because the conditions and the means test for each grant differ, you need to check the particular conditions and the means test for the grant the person has applied for when deciding.

#### 2 Who is responsible?

The Social Assistance Act says the Director-General (DG) is responsible for deciding. However, because the DG cannot be expected to decide all of the applications received each month, the Act allows the DG to delegate (give) this responsibility and power to other people.

This delegation must be **in writing**. Therefore, the person responsible for this phase must be someone who has been **delegated in writing** to do so by the DG.

#### Outcomes: Section C – Approval

By the end of this section, you will be able to:

- Explain who is responsible for this step and how long it should take;
- Provide an overview of the approval process;
- Take decisions in compliance with the Social Assistance Act and Promotion of Administrative Justice Act;
- Issue the notices required by the Social Assistance Act and the Promotion of Administrative Justice Act;
- Describe the steps in the decision making process;
- Explain the difference between mandatory and discretionary provisions; and
- Explain why record management is important.



**Responsible person:** If you are performing this task but do not have a written delegation to do so from the DG, you need to immediately get one. Any decisions you take without this written delegation will be unlawful and could be challenged and set aside.

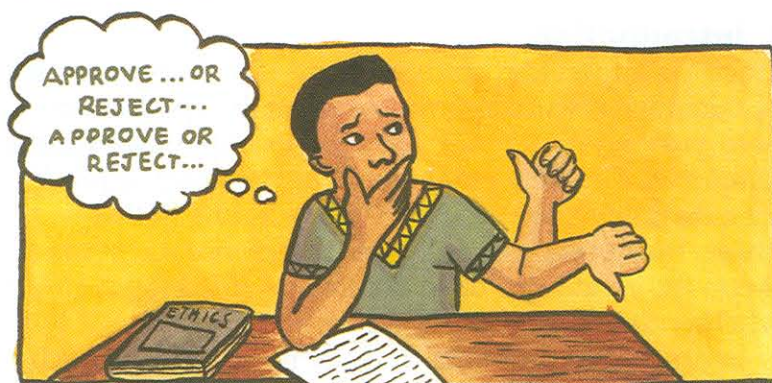


## Chapter 3

### The grant administration process

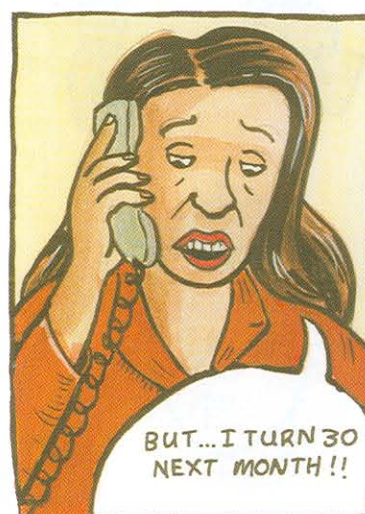
#### 3 Overview

Once the application has been verified, a decision is made to either:



- Approve the application; or
- To grant it in a different form; or
- To grant the application for less than what they applied for; or
- To grant it with conditions; or

To reject the application.



- If it is approved, you must:



Notify the person that it has been approved, where and when they will receive payment, and how much they will receive; and



Send the application for payment; and



Send the application to the Registry.



If it is rejected (or if a temporary grant is given or you decide to give them less than what they asked for), you must:

- Notify the applicant;
- Provide written reasons for your decision; and
- Tell them how to appeal if they want to and that they have the right to take the matter on review.



**Notification:** The person who takes the decision must sign all letters to the applicant and is responsible for providing reasons.

## Chapter 3

### The grant administration process



## Chapter 3

### The grant administration process

#### 4 What should you decide?

This will depend on the facts of each case. For example:

# REJECT

- While checking the application, you realise that the applicant hasn't supplied an important supporting document. Although they were asked to do so within a reasonable time, they did not.



- Your decision will be to reject the application because all of the formalities have not been met. (Here, you do not need to think about the qualifying conditions or the means test at all).
- The applicant has complied with all of the formalities, but they don't meet the qualifying conditions for the grant. For example, they may earn too much money or they may not be disabled or old enough to receive the grant they have applied for.



- Your decision will be to reject the application, to provide the applicant with written reasons and to explain their right to internal appeal and judicial review.



# APPROVE

## Chapter 3

### The grant administration process

- The applicant has complied with all of the formalities. Although they don't meet the qualifying conditions for the grant, they qualify for a slightly different grant or to receive a lesser amount. For example, they might earn just a little too much money, or they may not be disabled enough for a disability grant but they would qualify for a temporary disability grant.



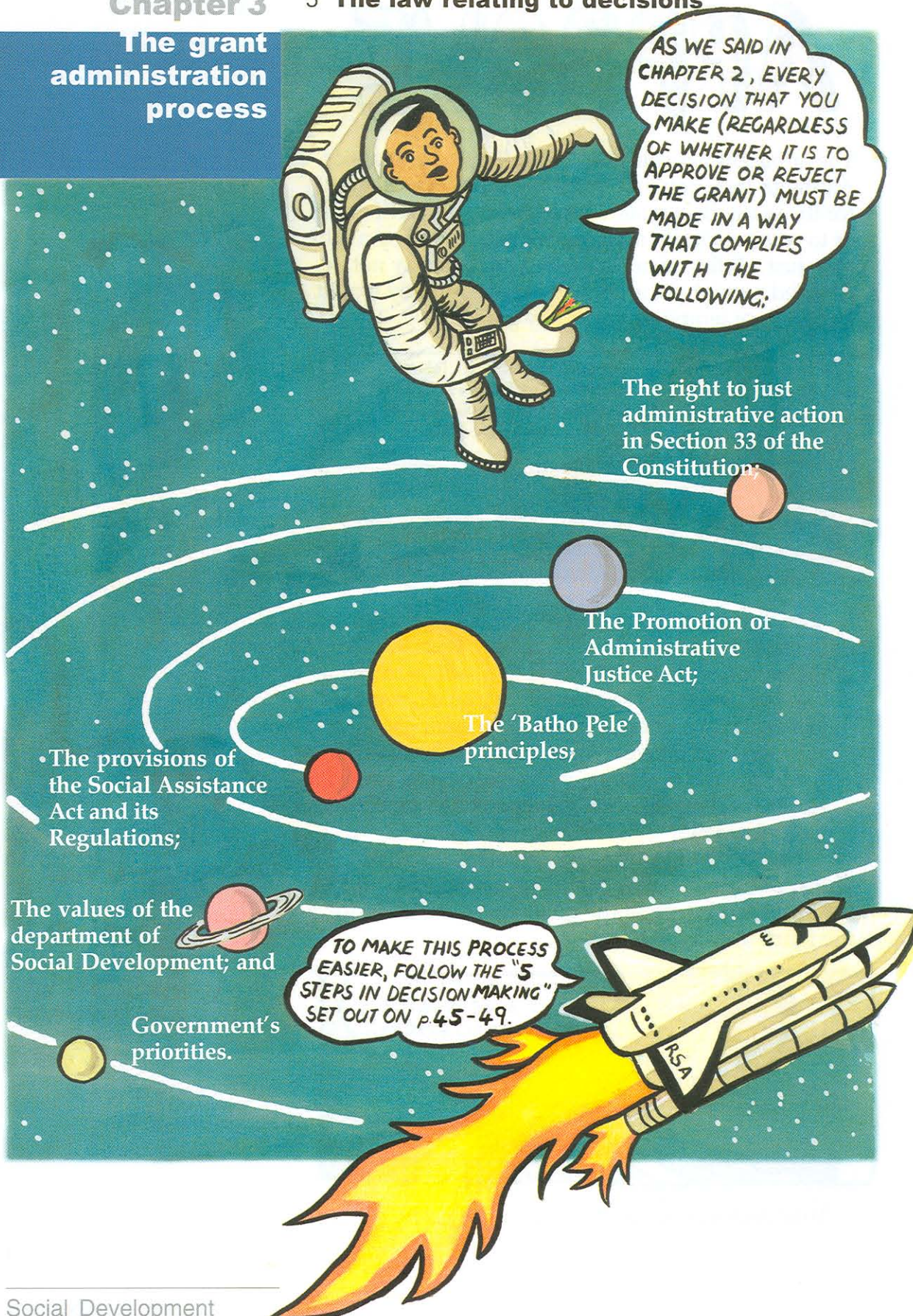
- Your decision will be to approve the application in a different form or for a lesser amount. Even though the person receives something, they will be receiving less than what they applied for. As a result, you need to send them a letter saying that the grant has been approved in a different form or for a lesser amount. **And** you need to provide the applicant with written reasons and explain their right to internal appeal and judicial review.
- The application form is complete and verified and the applicant meets all the qualifying conditions for the grant they applied for.



- Your decision will be to approve the grant.



**The grant  
administration  
process**





## 6 The five steps in decision making

### Step 1: Check the empowering provision.



Your empowering provision is that part of the Social Assistance Act and its Regulations that allows **you** to make decisions about grants. If the law gives the power to make the decision to someone else (for example, the DG), you need to check that this power has properly been delegated to you in writing. If it has not, then you **cannot** make the decision.

### Step 2: Check the procedures.



The Social Assistance Act says what procedures the applicant must follow. For example, in the case of disability grants, one of the procedures is that the applicant must have been for a medical examination. If all of the procedures for a grant have not been followed, you should notify the applicant and advise them what else they need to do.

### Step 3: Check the qualifying conditions.

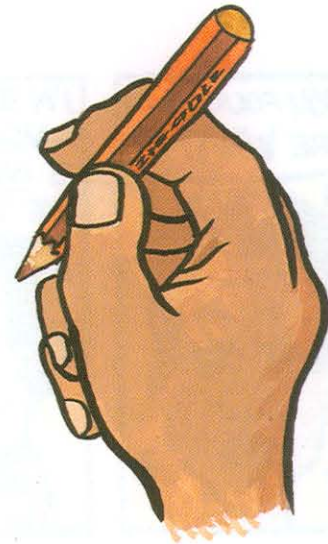


These are the requirements that an applicant must meet to qualify for the grant (including the means test). When checking whether a person qualifies, you should also check to see whether or not:

- You can make a lesser award if the person earns or owns too much (and how much they will be entitled to); or
- You can award a different grant if the applicant does not satisfy all of the conditions of the grant they have applied for but does satisfy the conditions of another grant offered by the Department.

## Chapter 3

### The grant administration process





## Chapter 3

### The grant administration process

Examples:

- A person applies for a war veteran's grant. From their application it is clear that the person did not serve in one of the wars covered by this grant. However, it is also clear that they are old enough to qualify for an old age pension and that they satisfy the means test. In such a case, you should award them the old age pension. You will of course also need to write to them and properly explain the reasons for your decision.



- A person applies for a disability grant. From their application, it is clear they are not disabled, but they are old enough to qualify for an old age pension and they satisfy the means test. Again, you should award them the old age pension and write to them, clearly explaining your decision.

However:

- If a person applies for an old age pension, you cannot decide to award them a disability grant. Since they will not have been for a medical examination when applying for the old age grant, you will not have enough information available to decide whether or not they qualify for the disability grant. Instead, you must reject their application.
- If a person applies for a care dependency grant, you cannot give them a child support grant because the child will not have been for a medical examination (which is required for care dependency grants).



#### Step 4: Make the decision.



What you decide will be governed by the empowering provisions related to the grant. In most cases, your empowering provisions will be **mandatory** (although there are at least two **discretionary** provisions in the Social Assistance Act and its Regulations).



- **Mandatory** provisions are those where you do not have a choice. If the applicant satisfies the conditions, you **must** award them the grant.



- **Discretionary** provisions allow you some choice when deciding what to do. However, you cannot just decide to do whatever you like. Instead, the Act says what choices you are allowed to make. When you have a discretion, your letter to the applicant must explain what options were available to you, what you chose, and why.

Although SOCPEN only allows a limited list of reasons at the moment, this is being addressed at national level. In the meantime, you should write a separate letter whenever you exercise a discretion.

## Chapter 3

### The grant administration process



#### Discretionary provisions:

- Although you must be guided by the report of a doctor in an application for a disability grant, you are not bound to follow this. Instead, it is left to you, taking all of the information available to you into account, to decide whether to award a permanent or temporary grant (Reg. 2).
- Regulation 23(2) allows the person reviewing a grant to increase, decrease or suspended a grant (depending on the circumstances).



## Chapter 3

### The grant administration process

#### An extra step?

The Promotion of Administrative Justice Act seems to require another step before deciding to reject an application. This Act says that, before taking a decision that goes against someone, an administrator must give them a chance to say why they should not make that decision. As a result, the Act requires administrators to send a **first notice** to an applicant if it seems the decision will go against them. This notice should:

- Explain what the decision might be;
- Explain why the administrator will take this decision; and
- Give the applicant an opportunity to say why the decision would be wrong if it was taken.

However, the Act recognises that this step could create a major burden for some departments. Where this is the case, the department can skip this step as long as the procedure that they follow is fair and reasonable. Although the courts have not yet been asked to say whether the process followed by your Department is fair and reasonable, it would seem that they would. As a result, until you are told otherwise, you do not need to follow this step.

**But** – decisions to withdraw or suspend a grant **will** need to include this step. In other words, **before deciding to withdraw or suspend a grant**, you **must** send the beneficiary a notice saying:

- That you are considering withdrawing or suspending their grant;
- Why you intend doing this; and
- By when the person must reply if they disagree with the decision you are planning to take.

Although SOCPEN automatically suspends or withdraws grants without sending this first notice at the moment, this seems to go against the Promotion of Administrative Justice Act and is being addressed.





### Step 5: Notification



Once you have taken your decision, you need to tell the applicant what you decided.

If you approve the application, notify the applicant:

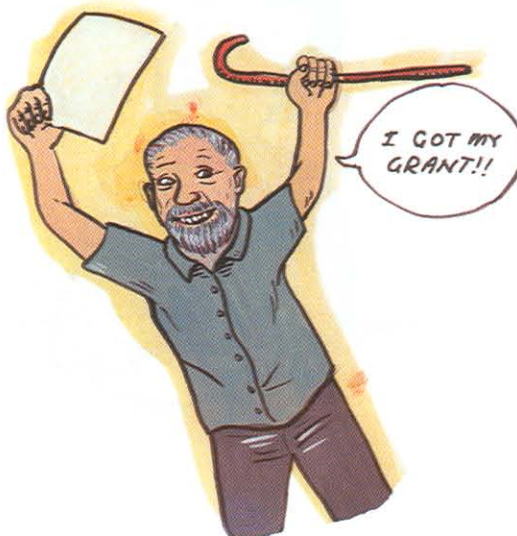
- That you have approved the application;
- How much money they will receive;
- When they will receive it;
- Where they will receive it; and
- How long the grant will last for.

If you reject the application (or award less than what the person applied for or a different grant), send a notice to the applicant with:

- **A clear statement of the decision**, setting out clearly:
  - What decision was taken;
  - Who took the decision;
  - When the decision was taken;
  - Where the decision was taken (by saying which department you work for); and
  - Why the decision was taken.
- **Adequate notice of the right to internal appeal.** This should say:
  - To whom the appeal should be made (the Minister);
  - When the appeal should be made (within 90 days of receiving the notice);
  - Where the appeal should be made;
  - How to make the appeal; and
  - What form the appeal should be in (in writing or by using special form).
- **Adequate reasons for your decision:**

This means that you must provide a **satisfactory explanation** of why you took this decision. It is not enough to just repeat the relevant sections of the Social Assistance Act in your reply. Instead, your reasons must have enough detail to explain why you decided in the way that you did.

The reasons should be written in a language that the requester can understand. For example, do not use technical terms unless you know the person will understand these and do not quote huge sections of your enabling statute or empowering provision.



## Chapter 3

### The grant administration process

#### Should the notice letter be mailed or hand delivered?

Ideally, all notices should be sent by mail. In some cases this can be difficult though, especially where the person does not have a postal address. In such cases, the second attesting officer should advise the applicant when they expect the decision to be taken and should ask the applicant to come and collect it personally or to send someone to collect it on their behalf if they are old or disabled.

**Remember:** The person who takes the decision must sign any letter to the applicant and is responsible for providing reasons.





## Chapter 3

### The grant administration process

#### 7 A checklist for a lawful, reasonable and procedurally fair decision

To make sure that your decisions are lawful, reasonable and procedurally fair, complete this checklist:

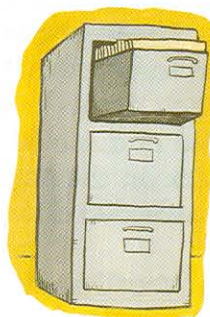
	yes	no
Have I acted according to the empowering provision?		
Did I follow all the necessary procedures?		
Have I acted reasonably? Would most other people have reached the same decision?		
Have I looked at all the relevant things in the application?		
Did I ignore all the irrelevant things in the application?		
Am I biased or could anyone think that I am? Biased means making a decision against someone because you don't like them.		
Am I making the decision for an ulterior motive? For example, am I deliberately trying to harm this person or will I get something out of it if I decide against them?		
Did anyone influence me to make this decision?		
Have I acted in bad faith?		
Did I make the decision without considering all of the facts and the law?		
If I had a discretion, did I exercise it properly?		



## 8 Record management

All applications, successful and unsuccessful, must now be sent to the Registry to be filed. Records and copies of applications that were rejected might be needed later if your decision is challenged or if they are requested in terms of the Promotion of Access to Information Act.

In future, all applications will be scanned and kept on the Central Customer Records system which will be shared by all the provinces.



## Chapter 3

### The grant administration process

## Section D – Payment and reconciliation

### 1 Introduction

Once a grant is approved (or approved in a different form or for a different amount), it needs to be paid. In this section, we look at the different methods of payment and discuss what to do if the beneficiary is unable to collect the grant themselves.

### 2 Payment methods

The Regulations say that grants (other than the social relief of distress) must be paid out monthly. However, they leave the decision about **how** these will be paid to the DG and allow these to be changed from time to time. At the moment, the most common methods of payment are:

- At pension payout points;
- By an administrator;
- Directly into the beneficiary's bank or building society account; and
- In some provinces the post office is another payment method

#### Outcomes: Section D – Payment and reconciliation

By the end of this section, you will be able to:

- List the various payment methods allowed by the law;
- Discuss what reconciliation is and who is responsible for it; and
- Explain what happens when a beneficiary is unable to collect their grant.





## Chapter 3

### The grant administration process

**Beneficiaries** are those people receiving a grant or benefit.



**Remember:**  
Procurators must not be allowed to collect grants for more than five beneficiaries.

### 3 What if a beneficiary is unable to collect their grant?

In some cases, beneficiaries may not be able to collect their grants in person. For example, they may be too old or disabled to reach the paypoint, or they may be sick on the day payment is made. The Regulations cover two different possibilities:

a Your Department initiates the payment to another person  
When a beneficiary cannot personally collect their grant, you can ask them whether there is someone who can collect it for them. If there is, they can authorise this person to collect the grant for them for a maximum of three months. This authorisation must be in writing and signed in the presence of two witnesses. This therefore only applies when the beneficiary cannot collect the grant for a short time (Reg. 17(3)).

b The beneficiary asks for the payment to be made to another person

Where a beneficiary will not be able to collect their grant for a period of more than three months, they can apply for the grant to be paid to someone else. If this is accepted, this person (called a procurator) can then collect the money on their behalf (Reg. 17(4)(5)).

### 4 Reconciliation

This is the process where the amounts paid out to beneficiaries are measured against the amounts received, signatures or thumbprints on receipts, withdrawals from banks and so on. The methods of reconciliation differ greatly and since this part of the process is the responsibility of the HOD, it is not dealt with in this manual.



## 1 Introduction

All grants are reviewed from time to time to see if there are any changes to the circumstances of the beneficiaries and whether they still qualify for the grant. For example, their income may have increased, their disability may have healed or they may not live in South Africa anymore.

Reviews are meant to ensure that overpayments and payments to people who do not qualify are avoided. A review is a necessary tool to make sure that grants reach people in need of them and do not go to people who can take care of their own costs of living (or who may have died).

## 2 Purpose of reviews

Reviews are conducted to make sure that the beneficiary is still entitled to the grant. They are done to check that the circumstances of the beneficiary have not changed since they applied for the grant or were last reviewed, and (in some cases) that they are still alive (Reg. 1 (2001)).

Anyone who receives a grant **must** tell your Department of any changes in their medical or financial circumstances or those of a child or foster child without delay (Reg. 23(1)).

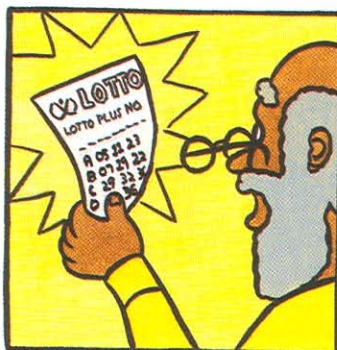
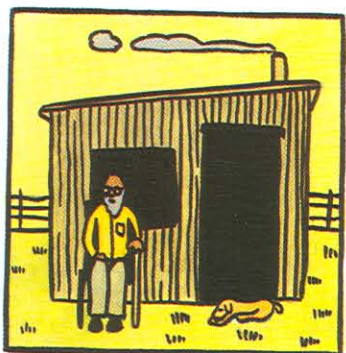
They must also co-operate with your Department and supply you with any information or documents that you need (Reg. 23(4)).

## 3 Guidelines for reviewing grants

The following guidelines apply to all reviews:

- Reviews must be conducted in a humane way;
- Beneficiaries must be treated with respect, dignity, courtesy and with consideration for their circumstances; and
- Reviews must be dealt with in a way that is:
  - Lawful;
  - Reasonable; and
  - Procedurally fair.

To make sure the procedure is lawful reasonable and procedurally fair, follow the 'five steps in decision making' in Chapter 3.



## Chapter 4

### Guidelines for the review of grants

#### Outcomes: Chapter 4 – Review of Grants

By the end of this Chapter, you will be able to:

- Explain the purpose of reviews;
- List the guidelines for reviewing grants;
- Explain who will review the grants; and
- Describe and apply the review procedures, including:
  - When must grants be reviewed; and
  - How to conduct the review.



## Chapter 4

### Guidelines for the review of grants



#### Expiry of temporary grants:

Where a grant is about to expire, the beneficiary must be told at least three months before the date on which their grant will end. This is usually done:

- In their letter of approval for the grant;
- Through a formal letter sent to them no later than three months before the date on which it will end;
- On their monthly pay slips (where applicable); or
- They can be told by a member of the Department.

## 4 Who reviews grants?

(Step 1 – consider the empowering provision)

In terms of Regulations 23(1) and (2), the DG is responsible for reviewing grants. This responsibility is usually delegated to the Administration Clerk.

## 5 Review procedures

(Step 2 – check the procedures)



### a When must grants be reviewed?

This depends on what type of grant it is.

#### i. Administrative reviews

Administrative reviews are done for all beneficiaries. Generally, they take place whenever the Department notices a change in the general, financial or medical circumstances of the beneficiary.

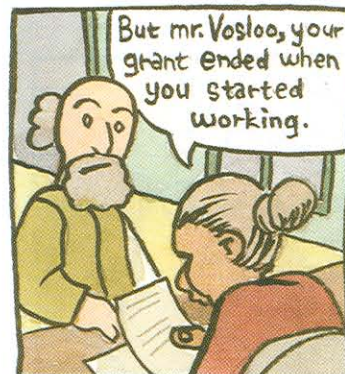
Where there is documentary evidence that the beneficiary's financial circumstances may change, reviews should take place **every year** (Reg. 23(2)(a)(i)).

#### ii. Temporary disability

Because temporary disability grants are only paid for 6-12 months, reviews aren't normally required. However, a review can take place if there is evidence that there have been changes in the beneficiary's circumstances. For example, if the beneficiary is better and has gone back to work before the period of the grant is over or if they suddenly inherit a lot of money.

In most cases though, the grant ends once the period that it was given for expires.

If the beneficiary wants to extend their temporary disability grant, they must re-apply for it. This is then treated as a new application. While waiting to hear the decision on their new application, the applicant can be assisted with social relief (as discussed in Chapter 13).





### iii. Medical reviews

Medical reviews are necessary when there is documentary evidence that the medical circumstances of a disabled person may change (Reg. 23(2)(a)(ii)). For example, the medical report may show that the disability will heal over a period of three years.



Medical reviews are done according to Reg. 23(8)(a) and are discussed in more detail in Chapter 7. In each case, an entirely new medical assessment is required.

Medical reviews are not usually required if the medical condition has been classified as 'permanent'. However, Regulation 23(8)(a) does allow the DG to request the beneficiary to have a medical examination five years from the date of the application.

### iv. Foster child grant

Foster child grants are reviewed on the date that the court order or the extension order expires (Regulation 23(2)(a)(i)). This is explained in more detail in Chapter 10.

### v. Child support grants

There are no special conditions for child support grants.

**Life certificates:** Even where there is nothing to suggest that changes in a beneficiary's financial or medical circumstances may take place, **all** beneficiaries are still required to submit proof each year that they are still alive. This is known as a 'life certificate'. A life certificate means a certificate or an affidavit:

- Signed and produced by the beneficiary;
- Signed by the beneficiary and signed and produced by their procurator (see Reg. 17(4)); or
- A biometric identification (a fingerprint) produced by the beneficiary or their procurator.

Life certificates are not required from people who collect their grants themselves by using a fingerprint. This is because their fingerprint proves they are still alive every time they receive their grant.



## Chapter 4

### Guidelines for the review of grants



**Administrative review for disability grants:** People receiving disability grants can be given administrative reviews (as discussed above). For example, even though they may have a permanent disability, they might find a job and begin earning more than the means test allows. In such cases, an administrative review will take place whenever their circumstances change and not only every five years.



## Chapter 4

### Guidelines for the review of grants

#### b How to conduct the review

##### i. Notify the beneficiary and look into the circumstances

When a review needs to take place, you must write a letter to the beneficiary at least three months before the date of the review. This letter must say where and when the review will take place and what may happen as a result of it.

The beneficiary must then come before an attesting officer at your offices or, if they are bed ridden and cannot get to the review, someone from your Department must go to their homes. This attesting officer will verify that they still meet the conditions of the grant (including the means test).

When the process is over the beneficiary must be given a receipt of compliance. Although this receipt only seems to show that a review process is going on, the beneficiary **must** be given something to show that they attended the review and what the results were. It is also suggested that you give them a separate letter to prove this.

##### ii. Check the qualifying conditions (step 3)

Once the person has been for a review, you need to check the qualifying conditions for the grant to see whether or not they still qualify. There are four options available to you:

*Option 1:* If the result is that the person still qualifies, nothing will change (unless the beneficiary has applied for an increase). The approved grant must therefore continue to be paid.

*Option 2:* If the beneficiary qualifies for an increase, it must be given to them.

*Option 3:* You can decide to reduce or suspend a grant where the circumstances have changed.

*Option 4:* If the beneficiary fails to cooperate or to supply any information or documents they have been asked for, you **may** suspend the payment of the grant (Reg. 23(4)).



iii. *Decision and notification (Steps 4 and 5)*

Have a look at Chapter 3 again for the general rules on how to make a decision and how to notify the person of your decision. Using the four options above, your decision and notification will be as follows:

*Option 1:* Since the person qualifies for the same as what they were already receiving, your decision will be to continue to pay out the grant. Here, you need only send the person a notice saying what the result of the review was and that the grant will continue to be paid out.

*Option 2:* Here, your decision will be to increase the grant. You must notify the person:

- That it has been increased;
- What the new amount will be;
- Where they will receive it; and
- For how long they will receive it.

*Option 3:* If your decision is to decrease or suspend the grant (or if you refuse an application for an increase), this will be covered by the Social Assistance Act **and** the Promotion of Administrative Justice Act. You must therefore go through all of the steps in Chapter 3, including:

- Sending them a **first** notice (**before** you make your decision) saying what you plan to decide and giving them enough time to say why their grant should not be reduced or suspended;
- Waiting for them to respond;
- Making a decision based on **all** of the information you have (including what the person says); and
- Sending a **second** notice saying:
  - What you decided **at least three months before the decrease or suspension comes into effect**;
  - The reasons for your decision;
  - That they can apply for restoration of the grant within 90 days of the suspension or decrease (Reg. 23(2)(6)).

## Chapter 4

### Guidelines for the review of grants



**Notification:** If you are using SOCPEN, you must send the first notice **before** entering the information on your system. This is because SOCPEN will immediately reduce or suspend the grant as soon as the information is captured. You should, therefore, only capture the information **after** a response to the first notice has been received and considered (or after the deadline for the reply has passed without a reply being received).



## Chapter 4

### Guidelines for the review of grants

*Option 4:* If the beneficiary failed to cooperate or failed to supply you with the information or documents you requested, you **may** decide to suspend the grant (Reg. 23(4)). If you do, your decision will be covered by the Social Assistance Act **and** the Promotion of Administrative Justice Act. You must therefore go through all of the steps in Chapter 3 **before** you suspend it. That is, you **must** send them a notice saying:

- What you decided **at least three months before the suspension comes into effect;**
- The reasons for your decision;
- That they can apply for restoration of the grant within 90 days of the suspension (Reg. 23(2)(6)); and
- That they can appeal to the Minister.

### 6 Applications for restoration

A person whose grant has been decreased or suspended is allowed to apply (within 90 days from the date it was suspended or decreased) for the grant to be restored (Reg. 23(6)). If this application is refused, this is again an administrative action and you need to follow the rules in the Promotion of Administrative Justice Act. You must send them a notice that the application has been refused, written reasons for your decision, and you must tell the person that they can take the decision on appeal to the Minister or on review.



## Part 2 – **Specific grants**

**CHAPTER 5** Social grants for aged persons — 61

**CHAPTER 6** Social grants for disabled persons — 71

**CHAPTER 7** Social grants for war veterans — 85

**CHAPTER 8** Grant-in-Aid — 95

**CHAPTER 9** Foster child grant — 103

**CHAPTER 10** Child support grants — 115

**CHAPTER 11** Care dependency grant — 127

**CHAPTER 12** Social relief of distress — 139



This chapter contains the following sections:

- SECTION A – Introduction
- SECTION B – Application procedure
- SECTION C – Empowering provisions
- SECTION D – Procedures
- SECTION E – Qualifying conditions
- SECTION F – Decision and notification
- SECTION G – Lapsing and suspension of an old age grant

## Chapter 5

### Social grants for aged persons (Old age grants)

#### SECTION A – Introduction

The old age grant is one of three **social grants** provided by the Department. It is a monthly payment to women of 60 and older and to men of 65 and older who do not have enough money to support themselves, and who meet the requirements of the grant.

**Cross reference:** The grant administration process dealt with in Part 1 of this manual applies to all grants, including old age grants.



#### SECTION B – Application procedure

The first step in the grant administration process is the application, where the first attesting officer completes the application form in the presence of the applicant.



#### The screening process:

The screening process is dealt with in detail on pages 22-23 of Part 1 of this manual.

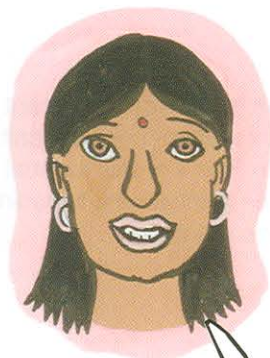
#### Screening process

Before beginning the formal application procedure, a screening process is conducted to check whether or not the applicant meets the qualifying conditions for the grant, has all of the necessary documents and satisfies the means test.



## Chapter 5

### Social grants for aged persons (Old age grants)



#### Remember!

Even if it seems that the applicant does not meet the qualifying conditions or earns or owns too much to satisfy the means test, they still have the right to apply for the grant. As a result, you may only **advise** them that they should not continue with the application – if they want to continue, you **must** allow them to.

If you refuse to allow an applicant to apply for a grant, you are making a decision that goes against them and the Promotion of Administrative Justice Act will apply. They will be entitled to written reasons for your refusal, to make an internal appeal or to take the matter on judicial review.

During the screening process:

- Check whether the applicant meets the qualifying conditions;
- Make sure that all of the necessary documents are available;
- Assist the applicant to complete affidavits for missing documents if these are acceptable (see your Departmental procedures and Reg. 9(6));
- Advise the applicant where to go if the documents can be obtained somewhere else or where an affidavit will not satisfy the requirements for the grant;
- Check to see that the applicant satisfies the necessary means test; and
- Advise the applicant whether or not to proceed with the application (based on whether the applicant will satisfy the qualifying conditions and the means test).

#### Checklist!

Many provincial departments have developed checklists to help during this process and to make it easier for the first attesting officer to check that all of the necessary documents are available. An example of a checklist that you could use for old age grants appears on the following page.

### SECTION C – Empowering provisions (step 1)

Once you have received a verified application for the grant, you must decide whether to approve or reject it. To make sure your decision is lawful, reasonable and procedurally fair, you should check your empowering provisions. For old age grants, these are Sections 2 (a) and 3 of the SAA, and Regulation 2.

The empowering provisions will tell you:

- Whether **you** are allowed to make the decision; and
- What conditions must be satisfied before the grant can be awarded.





## Checklist: **Social grants for aged persons**

Checklist for documents required and order in which documents must be placed on file

Note that alternative documents may be accepted for all of the following, **except for the ID documents** of applicants, spouses and children.

## Chapter 5

### **Social grants for aged persons** (Old age grants)

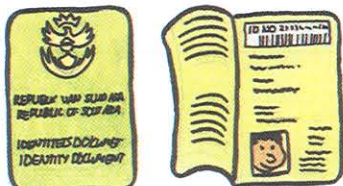
	Document	Applicant	Spouse
1	Prescribed application form		
2	Bar coded identity document (of applicant and spouse)		
3	Marital status (marriage certificate / divorce paper / death certificate)		
4	Proof of residential address		
5	Complete work history of applicant and spouse (prescribed form completed by last and current employer)		
6	Valuation of property and bond outstanding		
7	Proof of investments and other assets		
8	Proof of private pension or annuity		
9	Bank statements for all accounts for last three months		
10	Proof of present earnings		
11	Proof of how the applicant and spouse actually support themselves at present		
12	Proof of liquidation and distribution account		



## Chapter 5

### Social grants for aged persons (Old age grants)

- In terms of Regulation 9, an identity document means a 13 digit, bar coded ID document.



- For **permanent residents**, they should also provide you with their permanent resident's permit or an exemption certificate. This is because the ID document only proves their identity and not that they are permanent residents.



The DG can agree to accept alternative proof of any of the documents required, except the identity document mentioned. For example, this could be a statement made by the applicant under oath (an affidavit) as to why the original or a certified copy cannot be produced (Reg. 9(6)).

If the applicant satisfies the qualifying conditions and has all of the necessary documents, you may begin the application process as follows:

- 1 Use the relevant application form (Reg. 8(1)).



- 2 Complete the application form in the presence of the applicant (and with their assistance) in the area where they live.



- 3 Certify the application form and get the applicant to sign it and provide a full set of fingerprints (Reg. 8(1)(2)(a)(b)).



- 4 In terms of Regulation 10(1), the date on which an application is signed is regarded as the date on which the application is made.



- 5 The application form must be accompanied by all the necessary documents or certified copies of them (Reg. 9). These are:



- a. The applicant's South African identity document and, if they are married, their spouse's identity document (Reg. 9(1)(a)).
- b. Proof of their marital status (Reg. 9(1)(c)). This means:
  - A Marriage Certificate or, in case of a customary marriage, a letter, a note or a contract which documents the marriage;
  - If the applicant is divorced they must have a Divorce Order; or
  - If the applicant's spouse is dead, they must have a Death Certificate of their spouse.
- c. Proof of assets and income of the applicant and their spouse (Reg. 9(2)(a); the means test itself is dealt with in Reg. 13-15).



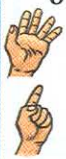
## Chapter 5

### Social grants for aged persons

(Old age grants)

Since you need to know about the person's assets and income (and that of their spouse if they are married) to be able to do the means test, applicants must provide original or certified copies of:

- Proof of any private pension that they receive;
- A bank statement for 3 consecutive months before the date of the application;
- A wage certificate (if they are still working); and
- Their UIF card or discharge certificate.



6 The completed application form is verified by a second attesting officer (Reg. 8(2)(c)).



7 The applicant is given a dated copy, stamped with the official Department stamp, of the application or a receipt. This receipt must have the name of the applicant, the name of the attesting officer and the date of the application (Reg. 8(3)(b)).



**Receipt:** You should tell the applicant that the receipt is one of the most important documents of the application process and that it is their only proof that they have made the application.



8 Register the received application. In the register, list the following particulars (Reg. 8(5)(a-e)):

- Identifying particulars (Reg. 8(5)(a));
- Date of attestation (Reg. 8(5)(b));
- Type of grant (Reg. 8(5)(c));
- Status of application (Reg. 8(5)(d)); and
- Province in which the application was made (Reg. 8(5)(e)).





## Chapter 5

### Social grants for aged persons (Old age grants)

#### SECTION D – Procedures (step 2)

There are no special procedures that must be followed for an old age grant. Instead, only the usual procedure (as described in Section B) has to be followed.

If these procedures **have** been followed, go to Step 3 and check the qualifying conditions.

#### SECTION E – Qualifying conditions (step 3)



##### a Who qualifies for the grant?

To qualify for the grant, the applicant must:

- Be a South African citizen or permanent resident (Sec. 3(c) SAA);
- Live in South Africa at the time of the application (Sec. 3(b) SAA);
- If a male, the applicant must be 65 years or older (Reg. 2(2)(a));
- If a female, the applicant must be 60 years or older (Reg. 2(2)(b));
- Meet the requirements of the means test (Reg. 2(1)(a), 9(2)(a); Determination: Reg. 12, 13, 14 and 15); and
- Have all of the supporting documents required (as set out above) (Reg. 9(6)).



- If the applicant is only admitted temporarily to a psychiatric hospital for observation or treatment, the grant can be paid for a period not exceeding six months (Reg. 24(1)(b)).
- Although people cannot qualify for more than one **social** grant, it is possible for them to receive a social grant and one or more of the other grants available for children.



##### b Who does not qualify?

Applicants will not qualify if:

- They do not meet the qualifying conditions (for example, they are not a South African or a permanent resident, or they are not old enough);
- They are already receiving a social grant (that is, an old age grant, disability grant or war veterans' grant) (Reg. 2(1)(b)); or



- They are maintained in any of the following state institutions:
  - A prison;
  - A state psychiatric hospital;
  - A state home for the aged;
  - A care and treatment centre; or
  - A treatment centre for drug dependants (Reg. 2(1)(c)(i-v)).

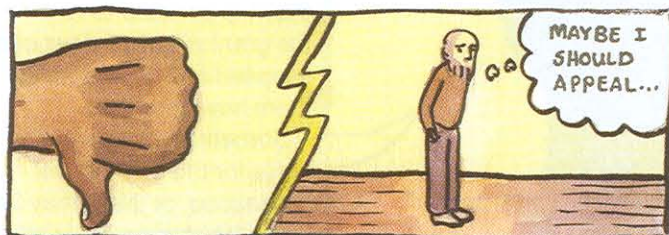
## SECTION F – **Decision and notification** (steps 4 & 5)



### a **Where the grant is approved**

If the applicant meets all the conditions and they qualify for the grant, you **must** approve their application and notify them:

- That it has been approved;
- How much money they will receive;
- When and how they will receive it; and
- Of their obligations under Regulation 23 to:
  - Report any changes in their (or their spouse's) general, medical or financial situations; and
  - Submit themselves for review when required to do so.



### b **Where the grant is refused**

If the applicant doesn't meet the requirements, you will have to refuse the application. In such cases, you must notify the person of:

- What you decided;
- The reasons for your decision; and
- That they can appeal to the Minister within 90 days of receiving the notice.

## Chapter 5

### **Social grants for aged persons** (Old age grants)



#### **Cross reference**

Chapter 3, Section C, sets out in detail what this letter should contain. For example, it must at least say:

- Who took the decision;
- What decision was taken;
- When the decision was taken;
- Where the decision was taken;
- How the decision was taken; and
- Why the decision was taken.



## Chapter 5

### Social grants for aged persons (Old age grants)

## SECTION G – Lapsing and suspension of an old age grant



### a Lapsing

An old age grant will lapse (come to an end) if:

- The beneficiary dies. Here, the grant will lapse on the last day of the month on which they died (Reg. 24(1)(a));
- The beneficiary is admitted to prison, a state psychiatric hospital, a state home for the aged, a care and treatment centre or a treatment centre for drug dependants (Reg. 2(1)(i-v)); or
- The beneficiary has not claimed their old age grant for a period of three consecutive months (Reg. 24(5)).

The grant will continue to be paid for up to six months to people who are admitted temporarily to a psychiatric hospital for observation or treatment (Reg. 24(1) (b)).



If the beneficiary was not able to collect their grant because of circumstances beyond their control, they can apply to have the grant restored from the date when they last claimed it, but they **must** do so within 90 days of the grant lapsing (Reg. 24(5)). As a result, you must inform them that it is possible to restore the grant within 90 days after it lapsed **and** you must tell them how to do this.

Sometimes it can take a while for the grant to be processed, or there may be a delay between the lapsing of a grant and the start of a new one. In such cases, please remember that the person may qualify for **social relief** while they are waiting.





## Chapter 5

### Social grants for aged persons (Old age grants)

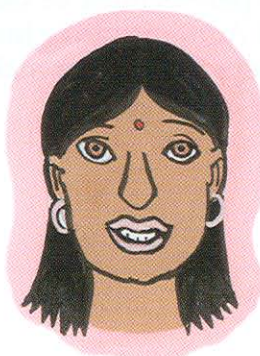
#### b Suspension of grants

Grants can also be suspended (stopped for a short time) if:

- The beneficiary's financial or other circumstances change (Reg. 23);
- It is being misused (Section 8 SAA);
- The beneficiary leaves the country for more than 6 months (Section 7 SAA); or
- The beneficiary fails to cooperate or supply documentation required on review (Reg. 23).

As dealt with in Part 1 of this manual, the decision to suspend a grant is an administrative action and is covered by the Promotion of Administrative Justice Act. As a result, **before deciding to withdraw or suspend a grant**, you must send the beneficiary a notice saying:

- That you are considering withdrawing or suspending their grant;
- Why you intend taking this decision; and
- By when they must reply to you if they disagree with the decision you are planning to take.



Although SOCPEN automatically suspends or withdraws grants without sending this first notice at the moment, this seems to go against the Promotion of Administrative Justice Act and is being addressed.

#### c Funeral costs

When a beneficiary of an old age grant dies, the grant should be paid out until the last day of the month in which they died (Reg. 24(6)). This payment is meant to help cover the funeral costs or the costs incurred by someone who took care of the beneficiary before they died. However, this person is not allowed to collect the grant money. Instead, they must apply to the Department within 6 months of the death for a refund of their costs.

## Chapter 5

### Social grants for aged persons (Old age grants)

When telling people that they have a right to claim these costs, you must stress that the **maximum** amount that will be paid to them is the amount that was owed to the beneficiary at the time of the death. If you do not, it is possible that people may think **all** of the funeral expenses or **all** of the money they spent taking care of the beneficiary will be paid out.



#### *Examples:*

- If the beneficiary dies on the last day of the month in which they are entitled to their grant (and has been paid out in full for that month), the application will be unsuccessful because they were not owed anything.
- If the beneficiary dies before the last day of the month, then the amount they would have been paid can be claimed by whoever paid the funeral costs.

**Please note though** that the application for the funeral expenses must be dealt with in terms of the Promotion of Administrative Justice Act as well. That is, all of the steps in decision making (dealt with in Chapter 3) must be followed.



- This chapter contains the following sections:
- SECTION A – Introduction
  - SECTION B – Application procedure
  - SECTION C – Empowering provisions
  - SECTION D – Procedures
  - SECTION E – Qualifying conditions
  - SECTION F – Decision and notification
  - SECTION G – Lapsing and suspension of a disability grant

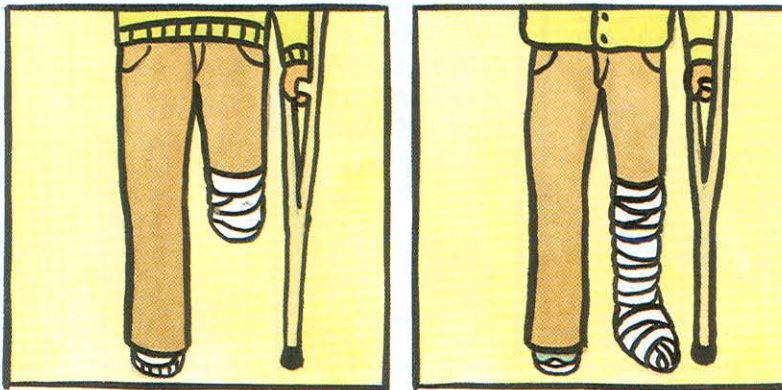
## Chapter 6

### Social grants for disabled persons (Disability grants)

#### SECTION A – Introduction

The disability grant is one of three social grants provided by the Department. It is a monthly payment to people who are disabled, who do not have enough money to support themselves, and who meet the conditions to qualify for the grant.

There are two types of disability grants:



- **Permanent disability grants.** These are paid to people who are permanently disabled (where the disability will continue for more than 12 months) Reg. 2(3)(a)(i).
- **Temporary disability grants.** These are paid to people whose disability is temporary (where they are disabled for not less than six months and not longer than 12 months) Reg. 2(3)(a)(ii).

#### *Qualifying conditions*

To qualify for a disability grant, applicants must be:

- 18 years or older;
- Physically or mentally disabled; and
- Unable to work or earn money to look after themselves as a result of their disability.

**Cross reference:** The grant administration process dealt with in Part 1 of this manual applies to all grants, including disability grants.

## Chapter 6

### Social grants for disabled persons (Disability grants)

#### The screening process:

The screening process is dealt with in detail on pages 22-23 of Part 1 of this manual.

## SECTION B – Application procedure

The first step in the grant administration process is the application, where the first attesting officer completes the application form in the presence of the applicant.

### Screening process

Before beginning the formal application procedure, a screening process is conducted to check whether or not the applicant meets the qualifying conditions for the grant, has all of the necessary documents and satisfies the means test.

Because applicants for disability grants need a medical report (from a medical officer or assessment panel) filled in before the application procedure starts, the screening process for disability grants is slightly different to that for other grants.



During the screening process for a disability grant, the first step is to check that the applicant has a letter from a medical officer to say that the assessment has been done. If they do not have such a letter:

- Give them with a copy of the forms for the medical officer and tell them where to go to have these filled in;
- Tell the applicant that they need to give the medical officer all of their medical records - even old records from another doctor, hospital or clinic;
- Remind them to ask the medical officer to give them a letter to say the assessment has been done; and
- Tell them by which date they should return to your office for the application to be filled in.



**Where an assessment panel is used** (as in Limpopo) and an applicant arrives to apply for a grant without first having been assessed, advise them (and other applicants) to come to your office on a future date for an assessment by the panel. Tell them that they should bring along all of their medical records - even old records from another doctor, hospital or clinic.



## Chapter 6

### Social grants for disabled persons (Disability grants)

#### Before sending them away

- Check to see that they have all of the other documents they will need and, if they do not, advise them where to go and how to get hold of these; and
- Conduct the means test to see that they will qualify. If it appears they will not, tell them and advise them that, even though it seems they will not qualify, they still have the right to apply.

On the day set aside for assessments, take all of the applicants as a group to the assessment panel. Tell them too on which date they should return to your office and that they should tell the person conducting the screening that they have already been assessed.



Once a person arrives at your office with a letter to say that they have been assessed (or who has already been before an assessment panel) the normal screening process can continue. During this:

- Check whether the applicant meets the qualifying conditions;
- Make sure that all of the necessary documents are available;
- Assist the applicant to complete affidavits for missing documents if these are acceptable (see your Departmental procedures and Reg. 9(6));
- Advise the applicant where to go if the documents can be obtained somewhere else or where an affidavit will not satisfy the requirements for the grant;
- Check to see that the applicant satisfies the necessary means test; and
- Advise the applicant whether or not to proceed with the application (based on whether the applicant will satisfy the qualifying conditions and the means test).

#### Checklist!

Many provincial departments have developed checklists to help during this process and to make it easier for the first attesting officer to check that all of the necessary documents are available. An example of a checklist that you could use for disability grants is included on the following page.

#### Remember!

Even if it seems that the applicant does not meet the qualifying conditions or earns or owns too much to satisfy the means test, they still have the right to apply for the grant. As a result, you may only **advise** them that they should not continue with the application – if they want to continue, you **must** allow them to.

If you refuse to allow an applicant to apply for a grant, you are making a decision that goes against them and the Promotion of Administrative Justice Act will apply. They will be entitled to written reasons for your refusal, to make an internal appeal or to take the matter on judicial review.

## Chapter 6

### Social grants for disabled persons (Disability grants)

#### Checklist: **Social grants for disabled persons**

Checklist for documents required and order in which documents must be placed on file

Note that alternative documents may be accepted for all of the following, **except for the ID documents** of applicants, spouses and children.

	Document	Applicant	Spouse
1	Prescribed application form		
2	Medical report		
3	Bar coded identity document (of applicant and spouse)		
4	Marital status (marriage certificate / divorce paper / death certificate)		
5	Proof of residential address		
6	Complete work history of applicant and spouse (prescribed form completed by last and current employer)		
7	Valuation of property and bond outstanding		
8	Proof of investments and other assets		
9	Proof of private pension or annuity		
10	Bank statements for all accounts for last three months		
11	Proof of present earnings		
12	Proof of how the applicant and spouse actually support themselves at present		
13	Proof of liquidation and distribution account		





If the applicant satisfies the qualifying conditions and has all of the necessary documents, you may begin the application process as follows:

- 1 Use the relevant application form (Reg. 8(1)).



- 2 Complete the application form in the presence of the applicant (and with their assistance) in the area where they live.



- 3 Certify the application form and get the applicant to sign it and provide a full set of fingerprints (Reg. 8(1)(2)(a)(b)).



- 4 In terms of Regulation 10(1), the date on which an application is signed is regarded as the date on which the application is made.



- 5 The application form must be accompanied by all the necessary documents or certified copies of them (Reg. 9). These are:
  - a. The applicant's South African identity document and, if they are married, their spouse's identity document (Reg. 9(1)(a)).
  - b. Proof of their marital status (Reg. 9(1)(c)). This means:
    - A Marriage Certificate or, in case of a customary marriage, a letter, a note or a contract which documents the marriage;
    - If the applicant is divorced they must have a Divorce Order; or
    - If the applicant's spouse is dead, they must have a Death Certificate of their spouse.
  - c. Proof of assets and income of the applicant and their spouse (Reg. 9(2)(a); the means test itself is dealt with in Reg. 13-15).



## Chapter 6

### Social grants for disabled persons (Disability grants)

- In terms of Regulation 9, an identity document means a 13 digit, bar coded ID document.



- For **permanent residents**, they should also provide you with their permanent resident's permit or an exemption certificate. This is because the ID document only proves their identity and not that they are permanent residents.



The DG can agree to accept alternative proof of any of the documents required, except the identity document mentioned. For example, this could be a statement made by the applicant under oath (an affidavit) as to why the original or a certified copy cannot be produced (Reg. 9(6)).

Social Development  
Procedure Manual

Department of Social Development

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## Chapter 6

### Social grants for disabled persons (Disability grants)

Since you need to know about the person's assets and income (and that of their spouse if they are married) to be able to do the means test, applicants must provide original or certified copies of:

- Proof of any private pension that they receive;
- A bank statement for 3 consecutive months before the date of the application;
- A wage certificate (if they are still working); and
- Their UIF card or discharge certificate.

d. Medical report (Reg. 9(2)(b)). For any disability grant, a medical report from a medical officer or a report from an assessment panel is required. This is discussed in more detail below.

6 The completed application form is verified by a second attesting officer (Reg. 8(2)(c)).



**Receipt:** You should tell the applicant that the receipt is one of the most important documents of the application process and that it is their only proof that they have made the application.



7 The applicant is given a dated copy, stamped with the official Department stamp, of the application or a receipt. This receipt must have the name of the applicant, the name of the attesting officer and the date of the application (Reg. 8(3)(b)).



8 Register the received application. In the register, list the following particulars (Reg. 8(5)(a-e)):



- Identifying particulars (Reg. 8(5)(a));
- Date of attestation (Reg. 8(5)(b));
- Type of grant (Reg. 8(5)(c));
- Status of application (Reg. 8(5)(d)); and
- Province in which the application was made (Reg. 8(5)(e)).





## SECTION C – Empowering provisions (step 1)

Once you have received a verified application for the grant, you must decide whether to approve or reject it. To make sure your decision is lawful, reasonable and procedurally fair, you should check your empowering provisions. For disability grants, these are Sections 2(a) and 3 of the SAA, and Regulation 2.

The empowering provisions will tell you:

- Whether **you** are allowed to make the decision; and
- What conditions must be satisfied before the grant can be awarded.

## SECTION D – Procedures (step 2)

In addition to the ordinary procedures, disability grants also have a special procedure that must be followed – to qualify for a disability grant, the applicant must undergo a medical assessment. During this, the medical officer or assessment panel must prepare a report on how disabled the person is (the 'degree of disability') and whether the disability is permanent (if it will last longer than 12 months) or temporary (it will last between 6 and 12 months). If their finding is that the disability is temporary, they must also state in their report for how long the temporary disability will last (Reg. 2(3)(a)).

In other words, both the usual application forms **and** the report from the medical officer or assessment panel need to be present before you can process the application. If the medical report is not available, give the applicant the forms that they will need and send them to a medical officer or arrange for them to appear before an assessment panel for a medical assessment (as dealt with in the screening process above).

If both the application form and the medical report are available, go on to step 3 and check the qualifying conditions.

## Chapter 6

### Social grants for disabled persons (Disability grants)





## Chapter 6

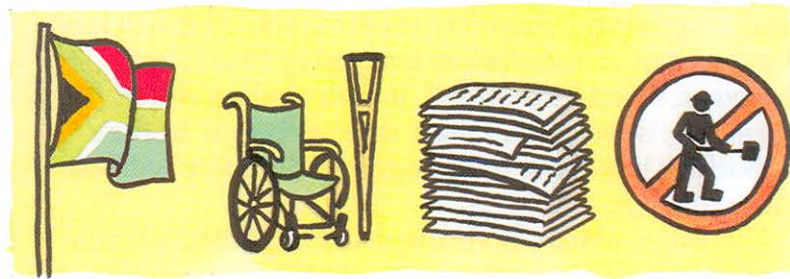
### Social grants for disabled persons (Disability grants)



#### Definitions (Regulation 1):

- **Medical officer** means a doctor in the service of the state.
- **Assessment panel** means a group of people appointed in terms of Reg. 2(4), who have the relevant experience and knowledge to assess disability. Assessment panels are made up of:
  - A senior social security official;
  - A rehabilitation therapist (nurse, social worker, physiotherapist, psychologist, occupational therapist or audio-visual therapist);
  - A representative from the disability sector or a reputable member of the community (such as a priest, iNkosi, magistrate or anyone else who is familiar with the circumstances of the community); and
  - Anyone else who is appropriate for the particular application.
- **Assessment** means either:
  - An evaluation based on the information provided on the relevant forms (the application form **and** the medical report); or
  - A physical examination of the applicant in order to determine their disability or care dependency.

### SECTION E – **Qualifying conditions** (step 3)



#### a Who qualifies for the grant?

To qualify for the grant, the applicant must:

- Be a South African citizen or permanent resident (Sec. 3(c) SAA);
- Live in South Africa at the time of the application (Sec. 3(b) SAA);
- Be 18 years or older;
- Be mentally or physically disabled. If the disability is reported as **temporary** (it will last for not less than 6 months and not more than 12 months) they only qualify for a temporary disability grant (Reg. 3(b)(ii));
- Be unable to work in the open labour market;
- Meet the requirements of the means test (Reg. 2(1)(a), 9(2)(a); the means test itself is dealt with in Reg. 12, 13, 14 and 15); and
- Have all of the supporting documents required (Reg. 9(6)).





## Chapter 6

### Social grants for disabled persons (Disability grants)

#### b Who does not qualify?

Applicants will not qualify if:

- They do not meet the qualifying conditions (for example, they are not a South African or a permanent resident, or they are not disabled);
- They refuse (without good reason) to undergo any **medical treatment** recommended by a doctor, medical officer, psychiatrist or an assessment panel;
- They are already receiving a social grant (that is, an old age grant, disability grant or war veterans' grant) (Reg. 2(1)(b)); or
- They are maintained in any of the following:
  - A prison;
  - A state psychiatric hospital;
  - A state home for the aged;
  - A care and treatment centre; or
  - A treatment centre for drug dependants (Reg. 2(1)(c)(i-v)).

If the person is younger than 18, their parent, custodian or guardian can apply for a Care Dependency Grant as set out in Chapter 12.



#### SECTION F – Decision and notification (steps 4 & 5)



#### a Where the grant is approved

If the applicant meets all the conditions and they qualify for the grant, you **must** approve their application and notify them:

- That it has been approved;
- How much money they will receive;
- When and how they will receive it; and
- Of their obligations under Regulation 23 to:
  - Report any changes in their (or their spouse's) general, medical or financial situations; and
  - Submit themselves for review when required to do so.

- If the applicant is only admitted temporarily to a psychiatric hospital for observation or treatment, the grant can be paid for a period not exceeding six months (Reg. 24(1)(b)).
- Although people cannot qualify for more than one **social** grant, it is possible for them to receive a social grant and one or more of the other grants available for children.
- A disability grant will be converted to an old age grant as soon as the person reaches the required age.



## Chapter 6

### Social grants for disabled persons (Disability grants)

Although SOCPEN only allows a limited list of reasons at the moment, this is being addressed at the national level. In the meantime, you should write a separate letter whenever you exercise a discretion.



#### Cross reference

Chapter 3, Section C, sets out in detail what this letter should contain. For example, it must at least say:

- Who took the decision;
- What decision was taken;
- When the decision was taken;
- Where the decision was taken;
- How the decision was taken; and
- Why the decision was taken.

### Temporary disability grants

If you award a temporary disability grant, you need to also tell the person:

- How long the grant is for and that it will automatically be terminated once that period is over;
- That temporary disability grants cannot be extended;
- That, if they realise that they will still be disabled after the grant is terminated, they must reapply for a **new** grant in time; and
- That the application for the new grant should be made at least three months before the grant is terminated. This is so that the new application can be processed to ensure that there is no 'break' in payments between when the old grant lapses and the new one begins.

Because the grant is less than what the person applied for, the Promotion of Administrative Justice Act **also** applies. As a result, your letter **must** say:

- What options were available to you, what you chose, and why (proper reasons for your decision); and
- That they have the right to appeal against your decision to the Minister or to take the matter on review.

#### b Where the grant is refused

If the applicant doesn't meet the requirements, you will have to refuse the application and send them a notice saying:

- What you decided;
- The reasons for your decision; and
- That they can appeal to the Minister within 90 days of receiving the notice.





## SECTION G – Lapsing and suspension of a disability grant

## Chapter 6

### Social grants for disabled persons (Disability grants)



### a Lapsing

A disability grant will lapse (come to an end) if:

- The beneficiary dies. Here, the grant will lapse on the last day of the month on which they died (Reg. 24(1)(a));
- The beneficiary is admitted to prison, a state psychiatric hospital, a state home for the aged, a care and treatment centre or a treatment centre for drug dependants (Reg. 2(1)(i-v));
- The beneficiary's financial circumstances change and they are not eligible to get the grant anymore;
- The period of temporary disability has passed; or
- The beneficiary has not claimed their grant for a period of three consecutive months (Reg. 24(5)).

If the beneficiary wants to extend their temporary disability grant, they must re-apply for it. This is then treated as a new application.

While waiting to hear the decision on their new application, the applicant can be assisted with social relief (as discussed in Chapter 12).

The grant will continue to be paid for up to six months to people who are admitted temporarily to a psychiatric hospital for observation or treatment (Reg. 24(1)(b)).



If the beneficiary was not able to collect their grant because of circumstances beyond their control, they can apply to have the grant restored from the date when they last claimed it, but they **must** do so within 90 days of the grant lapsing (Reg. 24(5)). As a result, you must inform them that it is possible to restore the grant within 90 days after it lapsed **and** you must tell them how to do this.

Sometimes it can take a while for the grant to be processed, or there may be a delay between the lapsing of a grant and the start of a new one. In such cases, please remember that the person may qualify for **social relief** while they are waiting.

Where a temporary disability grant is about to expire, the beneficiary must be told that it will expire at least three months before the date on which their grant will end.

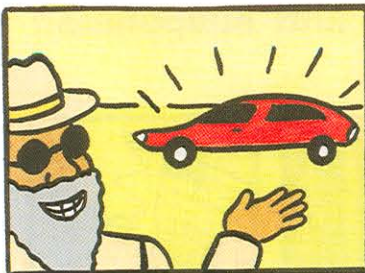
This is usually done:

- In their letter of approval for the grant;
- Through a formal letter sent to them no later than three months before the date on which it will end; or
- On their monthly pay slips (where applicable).



## Chapter 6

### Social grants for disabled persons (Disability grants)



#### b Suspension of grants

Grants can also be suspended (stopped for a short time) if:

- The beneficiary's financial or other circumstances change (Reg. 23);
- It is being misused (Section 8 SAA);
- The beneficiary leaves the country for more than 6 months (Section 7 SAA); or
- The beneficiary fails to cooperate or supply documentation required on review (Reg. 23).

As dealt with in Part 1 of this manual, the decision to suspend a grant is an administrative action and is covered by the Promotion of Administrative Justice Act. As a result, **before deciding to withdraw or suspend a grant**, you **must** send the beneficiary a notice saying:

- That you are considering withdrawing or suspending their grant;
- Why you intend taking this decision; and
- By when they must reply to you if they disagree with the decision you are planning to take.



Although SOCPEN automatically suspends or withdraws grants without sending this first notice at the moment, this seems to go against the Promotion of Administrative Justice Act and is being addressed.

#### c Funeral costs

When a beneficiary of a disability grant dies, the grant should be paid out until the last day of the month in which they died (See Regulation 24(6)). This payment is meant to help cover the funeral costs or the costs incurred by someone who took care of the beneficiary before they died. But the person is not allowed to collect the grant money though. Instead, they must apply to the Department within 6 months of the death for a refund of their costs.





## Chapter 6

### Social grants for disabled persons (Disability grants)

When telling people that they have a right to claim these costs, you must stress that the **maximum** amount that will be paid to them is the amount that was owed to the beneficiary at the time of the death. If you do not, it is possible that people may think **all** of the funeral expenses or **all** of the money they spent taking care of the beneficiary will be paid out.

#### *Examples:*

- If the beneficiary dies on the last day of the month in which they are entitled to their grant (and has been paid out in full for that month), the application will be unsuccessful because they were not owed anything.
- If the beneficiary dies before the last day of the month, then the amount they would have been paid can be claimed by whoever paid the funeral costs.

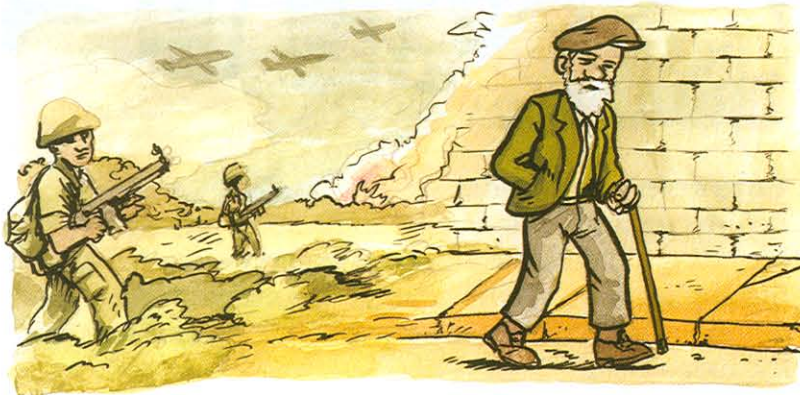
**Please note though** that the application for the funeral expenses must be dealt with in terms of the Promotion of Administrative Justice Act. That is, all of the steps in decision making (dealt with in Chapter 3) must be followed.

- This chapter contains the following sections:
- SECTION A – Introduction
  - SECTION B – Application procedure
  - SECTION C – Empowering provisions
  - SECTION D – Procedures
  - SECTION E – Qualifying conditions
  - SECTION F – Decision and notification
  - SECTION G – Lapsing and suspension of a disability grant

## Chapter 7

### Social grants for war veterans (War veterans' grants)

#### SECTION A – Introduction



**Cross reference:** The grant administration process in Part 1 applies to all grants, including war veterans' grants.

The war veterans' grant is one of three social grants provided by the Department. It is a monthly payment made to veterans who served in the South African army during one or more of the following wars:

- The Zulu uprising (1906);
- The First World War (1904-1918);
- The Second World War (1939-1945); or
- The Korean War (1950-1953).

The grant is paid to:

- War veterans of **60 years and older**; or
- Veterans **under 60 years** old if they are, **physically or mentally disabled** and, as a result, unable to support themselves.

However, because the wars covered took place so long ago, it is impossible to find veterans under the age of 60. As a result, these are not covered in this manual.



## Chapter 7

### Social grants for war veterans (War veterans' grants)

#### The screening process:

The screening process is dealt with in detail on pages 22-23 of Part 1 of this manual.



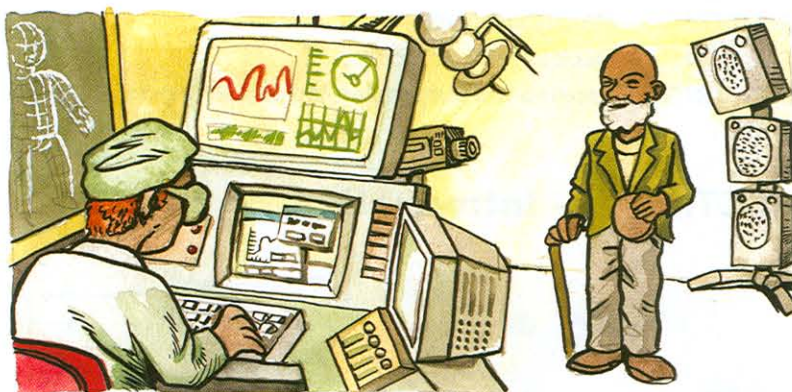
#### Remember!

Even if it seems that the applicant does not meet the qualifying conditions or earns or owns too much to satisfy the means test, they still have the right to apply for the grant. As a result, you may only **advise** them that they should not continue with the application – if they want to continue, you **must** allow them to.

If you refuse to allow an applicant to apply for a grant, the Promotion of Administrative Justice Act will apply. The applicant will be entitled to written reasons for your refusal, to make an internal appeal or to take the matter on judicial review.

## SECTION B – Application procedure

The first step in the grant administration process is the application, where the first attesting officer completes the application form in the presence of the applicant.



### Screening process

Before beginning the formal application procedure, a screening process is conducted to check whether or not the applicant meets the qualifying conditions for the grant, has all of the necessary documents and satisfies the means test.

During the screening process:

- Check whether the applicant meets the qualifying conditions;
- Make sure that all of the necessary documents are available;
- Assist the applicant to complete affidavits for missing documents if these are acceptable (see your Departmental procedures and Reg. 9(6));
- Advise the applicant where to go if the documents can be obtained somewhere else or where an affidavit will not satisfy the requirements for the grant;
- Check to see that the applicant satisfies the necessary means test; and
- Advise the applicant whether or not to proceed with the application (based on whether the applicant will satisfy the qualifying conditions and the means test).

#### Checklist!

Many provincial departments have developed checklists to help during this process and to make it easier for the first attesting officer to check that all of the necessary documents are available. An example of a checklist that you could use for war veterans' grants is on the next page.

## Checklist: **Social grants for war veterans**

Checklist for documents required and order in which documents must be placed on file

Note that alternative documents may be accepted for all of the following, **except for the ID documents** of applicants, spouses and children.

## Chapter 7

### **Social grants for war veterans** (War veterans' grants)

	Document	Applicant	Spouse
1	Prescribed application form		
2	Bar coded identity document (of applicant and spouse)		
3	Proof of war service		
4	Marital status (marriage certificate / divorce paper / death certificate)		
5	Proof of residential address		
6	Complete work history of applicant and spouse (prescribed form completed by last and current employer)		
7	Valuation of property and bond outstanding		
8	Proof of investments and other assets		
9	Proof of private pension or annuity		
10	Bank statements for all accounts for last three months		
11	Proof of present earnings		
12	Proof of how the applicant and spouse actually support themselves at present		
13	Proof of liquidation and distribution account		





## Chapter 7

### Social grants for war veterans (War veterans' grants)

- In terms of Regulation 9, an identity document means a 13 digit, bar coded ID document.



- For **permanent residents**, they should also provide you with their permanent resident's permit or an exemption certificate. This is because the ID document only proves their identity and not that they are permanent residents.



The DG can agree to accept alternative proof of any of the documents required, except the identity document mentioned. For example, this could be a statement made by the applicant under oath (an affidavit) as to why the original or a certified copy cannot be produced (Reg. 9(6)).

If the applicant satisfies the qualifying conditions and has all of the necessary documents, you may begin the application process as follows:

- 1 Use the relevant application form (Reg. 8(1)).



- 2 Complete the application form in the presence of the applicant (and with their assistance) in the area where they live.



- 3 Certify the application form and get the applicant to sign it and provide a full set of fingerprints (Reg. 8(1)(2)(a)(b)).



- 4 In terms of Regulation 10(1), the date on which an application is signed is regarded as the date on which the application is made.



- 5 The application form must be accompanied by all the necessary documents or certified copies of them (Reg. 9). These are:



- a. The applicant's South African identity document and, if they are married, their spouse's identity document (Reg. 9(1)(a)).
- b. Proof of their marital status (Reg. 9(1)(c)). This means:
  - A Marriage Certificate or, in case of a customary marriage, a letter, a note or a contract which documents the marriage;
  - If the applicant is divorced they must have a Divorce Order; or
  - If the applicant's spouse is dead, they must have a Death Certificate of their spouse.
- c. Proof of assets and income of the applicant and their spouse (Reg. 9(2)(a); the means test itself is dealt with in Reg. 13-15).



## Chapter 7

### Social grants for war veterans (War veterans' grants)

Since you need to know about the person's assets and income (and that of their spouse if they are married) to be able to do the means test, applicants must provide original or certified copies of:

- Proof of any private pension that they receive;
- A bank statement for 3 consecutive months before the date of the application;
- A wage certificate (if they are still working); and
- Their UIF card or discharge certificate.

d. Proof of service in one or more of the following wars (usually a war certificate) (Reg. 9(2)(c)):

- The Zulu uprising (1906);
- The First World War (1904-1918);
- The Second World War (1939-1945); or
- The Korean war (1950-1953).

- 6 The completed application form is verified by a second attesting officer (Reg. 8(2)(c)).



- 7 The applicant is given a dated copy, stamped with the official Department stamp, of the application or a receipt. This receipt must have the name of the applicant, the name of the attesting officer and the date of the application (Reg. 8(3)(b)).



- 8 Register the received application. In the register, list the following particulars (Reg. 8(5)(a-e)):

- Identifying particulars (Reg. 8(5)(a));
- Date of attestation (Reg. 8(5)(b));
- Type of grant (Reg. 8(5)(c));
- Status of application (Reg. 8(5)(d)); and
- Province in which the application was made (Reg. 8(5)(e)).



**Receipt:** You should tell the applicant that the receipt is one of the most important documents of the application process and that it is their only proof that they have made the application.





## Chapter 7

### Social grants for war veterans (War veterans' grants)

## SECTION C – Empowering provisions (step 1)



Once you have received a verified application for the grant, you must decide whether to approve or reject it. To make sure your decision is lawful, reasonable and procedurally fair, you should check your empowering provisions. For war veterans' grants, these are Sections 1(a-d), 2(a) and 3 of the SAA, and Regulation 2(1).

The empowering provisions will tell you:

- Whether **you** are allowed to make the decision; and
- What conditions must be satisfied before the grant can be awarded.



## SECTION D – Procedures (step 2)

### a. Applicants of 60 years and older

For people of 60 or over, there is no special procedure. Instead, the normal procedures set out in Section B above should be followed. If they have been, go on to step 3 and check the qualifying conditions.

If the procedures **have not** been followed, you should return the application to the applicant and advise them of what procedures still have to be followed. If these are still not followed, you must decide what to do and notify the applicant (as set out in steps 4 and 5).

### b. Applicants under 60

Although the Social Assistance Act says war veterans under 60 will qualify as long as they meet certain conditions, it is impossible to have served in one of the wars covered by the grant and still to be under the age of 60. As a result, you can ignore the provisions relating to them.



## SECTION E – Qualifying conditions (step 3)



### a Who qualifies for the grant?

To qualify for the grant, the applicant must:

- Be a South African citizen or permanent resident (Sec. 3(c) SAA);
- Live in South Africa at the time of the application (Sec. 3(b) SAA);
- Be 60 years or older;
- Have served in one or more of the following wars:
  - The Zulu uprising (1906);
  - The First World War (1904-1918);
  - The Second World War (1939-1945); or
  - The Korean War (1950-1953);
- Meet the requirements of the means test (Reg. 2(1)(a), 9(2)(a); the means test itself is dealt with in Reg. 12, 13, 14 and 15); and
- Have all of the supporting documents required (Reg. 9(6)).



### b Who does not qualify?

Applicants will not qualify if:

- They do not meet the qualifying conditions (for example, they are not a South African or a permanent resident, or they did not serve in one of the wars on the list);
- They are already receiving a social grant (that is, an old age grant, disability grant or war veterans' grant) (Reg. 2(1)(b)); or
- They are maintained in any of the following:
  - A prison;
  - A state psychiatric hospital;
  - A state home for the aged;
  - A care and treatment centre; or
  - A treatment centre for drug dependants (Reg. 2(1)(c)(i-v)).

## Chapter 7

### Social grants for war veterans (War veterans' grants)

- If the applicant is only admitted temporarily to a psychiatric hospital for observation or treatment, the grant can be paid for a period not exceeding six months (Reg. 24(1)(b)).
- Although people cannot qualify for more than one **social** grant, it is possible for them to receive a social grant and one or more of the other grants available for children.



### Supplementary grants to war veterans

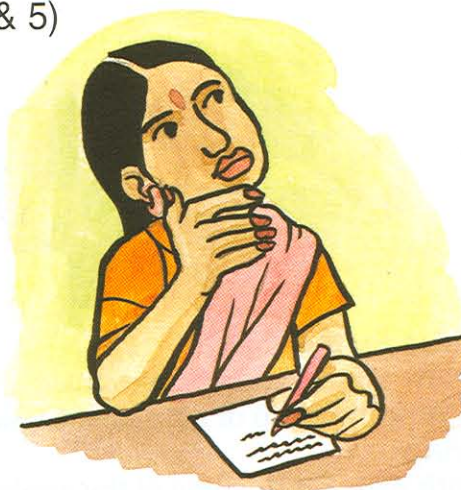
Sec. 2(c) of the SAA and Reg. 6 state that, in addition to the war veteran's grant, a supplementary grant to war veterans will **automatically** be paid when a person applies for the grant and provides all relevant supporting documents.



## Chapter 7

### Social grants for war veterans (War veterans' grants)

#### SECTION F – Decision and notification (steps 4 & 5)



##### a Where the grant is approved

If the applicant meets all the conditions and they qualify for the grant, you **must** approve their application and notify them:

- That it has been approved;
- How much money they will receive;
- When and how they will receive it; and
- Of their obligations under Regulation 23 to:
  - Report any changes in their (or their spouse's) general, medical or financial situations; and
  - Submit themselves for review when required to do so.

##### b Where the grant is refused

If the applicant doesn't meet the requirements, you will have to refuse the application and send them a notice saying:

- What you decided;
- The reasons for your decision; and
- That they can appeal to the Minister within 90 days of receiving the notice.

##### Cross reference

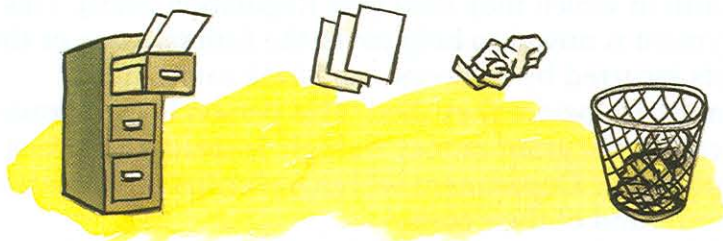
Chapter 3, Section C, sets out in detail what this letter should contain. For example, it must at least say:

- Who took the decision;
- What decision was taken;
- When the decision was taken;
- Where the decision was taken;
- How the decision was taken; and
- Why the decision was taken.





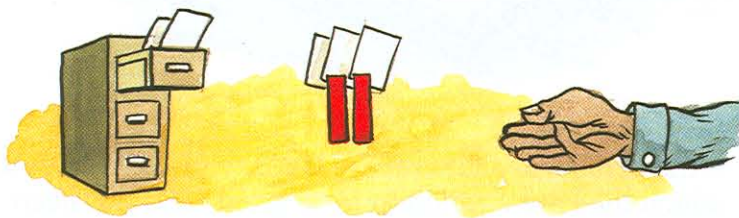
## SECTION G – Lapsing and suspension of a war veterans' grant



### a Lapsing

A war veterans' grant will lapse (come to an end) if:

- The beneficiary dies. Here, the grant will lapse on the last day of the month on which they died (Reg. 24(1)(a));
- The beneficiary is admitted to prison, a state psychiatric hospital, a state home for the aged, a care and treatment centre or a treatment centre for drug dependants (Reg. 2(1)(i-v));
- The beneficiary's financial circumstances change and they are not eligible to get the grant anymore; or
- The beneficiary has not claimed their grant for a period of three consecutive months (Reg. 24(5)).



### b Suspension of grants

Grants can also be suspended (stopped for a short time) if:

- The beneficiary's financial or other circumstances change (Reg. 23);
- It is being misused (Section 8 SAA);
- The beneficiary leaves the country for more than 6 months (Section 7 SAA); or
- The beneficiary fails to cooperate or supply documentation required on review (Reg. 23).

As dealt with in Part 1 of this manual, the decision to suspend a grant is an administrative action and is covered by the Promotion of Administrative Justice Act. As a result, **before deciding to withdraw or suspend a grant**, you **must** send the beneficiary a notice saying:

- That you are considering withdrawing or suspending their grant;
- Why you intend taking this decision; and
- By when they must reply to you if they disagree with the decision you are planning to take.

Although SOCPEN automatically suspends or withdraws grants without sending this first notice at the moment, this seems to go against the Promotion of Administrative Justice Act and is being addressed.

## Chapter 7

### Social grants for war veterans (War veterans' grants)

The grant will continue to be paid for up to six months to people who are admitted temporarily to a psychiatric hospital for observation or treatment (Reg. 24(1)(b)).



If the beneficiary was not able to collect their grant because of circumstances beyond their control, they can apply to have the grant restored from the date when they last claimed it, but they **must** do so within 90 days of the grant lapsing (Reg. 24(5)). As a result, you must inform them that it is possible to restore the grant within 90 days after it lapsed **and** you must tell them how to do this.

Sometimes it can take a while for the grant to be processed, or there may be a delay between the lapsing of a grant and the start of a new one. In such cases, please remember that the person may qualify for **social relief** while they are waiting.

### Social Development Procedure Manual

Department of Social Development

2005



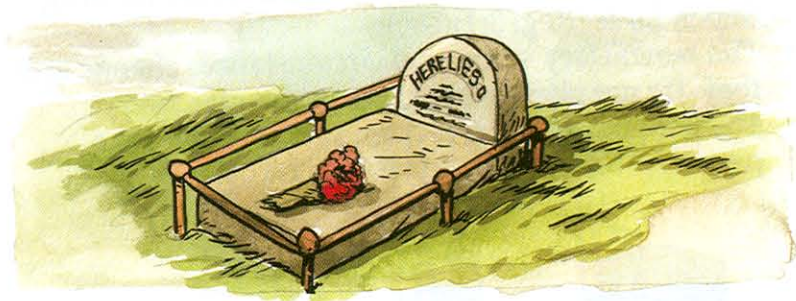
## Chapter 7

### Social grants for war veterans (War veterans' grants)

#### c Funeral costs

When a beneficiary of a war veterans' grant dies, the grant should be paid out until the last day of the month in which they died (See Regulation 24(6)). This payment is meant to help cover the funeral costs or the costs incurred by someone who took care of the beneficiary before they died. This person is not allowed to collect the grant money though. Instead, they must apply to the Department within 6 months of the death for a refund of their costs.

When telling people that they have a right to claim these costs, you must stress that the **maximum** amount that will be paid to them is the amount that was owed to the beneficiary at the time of the death. If you do not, it is possible that people may think **all** of the funeral expenses or **all** of the money they spent taking care of the beneficiary will be paid out.



#### *Examples:*

- If the beneficiary dies on the last day of the month in which they are entitled to their grant (and has been paid out in full for that month), the application will be unsuccessful because they were not owed anything.
- If the beneficiary dies before the last day of the month, then the amount they would have been paid can be claimed by whoever paid the funeral costs.

**Please note though** that the application for the funeral expenses must be dealt with in terms of the Promotion of Administrative Justice Act. That is, all of the steps in decision making (dealt with in Chapter 3) must be followed.



- This chapter contains the following sections:
- SECTION A – Introduction
  - SECTION B – Application procedure
  - SECTION C – Empowering provisions
  - SECTION D – Procedures
  - SECTION E – Qualifying conditions
  - SECTION F – Decision and notification
  - SECTION G – Lapsing and suspension of a disability grant

## Chapter 8

### Grant-in-aid

#### SECTION A – Introduction

The grant-in-aid is an extra amount of money that is given to people who already receive a social grant (an old age grant, a disability grant or a war veterans grant) **and** who need full-time care from someone else (Sec. 2(b), Reg. 7).

**Cross reference:** The grant administration process dealt with in Part 1 of this manual applies to all grants, including old age grants.



#### SECTION B – Application procedure

The first step in the grant administration process is the application, where the first attesting officer completes the application form in the presence of the applicant.



#### The screening process:

The screening process is dealt with in detail on pages 22-23 of Part 1 of this manual.

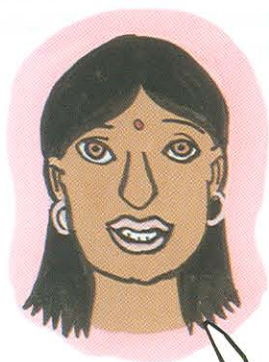
#### Screening process

Before beginning the formal application procedure, a screening process is conducted to check whether or not the applicant meets the qualifying conditions for the grant, has all of the necessary documents and satisfies the means test.



## Chapter 8

### Grant-in-aid



#### Remember!

Even if it seems that the applicant does not meet the qualifying conditions or earns or owns too much to satisfy the means test, they still have the right to apply for the grant. As a result, you may only **advise** them that they should not continue with the application – if they want to continue, you **must** allow them to.

If you refuse to allow an applicant to apply for a grant, you are making a decision that goes against them and the Promotion of Administrative Justice Act will apply. They will be entitled to written reasons for your refusal, to make an internal appeal or to take the matter on judicial review.

- During the screening process:
- Check whether the applicant meets the qualifying conditions;
  - Make sure that all of the necessary documents are available. Since the normal documents required for grants will already be on their file, what they need when applying for a grant-in-aid is proof that they are already receiving a social grant. **However**, they will also need to have the relevant **annexure** to the general application form completed by a health professional (such as a nurse, doctor or occupational therapist). If they do not yet have this form completed, give them a copy and explain to them what they need to do;
  - Assist the applicant to complete affidavits for missing documents if these are acceptable (see your Departmental procedures and Reg. 9(6));
  - Advise the applicant where to go if the documents can be obtained somewhere else or where an affidavit will not satisfy the requirements for the grant;
  - Check to see that the applicant satisfies the necessary means test; and
  - Advise the applicant whether or not to proceed with the application (based on whether the applicant will satisfy the qualifying conditions and the means test).



If the applicant satisfies the qualifying conditions and has all of the necessary documents, you may begin the application process as follows:



## Chapter 8

### Grant-in-aid

- 1 Use the relevant **annexure** to the general application form (Reg. 7(1)). This annexure will need to be completed by a health professional (such as a nurse, doctor or occupational therapist).



- 2 Complete the application form in the presence of the applicant (and with their assistance) in the area where they live. Because an applicant for a grant-in-aid will already be receiving another type of grant, documents like identify documents and marriage certificates will already be on your files and so the applicant need not provide them again.



What they **will** require is:

- **Proof that they are receiving a social grant.** Because the grant-in-aid is only paid to people who are already receiving a social grant (old age grant, disability grant or war veterans grant), you must make sure the applicant is actually receiving one.
- You should also **verify that the person's circumstances haven't changed** and that they still qualify for the original grant.



- 3 Give the applicant a dated copy of the application or a receipt, stamped with the official Department stamp. This receipt must have the name of the applicant, the name of the attesting officer and the date of the application (Reg. 8(3)(b)).



**Receipt:** You should tell the applicant that the receipt is one of the most important documents of the application process and that it is their only proof that they have made the application.



**SECTION C – Empowering provisions**  
(step 1)



Once you have received a verified application for the grant, you must decide whether to approve or reject it. To make sure your decision is lawful, reasonable and procedurally fair, you should check your empowering provisions. For grants-in-aid, these are Sections 2(b) of the SAA, and Regulation 7(1)-(2).

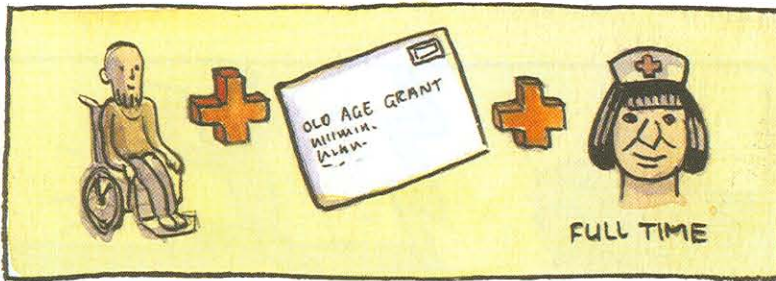
The empowering provisions will tell you:

- Whether **you** are allowed to make the decision; and
- What conditions must be satisfied before the grant can be awarded.

**SECTION D – Procedures** (step 2)



Although the procedure is essentially the same as that for all grants, a special form is used. This form must be completed by health professional (such as a nurse, doctor or occupational therapist).



**a Who qualifies for the grant?**

To qualify for the grant, the applicant must:

- Already be receiving a social grant; and
- Require full-time attendance by someone else because of their physical or mental condition.



**b Who does not qualify?**

Applicants will not qualify if:

- They do not meet the qualifying conditions (for example, they are not a South African or they are not permanent residents);
- They are not already receiving a social grant (an old age grant, disability grant or war veterans' grant) (Reg. 2(1)(b));
- They do not need another person's help; or
- They are receiving a subsidy, paid by the state to the old age home (or a similar institution) that they are living in (Reg.7(2)).





**a Where the grant is approved**

If the applicant meets all the conditions and they qualify for the grant, you **must** approve their application and notify them:

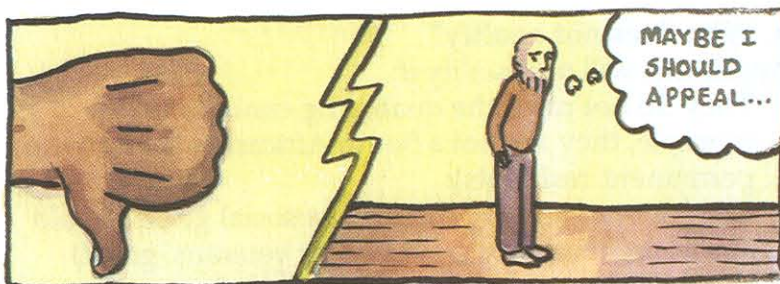
- That it has been approved;
- How much money they will receive;
- When and how they will receive it; and
- Of their obligations under Regulation 23 to:
  - Report any changes in their (or their spouse's) general, medical or financial situations; and
  - Submit themselves for review when required to do so.



**Cross reference**

Chapter 3, Section C, sets out in detail what this letter should contain. For example, it must at least say:

- Who took the decision;
- What decision was taken;
- When the decision was taken;
- Where the decision was taken;
- How the decision was taken; and
- Why the decision was taken.



**b Where the grant is refused**

If the applicant doesn't meet the requirements, you will have to refuse the application and send them a notice saying:

- What you decided;
- The reasons for your decision; and
- That they can appeal to the Minister within 90 days of receiving the notice.



## SECTION G – Lapsing and suspension of a grant-in-aid

## Chapter 8 Grant-in-aid



### a Lapsing

A grant-in-aid will lapse (come to an end) when the original grant lapses or when the person no longer requires someone else's help to take care of them.



### b Suspension of grants

Grants can also be suspended (stopped for a short time) if:

- The beneficiary's financial or other circumstances change (Reg. 23);
- It is being misused (Section 8 SAA);
- The beneficiary leaves the country for more than 6 months (Section 7 SAA); or
- The beneficiary fails to cooperate or supply documentation required on review (Reg. 23).



As dealt with in Part 1 of this manual, the decision to suspend a grant is an administrative action and is covered by the Promotion of Administrative Justice Act. As a result, **before deciding to withdraw or suspend a grant**, you **must** send the beneficiary a notice saying:

- That you are considering withdrawing or suspending their grant;
- Why you intend taking this decision; and
- By when they must reply to you if they disagree with the decision you are planning to take.

Although SOCPEN automatically suspends or withdraws grants without sending this first notice at the moment, this seems to go against the Promotion of Administrative Justice Act and is being addressed.



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## Chapter 9

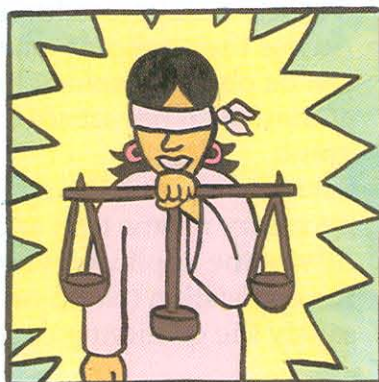
### Foster child grant

#### SECTION A – Introduction

The foster child grant is one of the three child grants provided by the Department. (The others are the child support grant and the care dependency grant).

This grant is meant for children (**including** children who are not South African citizens or permanent residents) who are being looked after by a **foster parent**.

**Cross reference:** The grant administration process in Part 1 applies to all grants, including foster child grants.



A foster parent is:

- Anyone who is **not** the real parent of the child; and
- Who has been given custody of the child (that is, the child has been given to them to look after). Custody can be given to people **by a children's court** under Chapter 3 or 6 of the Child Care Act, 1983 or **by another court** in terms of Section 290 of the Criminal Procedure Act, 1977.

Neither the child nor the foster parent needs to be a citizen or permanent resident of South Africa. As a result, you **must** accept identity documents from other countries.

Although the grant is given to the foster parent (to help them look after the child), the income of the foster parent is **not** taken into account. Instead, it is the **child's** income that needs to be taken into account. If the child has an income of **twice the annual amount of the grant** (which amounted to R12 720 at the time this manual was written – July 2004), then they will not qualify. So, if the child has no income and the foster parent is extremely wealthy, the child will still qualify for the grant.





## Chapter 9

### Foster child grant

#### The screening process:

The screening process is dealt with in detail on pages 22-23 of Part 1 of this manual.



#### Remember!

Even if it seems that the applicant does not meet the qualifying conditions or earns or owns too much to satisfy the means test, they still have the right to apply for the grant. As a result, you may only **advise** them that they should not continue with the application – if they want to continue, you **must** allow them to.

If you refuse to allow an applicant to apply for a grant, you are making a decision that goes against them and the Promotion of Administrative Justice Act will apply. They will be entitled to written reasons for your refusal, to make an internal appeal or to take the matter on judicial review.

## SECTION B – Application procedure

The first step in the grant administration process is the application, where the first attesting officer completes the application form in the presence of the applicant.

### Screening process

Before beginning the formal application procedure, a screening process is conducted to check whether or not the applicant meets the qualifying conditions for the grant, has all of the necessary documents and satisfies the means test.

During the screening process:

- Check whether the applicant meets the qualifying conditions;
- Make sure that all of the necessary documents are available;
- Assist the applicant to complete affidavits for missing documents if these are acceptable (see your Departmental procedures and Reg. 9(6));
- Advise the applicant where to go if the documents can be obtained somewhere else or where an affidavit will not satisfy the requirements for the grant;
- Check to see that the applicant satisfies the necessary means test; and
- Advise the applicant whether or not to proceed with the application (based on whether the applicant will satisfy the qualifying conditions and the means test).



#### Checklist!

Many provincial departments have developed checklists to help during this process and to make it easier for the first attesting officer to check that all of the necessary documents are available. An example of a checklist that you could use for foster child grants is on the next page.



## Checklist: **Foster child grants**

Checklist for documents required and order in which documents must be placed on file

Note that alternative documents may be accepted for all of the following, **except for the ID documents** of applicants, spouses and children.

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### Foster child grant

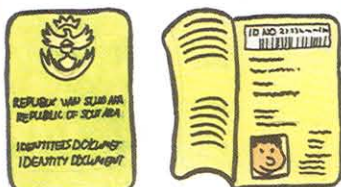
	Document	Applicant	Spouse
1	Prescribed application form		
2	Bar coded identity document of applicant and spouse (or other ID document if they are not SA citizens or permanent residents)		
3	Bar coded identity document or birth certificate of the foster child (or other ID document if the child is not a SA citizen or permanent resident)		
4	Court order/ extension order		
5	Proof of school attendance for the child		
6	Proof of income of foster child (where applicable)		



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### Foster child grant

- In terms of Regulation 9, an identity document means a 13 digit, bar coded ID document.



- For **permanent residents**, they should also provide you with their permanent resident's permit or an exemption certificate. This is because the ID document only proves their identity and not that they are permanent residents.



The DG can agree to accept alternative proof of any of the documents required, except the identity document mentioned. For example, this could be a statement made by the applicant under oath (an affidavit) as to why the original or a certified copy cannot be produced (Reg. 9(6)).

If the applicant satisfies the qualifying conditions and has all of the necessary documents, you may begin the application process as follows:

- 1 Use the relevant application form (Reg. 8(1)).



- 2 Complete the application form in the presence of the applicant (and with their assistance) in the area where they live.



- 3 Certify the application form and get the applicant to sign it and provide a full set of fingerprints (Reg. 8(1)(2)(a)(b)).



- 4 In terms of Regulation 10(2), the date on which the child is placed in foster care (the date of the court order) is the date from which the grant will be paid.



- 5 The application form must be accompanied by all the necessary documents or certified copies of them (Reg. 9). These are:



- a. Identity document of the foster parent

It is not necessary for the foster parent to be a South African citizen or a permanent resident. If they are though, they must have a 13-digit, bar coded ID document. If they are not a South African citizen, they must have an identity document from their home country. Although there might be difficulties in loading the information into SOCPEN, this is being addressed at the national level.

- b. An identity document or a birth certificate of the child. If the child is a South African citizen, they will either need:

- A 13 digit, bar coded identity document; or
- A birth certificate with this 13 digit number on it.

If the child is not a South African citizen, they will need an official identity document from their home country.

- c. Proof of the foster parent's marital status (Reg. 9(1)(c)). This means:



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### Foster child grant

- A Marriage Certificate or in case of a customary marriage, a letter, a note or a contract which documents the marriage;
- If the applicant is divorced they must have a Divorce Order; or
- If the applicant's spouse is dead, they must have a Death Certificate of their spouse.

#### d. Proof of income of the foster child

It is the child's income and not that of the foster parent that will be taken into account when performing the means test. If the child has an income of more than **twice the annual amount of the grant**, they will not qualify.

#### e. Proof that the child is attending school (if they are old enough to).

If the child is of school going age, you will need proof that they are attending school regularly or proof that the child is on a waiting list for admission to a school (Reg. 9(4)(b)).

#### f. The order of the children's court, another court or the extension order from the court.

Before the grant can be awarded, there must be proof that the child has been placed in custody of a foster parent in terms of Chapter 3 of the Child Care Act (74 of 1983) or Section 290 of the Criminal Procedure Act (51 of 1977). As a result, you need a copy of the court order where this decision was made.

- 6 The completed application form must then be verified by a second attesting officer (Reg. 8(2)(c)).



- 7 Give the applicant a dated copy of the application, stamped with the official Department stamp. This receipt must have the name of the applicant, the name of the attesting officer and the date of the application (Reg. 8(3)(b)).



- 8 Register the received application. In the register, list the following particulars (Reg. 8(5)(a-e)):
- Identifying particulars (Reg. 8(5)(a));
  - Date of attestation (Reg. 8(5)(b));
  - Type of grant (Reg. 8(5)(c));
  - Status of application (Reg. 8(5)(d)); and
  - Province in which the application was made (Reg. 8(5)(e)).



**Receipt:** You should tell the applicant that the receipt is one of the most important documents of the application process and that it is their only proof that they have made the application.

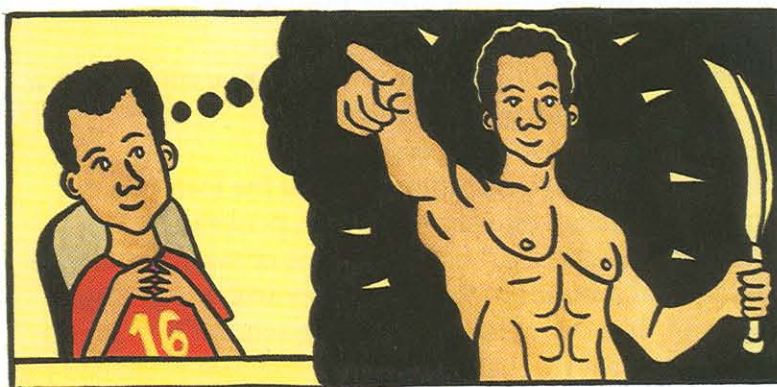




## Chapter 9

### Foster child grant

#### SECTION C – Empowering provisions (step 1)



Once you have received a verified application for the grant, you must decide whether to approve or reject it. To make sure your decision is lawful, reasonable and procedurally fair, you should check your empowering provisions. For foster child grants, these are Sections 1 (a-d), 2(a) and 3 of the SAA, and Regulation 2(1).

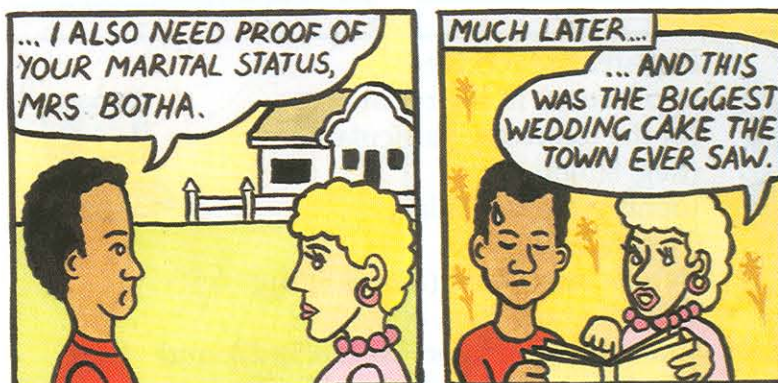
The empowering provisions will tell you:

- Whether **you** are allowed to make the decision; and
- What conditions must be satisfied before the grant can be awarded.

#### SECTION D – Procedures (step 2)

There are no special procedures that must be followed for a foster child grant. Instead, only the usual procedure (as described in Section B) has to be followed.

If the procedures **have not** been followed, you should return the application to the applicant and advise them of what procedures still have to be followed. If these are still not followed, you must decide what to do and notify the applicant (as set out in steps 4 and 5).





## SECTION E – Qualifying conditions (step 3)

### Chapter 9

#### Foster child grant



#### a Who qualifies for the grant?

To qualify for the grant, the applicant must:

- The applicant must be the foster parent of a foster child. This means that the child must have been placed in their custody by a children's court (under the Child Care Act, 1983, or Section 290 of the Criminal Procedure Act, 1977),
- The foster parent **and** the foster child must live in South Africa at the time of the application. But, neither the foster child nor the foster parent need to be South African citizens,
- The income of **the child** (not the income of the foster parent) must be less than twice the annual amount of a foster child grant,
- All of the supporting documents (set out above) must be present, including a copy of the court order.



#### b Who does not qualify?

Applicants will not qualify if:

- The annual income of the child is more than twice the annual foster child grant.
- The child was not put into the custody of the foster parent by a children's court or in terms of the Child Care or Criminal Procedure Acts.
- Either the foster parent or the child (or both) do not live in South Africa at the time of the application.



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### Foster child grant



If the foster child attends school elsewhere, it is still regarded as being in the foster parent's custody.

Although not covered by the Regulations, there may be other circumstances why a child cannot attend school – for example, they may not have the mental ability to be educated. Where there is a legitimate reason for the child not attending school, they will be given an exemption certificate from the Department of Education. Where such a certificate has been granted, the foster parent will still be entitled to the grant.

#### c Special conditions

Foster parents who are receiving foster child grants **must** comply with the following conditions:

- The foster child must stay in their custody,
- They must provide accommodation for the child, it must be properly fed and clothed, and it must be given proper medical and dental care (Reg. 21(b)),
- If the child is old enough to go to school, it must attend school regularly (unless there is no school available) (Reg. 21(c)).



#### Important

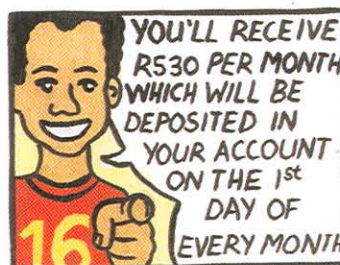
If you approve a foster child grant, you need to explain all of these special conditions to them. If they ignore them, the grant can be cancelled. As a result, you should remember these conditions when reviewing these grants (as described in Chapter 4).

## SECTION F – Decision and notification (steps 4 & 5)

#### a Where the grant is approved

If the applicant meets all the conditions and they qualify for the grant, you **must** approve their application and notify them:

- That it has been approved;
- How much money they will receive;
- When and how they will receive it; and
- Of their obligations under Regulation 23 to:
  - Report any changes in their (or their spouse's) general, medical or financial situations; and
  - Submit themselves for review when required to do so.





## Chapter 9

### Foster child grant

#### b Where the grant is refused

If the applicant doesn't meet the requirements, you will have to refuse the application and send them a notice saying:

- What you decided;
- The reasons for your decision; and
- That they can appeal to the Minister within 90 days of receiving the notice.



#### SECTION G – Lapsing and suspension of a foster child grant



##### a Lapsing

A foster child grant will lapse (come to an end) if:

- Where the last living foster parent dies, the grant lapses on the last day of this month (Reg. 24(3)(a));
- If the foster child dies, the grant lapses on the last day of this month (Reg. 24(3)(b));
- If the foster child is no longer in the custody of the foster parent(s), the grant lapses on the last day of this month (Reg. 24(3)(c);
- The grant lapses on 31 December of the year in which the foster child turns 18 (Reg. 24(3)(d)). Although SOCPEN currently stops the grant as soon as the child turns 18 and **not** at the end of that year, this problem is being addressed at national level;
- If the foster child leaves school, the grant lapses with effect from the first day of the following month (Reg. 24(3)(e)). However, the grant can be extended if this is recommended by a social worker as follows:
  - If the child is younger than 18, the grant can be extended for a period not exceeding 12 months, while the child is in the process of being placed with different foster parents (Reg. 24(3)(e)(i));

##### Cross reference

Chapter 3, Section C, sets out in detail what this letter should contain. For example, it must at least say:

- Who took the decision;
- What decision was taken;
- When the decision was taken;
- Where the decision was taken;
- How the decision was taken; and
- Why the decision was taken.



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### Foster child grant

- If the child is over 18 but younger than 21, the grant can be extended to allow the child to complete secondary school; or
- If the child is disabled, it can be extended to allow the child to receive special educational training.

In each case, the grant may not be continued after the end of the year in which the child turns 21 and applications for extension must be made each year; or

- When the beneficiary has not claimed the foster child grant for a period of three consecutive months (Reg. 24(5)).
- If the beneficiary was not able to collect their grant because of circumstances beyond their control, they can apply to have the grant restored from the date when they last claimed it, but they **must** do so within 90 days of the grant lapsing. (Reg. 24(5)). As a result, you must inform them that it is possible to restore the grant within 90 days after it lapsed **and** you must tell them how to do this.
- Sometimes it can take a while for the grant to be processed, or there may be a delay between the lapsing of a grant and the start of a new one. In such cases, please remember that the person may qualify for **social relief** while they are waiting.
- Where a foster child is in need of full time care, the foster parent may qualify for both a foster child grant **and** a **care dependency grant** (as described in Chapter 11).



#### b Suspension of grants

Grants can also be suspended (stopped for a short time) if:

- The foster child's financial or other circumstances change (Reg. 23);
- It is being misused (Section 8 SAA);
- The beneficiary leaves the country for more than 6 months (Section 7 SAA); or
- The beneficiary fails to cooperate or supply documentation required on review (Reg. 23).

As dealt with in Part 1 of this manual, the decision to suspend a grant is an administrative action and is covered by the Promotion of Administrative Justice Act. As a result, **before deciding to withdraw or suspend a grant**, you **must** send the beneficiary a notice saying:

- That you are considering withdrawing or suspending their grant;
- Why you intend taking this decision; and
- By when they must reply to you if they disagree with the decision you are planning to take.

Although SOCPEN automatically suspends or withdraws grants without sending this first notice at the moment, this seems to go against the Promotion of Administrative Justice Act and is being addressed.





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### Foster child grant

A social worker may temporarily place the child in the care of someone else when both foster parents have died. The grant will then be paid to these people if the child is under 18 years, for a period not exceeding 12 months, pending permanent placement.



- If the child is over 18 but younger than 21, the grant can be extended to allow the child to complete secondary school.
- If the child is disabled, it can be extended to allow the child to receive special educational training.

In each case, the grant may not be continued after the end of the year in which the child turns 21.

#### c Funeral costs

When a foster child dies, the grant should be paid out until the last day of the month in which they died (See Regulation 24(6)). This payment is meant to help cover the funeral costs or the costs incurred by someone who took care of the child before they died. This person is not allowed to collect the grant money though. Instead, they must apply to the Department within 6 months of the death for a refund of their costs.

When telling people that they have a right to claim these costs, you must stress that the **maximum** amount that will be paid to them is the amount that was owed to the beneficiary at the time of the death. If you do not, it is possible that people may think **all** of the funeral expenses or **all** of the money they spent taking care of the beneficiary will be paid out.



#### Examples:

- If the child dies on the last day of the month in which they are entitled to their grant (and has been paid out in full for that month), the application will be unsuccessful because they were not owed anything.

## Chapter 9

### Foster child grant

- If the child dies before the last day of the month, then the amount they would have been paid can be claimed by whoever paid the funeral costs.

**Please note though** that the application for the funeral expenses must be dealt with in terms of the Promotion of Administrative Justice Act as well. That is, all of the steps in decision making (dealt with in Chapter 3) must be followed.



- This chapter contains the following sections:
- SECTION A – Introduction
  - SECTION B – Application procedure
  - SECTION C – Empowering provisions
  - SECTION D – Procedures
  - SECTION E – Qualifying conditions
  - SECTION F – Decision and notification
  - SECTION G – Lapsing and suspension of a disability grant

## Chapter 10

### Child support grants

#### SECTION A – Introduction

The child support grant is one of the three child grants provided by the Department (the others are the foster child grant and the care dependency grant). It is intended to support poor children and is given to the child's 'primary caregiver'.



A **primary caregiver** is anyone who takes the main responsibility for looking after the daily needs of the child. It can be:

- The child's parent, guardian or custodian (the person who looks after the child);
- A relative of the child; or
- Anyone else who is primarily responsible for the child.

However, the term 'primary caregiver' does **not** include:

- People who are paid to look after children (such as a teacher);
- Institutions that receive an award for taking care of the child (such as a crèche); or
- Someone who has not been given consent to look after the child by the child's parent, guardian or custodian.

**Cross reference:** The grant administration process dealt with in Part 1 applies to all grants, including child support grants.



- From April 2004 to March 2005, this grant will be available for children under the age of 11.
- From April 2005 it will be available for children under the age of 14.

Where a child turns 11 before the end of April 2005, the grant will lapse. However, when the grant is increased to cover children under the age of 14 (in April 2005), they will qualify again. In such cases you should allow a shortened application process on a special form approved for this purpose (Reg. 8(6) of the 2003 amended regulations).



## Chapter 10

### Child support grants

#### The screening process:

The screening process is dealt with in detail on page 22-23 of Part 1 of this manual.



#### Remember!

Even if it seems that the applicant does not meet the qualifying conditions or earns or owns too much to satisfy the means test, they still have the right to apply for the grant. As a result, you may only **advise** them that they should not continue with the application – if they want to continue, you **must** allow them to.

If you refuse to allow an applicant to apply for a grant, the Promotion of Administrative Justice Act will apply. The applicant will be entitled to written reasons for your refusal, to make an internal appeal or to take the matter on judicial review.

## SECTION B – Application procedure

The first step in the grant administration process is the application, where the first attesting officer completes the application form in the presence of the applicant.



### Screening process

Before beginning the formal application procedure, a screening process is conducted to check whether or not the applicant meets the qualifying conditions for the grant, has all of the necessary documents and satisfies the means test.

During the screening process:

- Check whether the applicant meets the qualifying conditions;
- Make sure that all of the necessary documents are available;
- Assist the applicant to complete affidavits for missing documents if these are acceptable (see your Departmental procedures and Reg. 9(6));
- Advise the applicant where to go if the documents can be obtained somewhere else or where an affidavit will not satisfy the requirements for the grant;
- Check to see that the applicant satisfies the necessary means test; and
- Advise the applicant whether or not to proceed with the application (based on whether the applicant will satisfy the qualifying conditions and the means test).

#### Checklist!

Many provincial departments have developed checklists to help during this process and to make it easier for the first attesting officer to check that all of the necessary documents are available. An example of a checklist that you could use for child support grants is on the next page.



## Checklist: **Child support grants**

Checklist for documents required and order in which documents must be placed on file

Note that alternative documents may be accepted for all of the following, **except for the ID documents** of applicants, spouses and children.

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### Child support grants

	Document	Applicant	Spouse
1	Prescribed application form		
2	Bar coded identity document (of applicant and spouse)		
3	13-digit birth certificate of children		
4	Marital status (marriage certificate / divorce paper / death certificate)		
5	Proof of residential address		
6	Consent form completed by a commissioner of oaths (where applicable)		
7	Complete work history of applicant and spouse (prescribed form completed by last and current employer)		
8	Proof of how the applicant and spouse actually support themselves at present		
9	Proof of income from investments		
10	Bank statements for all accounts for last three months		
11	Proof of present earnings		
12	Proof of private pension or annuity		



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### Child support grants

If the applicant satisfies the qualifying conditions and has all of the necessary documents, you may begin the application process as follows:

- In terms of Regulation 9, an identity document means a 13 digit, bar coded ID document.



- For **permanent residents**, they should also provide you with their permanent resident's permit or an exemption certificate. This is because the ID document only proves their identity and not that they are permanent residents.



The DG can agree to accept alternative proof of any of the documents required, except the identity document mentioned. For example, this could be a statement made by the applicant under oath (an affidavit) as to why the original or a certified copy cannot be produced (Reg. 9(6)).

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- 1 Use the relevant application form (Reg. 8(1)).



- 2 Complete the application form in the presence of the applicant (and with their assistance) in the area where they live.



- 3 Certify the application form and get the applicant to sign it and provide a full set of fingerprints (Reg. 8(1)(2)(a)(b)).



- 4 In terms of Regulation 10(1), the date on which an application is signed is regarded as the date on which the application is made.



- 5 The application form must be accompanied by all the necessary documents or certified copies of them (Reg. 9). These are:



- a. The applicant's South African identity document and, if they are married, their spouse's identity document (Reg. 9(1)(a)).
- b. An identity document or a birth certificate of the child. This must be:
  - A 13 digit, bar coded identity document; or
  - A birth certificate with this 13 digit number on it.
- c. Proof of the applicant's marital status (Reg. 9(1)(c)). This means:
  - A Marriage Certificate or, in case of a customary marriage, a letter, a note or a contract which documents the marriage;
  - If the applicant is divorced they must have a Divorce Order; or
  - If the applicant's spouse is dead, they must have a Death Certificate of their spouse.



## Chapter 10

### Child support grants

- d. Proof that the applicant is the primary caregiver. Where the applicant is not the child's parent, they must prove that they are the primary caregiver. To do so, they will usually need written proof from a parent or the legal guardian or custodian of the child to say that they are the primary caregiver.
- e. Proof of assets and income of the applicant and their spouse (Reg. 9(2)(a); the means test itself is dealt with in Reg. 13-15).

Regulation 16 says the primary caregiver will qualify for a child support grant if both the primary care giver **and** the child:

- Live in a **rural** area (in either a formal or informal dwelling) and the personal income of the caregiver is less than R13 200 per year;
- Live in an **urban** area in an **informal** dwelling and the personal income of the caregiver is less than R13 200 per year; or
- Live in an **urban** area in a **formal** dwelling (a brick, concrete or asbestos house) and the personal income of the caregiver is less than R9 600 per annum.

Since you need to know about the person's assets and income (and that of their spouse if they are married) to be able to do the means test, applicants must provide original or certified copies of:

- Proof of any private pension that they receive;
- A bank statement for 3 consecutive months before the date of the application;
- A wage certificate (if they are still working);
- Their UIF card or discharge certificate; and
- Proof of where they live and what type of house it is.

- 6 The completed application form is verified by a second attesting officer (Reg. 8(2)(c)).



- 7 The applicant is given a dated copy, stamped with the official Department stamp, of the application or a receipt. This receipt must have the name of the applicant, the name of the attesting officer and the date of the application (Reg. 8(3)(b)).



If more than one person claims to be the primary caregiver, an official must decide which one really is. This will depend on who has been delegated to do this in your province.

This decision is an administrative action in terms of the Promotion of Administrative Justice Act with regard to all of those who the decision goes against. As a result, all of those who are **not** regarded as the primary caregiver will need to be given a proper notice saying:

- What the decision was;
- How it was taken;
- Who took it;
- Why it was decided they are not the primary caregiver (written reasons for the decision); and
- That they can appeal to the Minister within 90 days.



Assets are not taken into account in child support grants.



## Chapter 10

### Child support grants

**Receipt:** You should tell the applicant that the receipt is one of the most important documents of the application process and that it is their only proof that they have made the application.



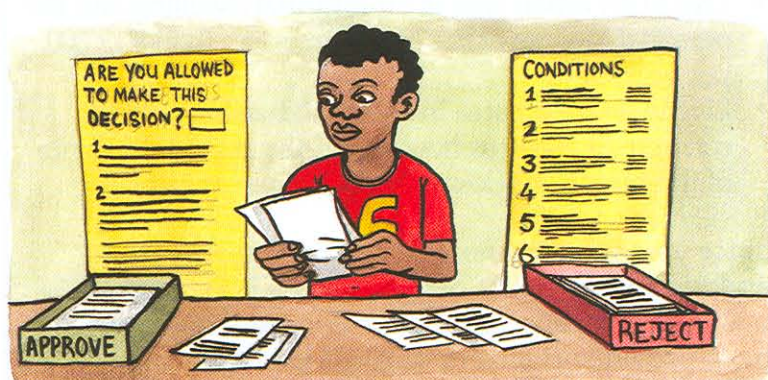
8 Register the received application. In the register, list the following particulars (Reg. 8(5)(a-e)):



- Identifying particulars (Reg. 8(5)(a));
- Date of attestation (Reg. 8(5)(b));
- Type of grant (Reg. 8(5)(c));
- Status of application (Reg. 8(5)(d)); and
- Province in which the application was made (Reg. 8(5)(e)).



### SECTION C – Empowering provisions (step 1)



Once you have received a verified application for the grant, you must decide whether to approve or reject it. To make sure your decision is lawful, reasonable and procedurally fair, you should check your empowering provisions. For child support grants, these are Sections 1, 2(d) and 4 of the SAA, and Regulation 3.

The empowering provisions will tell you:

- Whether **you** are allowed to make the decision; and
- What conditions must be satisfied before the grant can be awarded.

### SECTION D – Procedures (step 2)

There are no special procedures that must be followed for child support grants. Instead, only the usual procedure (as described in Section B) has to be followed. If these procedures **have** been followed, go to Step 3 and check the qualifying conditions.

If the procedures **have not** been followed, you should return the application to the applicant and advise them of what procedures still have to be followed. If these are still not followed, you must decide what to do and notify the applicant (as set out in steps 4 and 5).





**a Who qualifies for the grant?**

To qualify for the grant:

- The applicant must be the primary caregiver of the child;
- The child must be under the age of 11 years (although this will increase to 14 years from April 2005);
- Both the primary caregiver and the child must be South African citizens or permanent residents;
- Both the primary caregiver and the child must live in South Africa at the time of the application;
- The personal income of the primary caregiver **and** their spouse must be below the amount set out in Regulation 16 (depending on where they live); and
- All of the supporting documents (set out above) must be present.



- A **parent** will qualify for a child support grant for **all** of their children that are under the age of 11 (provided all of the conditions are met).
- However, if the primary caregiver is **not** the parent of the children they are taking care of, they are only entitled to grants for a maximum of six children (Reg. 3(1)(b)).



**b Who does not qualify?**

Applicants will not qualify if:

- They do not meet the qualifying conditions (for example, they are not a South African or a permanent resident, or the child is too old);
- The primary caregiver gets paid for looking after the child (Reg. 3(2)(c));
- The primary caregiver (or someone else) is already getting a grant for the same child (Reg. 3(2)(e)); or
- The child lives in an institution referred to in the Child Care Act, 1983 or a similar institution (for example, a state funded orphanage) (Reg. 3(2)(d)).



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### Child support grants

If you approve a child support grant, you need to explain all of these special conditions to the primary caregiver. If they ignore them, the grant can be cancelled. As a result, you should remember these conditions when reviewing these grants (as is described in Chapter 4).



#### c Special conditions

A primary caregiver who receives a child support grant must comply with the following conditions:

- They must continue to be the primary caregiver for as long as they are getting the grant (Reg. 20(a)). If not, the grant lapses and the "new" primary caregiver must apply for the grant;
- The child must be properly accommodated, fed and clothed (Reg. 20(b));
- They beneficiary must allow someone authorized by the DG to have reasonable access to the child and the place where the child lives (Reg. 20(c));
- They must ensure that the child receives vaccinations against disease and other health services, where these services are available for free (Reg. 20(d)); and
- Regulation 20(e) allows an authorised person to tell the primary caregiver what to do with the grant. Primary caregivers **must** follow these instructions.





## SECTION F – **Decision and notification** (steps 4 & 5)



### **a Where the grant is approved**

If the applicant meets all the conditions and they qualify for the grant, you **must** approve their application and notify them:

- That it has been approved;
- How much money they will receive;
- When and how they will receive it; and
- Of their obligations under Regulation 23 to:
  - Report any changes in their (or their spouse's) general, medical or financial situations; and
  - Submit themselves for review when required to do so.

### **b Where the grant is refused**

If the applicant doesn't meet the requirements, you will have to refuse the application and send them a notice saying:

- What you decided;
- The reasons for your decision; and
- That they can appeal to the Minister within 90 days of receiving the notice.

## **Chapter 10** **Child support grants**

### **Cross reference**

Chapter 3, Section C, sets out in detail what this letter should contain. For example, it must at least say:

- Who took the decision;
- What decision was taken;
- When the decision was taken;
- Where the decision was taken;
- How the decision was taken; and
- Why the decision was taken.



## Chapter 10

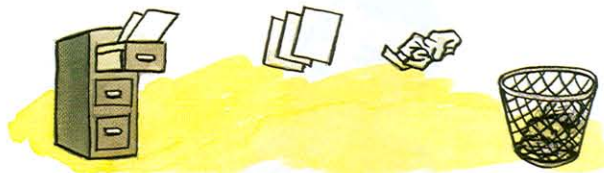
### Child support grants



If the beneficiary was not able to collect their grant because of circumstances beyond their control, they can apply to have the grant restored from the date when they last claimed it, but they **must** do so within 90 days of the grant lapsing (Reg. 24(5)). As a result, you must inform them that it is possible to restore the grant within 90 days after it lapsed **and** you must tell them how to do this.

Sometimes it can take a while for the grant to be processed, or there may be a delay between the lapsing of a grant and the start of a new one. In such cases, please remember that the person may qualify for **social relief** while they are waiting.

## SECTION G – Lapsing and suspension of a child support grant



### a Lapsing

The child support grant will lapse, if one of the following occurs:

- When the primary caregiver dies, the grant lapses on the last day of this month (Reg. 24(2)(a));
- If the child dies, the grant lapses on the last day of this month (Reg. 24(2)(b));
- When the child turns 11 (or 14), the grant lapses on the last day of this month (Reg. 24(2)(c));
- If the child is no longer in the custody of the primary caregiver, the grant lapses on the last day of this month (Reg. 24(2)(d); or
- When the beneficiary has not claimed the child support grant for a period of three consecutive months (Reg. 24(5)).



### b Suspension of grants

Grants can also be suspended (stopped for a short time) if:

- The primary caregiver and their spouse's income increases and they earn more than is allowed (Reg. 23);
- It is being misused (Section 8 SAA);
- The beneficiary leaves the country for more than 6 months (Section 7 SAA); or
- The beneficiary fails to cooperate or supply documentation required on review (Reg. 23).

As dealt with in Part 1 of this manual, the decision to suspend a grant is an administrative action and is covered by the Promotion of Administrative Justice Act. As a result, **before deciding to withdraw or suspend a grant**, you **must** send the beneficiary a notice saying:

- That you are considering withdrawing or suspending their grant;
- Why you intend taking this decision; and
- By when they must reply to you if they disagree with the decision you are planning to take.

Although SOCPEN automatically suspends or withdraws grants without sending this first notice at the moment, this seems to go against the Promotion of Administrative Justice Act and is being addressed.



#### c Funeral costs

When a child that is the subject of a child support grant dies, the grant should be paid out until the last day of the month in which they died (see Regulation 24(2)(d)). This payment is meant to help cover the funeral costs or the costs incurred by someone who took care of the child before they died. This person is not allowed to collect the grant money though. Instead, they must apply to the Department within 6 months of the death for a refund of their costs.

When telling people that they have a right to claim these costs, you must stress that the **maximum** amount that will be paid to them is the amount that was owed to the beneficiary at the time of the death. If you do not, it is possible that people may think **all** of the funeral expenses or **all** of the money they spent taking care of the beneficiary will be paid out.

#### *Examples:*

- If the child dies on the last day of the month in which they are entitled to their grant (and has been paid out in full for that month), the application will be unsuccessful because they were not owed anything.
- If the child dies before the last day of the month, then the amount they would have been paid can be claimed by whoever paid the funeral costs.

**Please note though** that the application for the funeral expenses must be dealt with in terms of the Promotion of Administrative Justice Act. That is, all of the steps in decision making (dealt with in Chapter 3) must be followed.





- This chapter contains the following sections:
- SECTION A – Introduction
  - SECTION B – Application procedure
  - SECTION C – Empowering provisions
  - SECTION D – Procedures
  - SECTION E – Qualifying conditions
  - SECTION F – Decision and notification
  - SECTION G – Lapsing and suspension of a disability grant

## Chapter 11

### Care dependency grants

#### SECTION A – Introduction



The care dependency grant is one of the three child grants provided by the Department (the others are the foster child grant and the child support grant).

This grant is meant for children between the ages of 1 and 18 years who are severely mentally or physically disabled **and** who need permanent home care. It can be awarded to parents, foster parents, custodians and guardians who take care of severely disabled children.

**Cross reference:** The grant administration process dealt with in Part 1 of this manual applies to all grants, including old age grants.

**Custodian** means a person who is responsible for the supervision and care of a child (Reg. 1 - Definitions).

A **guardian** is someone who has been given the responsibility (by the law or an order of court) to manage the property and affairs of a child and to represent the child in any legal matters. (Reg. 1 - Definitions).



This grant can be given to someone who is already receiving a grant. For example, a foster parent of a disabled child that needs constant care can get both a foster care grant **and** a care dependency grant.

However, a person receiving a **child support grant** does **not** qualify for a care dependency grant. Because the care dependency grant is worth more than a child support grant, you should advise anyone receiving a child support grant **and** who has to provide care to a child that is severely mentally or physically disabled to cancel their child support grant and apply for a child dependency grant.



## Chapter 11

### Care dependency grants

#### The screening process:

The screening process is dealt with in detail on pages 22-23 of Part 1 of this manual.



Where an assessment panel is used (as in Limpopo), and an applicant arrives to apply for a grant without the child first having been assessed, advise them (and other applicants) to come to your office on a future date for an assessment by the panel. Tell them that they should bring along all of the medical records relating to the child - even old records from another doctor, hospital or clinic.

## SECTION B – Application procedure

The first step in the grant administration process is the application, where the first attesting officer completes the application form in the presence of the applicant.



### Screening process

During the screening process for these grants, the first step is to check that the applicant has a letter from a medical officer to say that the assessment has been done on the child. If they do not have such a letter:

- Give them with a copy of the forms for the medical officer and advise them where to go to have these filled in;
- Tell them that they need to give the medical officer all of the medical records for the child - even old records from another doctor, hospital or clinic;
- Remind them to ask the medical officer to give them a letter to say the assessment has been done; and
- Tell them by which date they should return to your office for the application to be filled in.

### Before sending them away

- Check to see that they have all of the other documents they will need and, if they do not, advise them where to go and how to get hold of these; and
- Conduct the means test to see that they will qualify. If it appears they will not qualify, tell them and advise them that, even though it seems they will not qualify, they still have the right to apply.



On the day set aside for assessments, take all of the applicants as a group to the assessment panel. Tell them too on which date they should return to your office and that they should tell the person conducting the screening that they have already been assessed.

Once a person arrives at your office with a letter from a medical officer to say that the child has been assessed (or has already been before an assessment panel) the normal screening process can continue. During this:

- Check whether the applicant meets the qualifying conditions;
- Make sure that all of the necessary documents are available;
- Assist the applicant to complete affidavits for missing documents if these are acceptable (see your Departmental procedures and Reg. 9(6));
- Advise the applicant where to go if the documents can be obtained somewhere else or where an affidavit will not satisfy the requirements for the grant;
- Check to see that the applicant satisfies the necessary means test;
- Advise the applicant whether or not to proceed with the application (based on whether the applicant will satisfy the qualifying conditions and the means test).

#### Checklist!

Many provincial departments have developed checklists to help during this process and to make it easier for the first attesting officer to check that all of the necessary documents are available. An example of a checklist that you could use for care dependency grants is on the following page.

## Chapter 11

### Care dependency grants



#### Remember!

Even if it seems that the applicant does not meet the qualifying conditions or earns or owns too much to satisfy the means test, they still have the right to apply for the grant. As a result, you may only **advise** them that they should not continue with the application – if they want to continue, you **must** allow them to.

If you refuse to allow an applicant to apply for a grant, you are making a decision that goes against them and the Promotion of Administrative Justice Act will apply. They will be entitled to written reasons for your refusal, to make an internal appeal or to take the matter on judicial review.



### Care dependency grants

Checklist for documents required and order in which documents must be placed on file

Note that alternative documents may be accepted for all of the following, **except for the ID documents** of applicants, spouses and children.

	Document	Applicant	Spouse
1	Prescribed application form		
2	Bar coded identity document (of applicant and spouse)		
3	13-digit birth certificate of children		
4	Medical report for the child from a state doctor or assesment panel		
5	Marital status (marriage certificate / divorce paper / death certificate)		
6	Proof of residential address		
7	Employer's certificate completed by last and current employer in respect of primary caregiver and spouse		
8	Proof of how the applicant and spouse actually support themselves at present		
10	Proof of present earnings		
11	Bank statements for all accounts for last three months		
12	Proof of income from investments		
13	Proof of private pension or annuity		
14	Proof of income of care dependent child		



If the applicant satisfies the qualifying conditions and has all of the necessary documents, you may begin the application process as follows:

- 1 Use the relevant application form (Reg. 8(1)).



- 2 Complete the application form in the presence of the applicant (and with their assistance) in the area where they live.



- 3 Certify the application form and get the applicant to sign it and provide a full set of fingerprints (Reg. 8(1)(2)(a)(b)).



- 4 In terms of Regulation 10(1), the date on which an application is signed is regarded as the date on which the application is made.



- 5 The application form must be accompanied by all the necessary documents or certified copies of them (Reg. 9). These are:
  - a. The applicant's South African identity document and, if they are married, their spouse's identity document (Reg. 9(1)(a)).
  - b. An identity document or a birth certificate of the child. This must be:
    - A 13 digit, bar coded identity document; or
    - A birth certificate with this 13 digit number on it.
  - c. Proof of the applicant's marital status (Reg. 9(1)(c)). This means:
    - A Marriage Certificate or, in case of a customary marriage, a letter, a note or a contract which documents the marriage;
    - If the applicant is divorced they must have a Divorce Order; or
    - If the applicant's spouse is dead, they must have a Death Certificate of their spouse.



## Chapter 11

### Care dependency grants

- In terms of Regulation 9, an identity document means a 13 digit, bar coded ID document.



- For **permanent residents**, they should also provide you with their permanent resident's permit or an exemption certificate. This is because the ID document only proves their identity and not that they are permanent residents.
- As discussed in Chapter 10 of this manual, foster parents do not need to be South African citizens to qualify for a foster care grant. If they are asked to foster a disabled child, they can apply for a care dependency grant. **In such cases, they must provide a copy of their identity document from their home country or a South African ID document if they have one.**



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### Care dependency grants

Since the foster parent of a disabled child can also claim the care dependency grant, you might receive an application from a foster parent of a child that is not South African or a permanent resident. Here, an identity document from the child's home country must be provided.



The DG can agree to accept alternative proof of any of the documents required, except the identity document mentioned. For example, this could be a statement made by the applicant under oath (an affidavit) as to why the original or a certified copy cannot be produced (Reg. 9(6)).

**Receipt:** You should tell the applicant that the receipt is one of the most important documents of the application process and that it is their only proof that they have made the application.

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d. Proof that the applicant is the primary caregiver. Where the applicant is not the child's parent, they must prove that they are the primary caregiver. To do so, they will usually need written proof from a parent or the legal guardian or custodian of the child to say that they are the primary caregiver.

e. Proof of assets and income of the applicant and their spouse (Reg. 9(2)(a); the means test itself is dealt with in Reg. 13-15).

Since you need to know about the person's assets and income (and that of their spouse if they are married) to be able to do the means test, applicants must provide original or certified copies of:

- Proof of any private pension that they receive;
- A bank statement for 3 consecutive months before the date of the application;
- A wage certificate (if they are still working);
- Their UIF card or discharge certificate; and
- Proof of where they live and what type of house it is.

f. A medical report from a medical officer or assessment panel. Since only severely disabled children qualify, a medical report is required. The process involved is the same as that for disability grants in Chapter 7.

g. If the applicant is a foster parent – the court order putting the child into their care must be provided.

- 6 The completed application form is verified by a second attesting officer (Reg. 8(2)(c)).



- 7 The applicant is given a dated copy, stamped with the official Department stamp, of the application or a receipt. This receipt must have the name of the applicant, the name of the attesting officer and the date of the application (Reg. 8(3)(b)).



- 8 Register the received application. In the register, list the following particulars (Reg. 8(5)(a-e)):



- Identifying particulars (Reg. 8(5)(a));
- Date of attestation (Reg. 8(5)(b));
- Type of grant (Reg. 8(5)(c));
- Status of application (Reg. 8(5)(d)); and
- Province in which the application was made (Reg. 8(5)(e)).



## SECTION C – Empowering provisions (step 1)



Once you have received a verified application for the grant, you must decide whether to approve or reject it. To make sure your decision is lawful, reasonable and procedurally fair, you should check your empowering provisions. For care dependency grants, these are Sections 1, 2(d) and 4 of the SAA, and Regulation 3.

The empowering provisions will tell you:

- Whether **you** are allowed to make the decision; and
- What conditions must be satisfied before the grant can be awarded.

## SECTION D – Procedures (step 2)

For care dependency grants, there **is** a special procedure that must be followed. To qualify, the child must be disabled in some way and in need of special, permanent home care. As a result, the child must undergo a medical assessment by a medical officer or assessment panel.

In other words, both the usual application forms **and** the report from the medical officer or assessment panel need to be present before you can process the application. If the medical report is not available, give the applicant the forms that they will need and send them to a medical officer or arrange for them to appear before an assessment panel for a medical assessment (as dealt with in the screening process above).

If both the application form and the medical report are available, go on to step 3 and check the qualifying conditions.



## Chapter 11

### Care dependency grants

Definitions (Regulation 1):

**Medical officer** means a doctor in the service of the state.

**Assessment panel** means a group of people appointed in terms of Reg. 2(4), who have the relevant experience and knowledge to assess disability and care dependency.

Assessment panels consist of:

- A senior social security official;
- A rehabilitation therapist (nurse, social worker, physiotherapist, psychologist, occupational therapist or audio-visual therapist);
- A representative from the disability sector or a reputable member of the community (such as a priest, iNkosi, magistrate or anyone else who is familiar with the circumstances of the community); and
- Anyone else who is thought to be appropriate for the particular application.

**Assessment** means either:

- An evaluation based on the information provided on the relevant forms (the application form **and** the medical report); or
- A physical examination of the applicant in order to determine their disability or care dependency.



**a Who qualifies for the grant?**

To qualify for the grant:

- The applicant must be the parent, guardian, foster parent or custodian of the child;
- The child must be between the ages of 1 and 18 years;
- If the application is by a **parent, guardian or custodian**, both they and the child must be South African citizens or permanent residents;
- For **foster parents**, neither the foster parent nor the child need to be South African citizens;
- Both the applicant and the child must live in South Africa at the time of the application;
- The medical report must show that the child is disabled and in need of permanent home care;
- The income of the applicant (and their spouse if they have one) must satisfy the means test in Regulation 5(1). This says:
  - The combined annual income of the applicant and their spouse (after deductions) must not be more than R48 000;
  - The annual income of the care dependent child must not be more than twice the annual amount of the care dependency grant. At the time of writing (July 2004), this amount was set at R17 760 per year; and
  - The income of the **foster parents** of a care dependent child must **not** be taken into account (Reg. 5(2)); and
- All of the supporting documents (set out above) must be present.

**b Who does not qualify?**

Applicants will not qualify if:

- They do not meet the qualifying conditions (for example, they are not a South African or a permanent resident, or the child is too old); or
- The child is permanently cared for in a psychiatric hospital (Reg. 22(e)(i)) or in a care and rehabilitation centre run by the state (Reg. 22(e)(ii)).





## Chapter 11

### Care dependency grants

#### c Special conditions

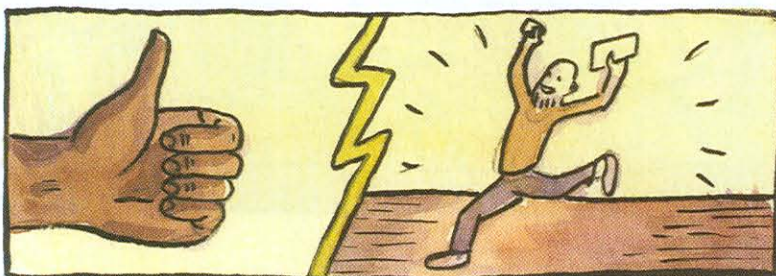
A primary caregiver who receives a care dependency grant must comply with the following conditions:

- They must continue to be the primary caregiver for as long as they are getting the grant (Reg. 20(a)). If not, the grant lapses and the “new” primary caregiver must apply for the grant;
- The child must be properly accommodated, fed and clothed (Reg. 20(b));
- The beneficiary must allow someone authorized by the DG to have reasonable access to the child and the place where the child lives (Reg. 20(c));
- They must ensure that the child receives vaccinations against disease and other health services, where these services are available for free (Reg. 20(d)); and
- Regulation 20(e) allows an authorised person to tell the primary caregiver what to do with the grant. Primary caregivers **must** follow these instructions.



If you approve a care dependency grant, you need to explain all of these special conditions to the beneficiary. If they ignore them, the grant can be cancelled. As a result, you should remember these conditions when reviewing these grants (as is described in Chapter 4).

#### SECTION F – Decision and notification (steps 4 & 5)



#### a Where the grant is approved

If the applicant meets all the conditions and they qualify for the grant, you **must** approve their application and notify them:

- That it has been approved;
- How much money they will receive;
- When and how they will receive it; and
- Of their obligations under Regulation 23 to:
  - Report any changes in their (or their spouse's) general, medical or financial situations; and
  - Submit themselves for review when required to do so.



## Chapter 11

### Care dependency grants

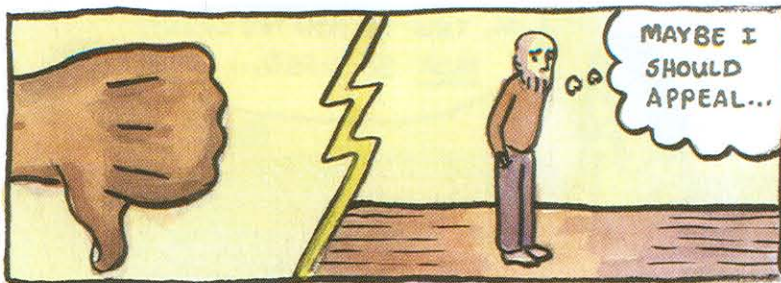
#### Cross reference

Chapter 3, Section C, sets out in detail what this letter should contain. For example, it must at least say:

- Who took the decision;
- What decision was taken;
- When the decision was taken;
- Where the decision was taken;
- How the decision was taken; and
- Why the decision was taken.



The child will probably qualify for a disability grant as soon as it turns 18. You should therefore notify the **parent, foster parent, custodian or guardian** in advance, because only **the child** can apply for the disability grant. The care dependency grant **cannot** be converted to a disability grant, because the care dependency grant is paid to the parent, foster parent, custodian or guardian, while the disability grant will be paid to the child itself once it turns 18.



#### b Where the grant is refused

If the applicant doesn't meet the requirements, you will have to refuse the application and send them a notice saying:

- What you decided;
- The reasons for your decision; and
- That they can appeal to the Minister within 90 days of receiving the notice.

### SECTION G – Lapsing and suspension of a care dependency grant

#### a Lapsing

The care dependency grant will lapse, if one of the following occurs:

- When the primary caregiver dies, the grant lapses on the last day of this month (Reg. 24(2)(a));
- If the child dies, the grant lapses on the last day of this month (Reg. 24(2)(b));



- When the child turns 18, the grant lapses on the last day of this month (Reg. 24(2)(c));
- If the child is admitted to a psychiatric hospital or a care and rehabilitation centre. In such cases, the grant will continue to be paid for a up to 6 months if the child is admitted temporarily to a psychiatric hospital for observation or treatment (Reg. 24(4)(d));
- When the income of the child's parents, custodians or guardians increases to above R48 0000; or
- When the beneficiary has not claimed the grant for a period of three consecutive months (Reg. 24(5)).



## Chapter 11

### Care dependency grants



If the beneficiary was not able to collect their grant because of circumstances beyond their control, they can apply to have the grant restored from the date when they last claimed it, but they **must** do so within 90 days of the grant lapsing (Reg. 24(5)). As a result, you must inform them that it is possible to restore the grant within 90 days after it lapsed **and** you must tell them how to do this.

Sometimes it can take a while for the grant to be processed, or there may be a delay between the lapsing of a grant and the start of a new one. In such cases, please remember that the person may qualify for **social relief** while they are waiting.

#### b Suspension of grants

Grants can also be suspended (stopped for a short time) if:

- The beneficiary financial or other circumstances change (Reg. 23);
- It is being misused (Section 8 SAA);
- The beneficiary leaves the country for more than 6 months (Section 7 SAA); or
- The beneficiary fails to cooperate or supply documentation required on review (Reg. 23).



As dealt with in Part 1 of this manual, the decision to suspend a grant is an administrative action and is covered by the Promotion of Administrative Justice Act. As a result, **before deciding to withdraw or suspend a grant**, you **must** send the beneficiary a notice saying:

- That you are considering withdrawing or suspending their grant;
- Why you intend taking this decision; and
- By when they must reply to you if they disagree with the decision you are planning to take.

Although SOCPEN automatically suspends or withdraws grants without sending this first notice at the moment, this seems to go against the Promotion of Administrative Justice Act and is being addressed.

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## Care dependency grants

When a child that is the subject of a care dependency grant dies, the grant should be paid out until the last day of the month in which they died (See Regulation 24(2)(d)). This payment is meant to help cover the funeral costs or the costs incurred by someone who took care of the child before they died. This person is not allowed to collect the grant money though. Instead, they must apply to the Department within 6 months of the death for a refund of their costs.

- If the child dies on the last day of the month in which they are entitled to their grant (and has been paid out in full for that month), the application will be unsuccessful because they were not owed anything.
- If the child dies before the last day of the month, then the amount they would have been paid can be claimed by whoever paid the funeral costs.

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- This chapter contains the following sections:
- SECTION A – Introduction
  - SECTION B – Application procedure
  - SECTION C – Empowering provisions
  - SECTION D – Procedures
  - SECTION E – Qualifying conditions
  - SECTION F – Decision and notification
  - SECTION G – Lapsing and suspension of a disability grant

## Chapter 12

### Social relief of distress

#### SECTION A – Introduction



Social relief of distress is temporary assistance given to people who are in need of immediate help to survive. It is meant to help people over a crisis period and is only granted for up to three months (although, in 'exceptional cases', people can apply for an extension of the relief for another three months). It is also often used to help people who have applied for a grant while they wait for the application to be decided.

#### SECTION B – Application procedure

The first step in the grant administration process is the application, where the first attesting officer completes the application form in the presence of the applicant.

##### Screening process

The application for social relief is different to the normal application for grants and there are also special conditions.

A person will usually not qualify for social relief if they are already receiving a grant. However, social relief **can** be granted to such people if they are in desperate need of assistance and it would cause them undue hardship if it were refused (Reg. 26 (3)).

For example, an old age pensioner's house burns down. Even though the pensioner is already receiving a grant, social relief would help them over this difficult time and it can be given to them.



##### The screening process:

The screening process is dealt with in detail on pages 22-23 of Part 1 of this manual.



- 1 Use the relevant application form (Reg. 27(1)).



- 2 Complete the application form in the presence of the applicant (and with their assistance) in the area where they live.



- 3 Certify the application form and get the applicant to sign it and provide a full set of fingerprints (Reg. 8(1)(2)(a)(b)).



In terms of Regulation 9, an identity document means a 13 digit, bar coded ID document.



- 4 The application form must have the following documents (or certified copies of them) attached:



- a. An identity document, birth certificate or any other acceptable document which proves the identity of the applicant, their spouse and their natural or adopted biological children (Reg. 27(6)(a)).
- b. Proof of marital status where applicable (Reg. 27(6)(b)). This means:
  - A Marriage Certificate or in case of a customary marriage, a letter, a note or a contract which documents the marriage;
  - If the applicant is divorced they must have a Divorce Order; or
  - If the applicant's spouse is dead, they must have a Death Certificate of their spouse.
- c. Proof of one or more of the following, depending on their circumstances:
  - Non payment of maintenance by their spouse and proof that the spouse cannot be traced (Reg. 26(1)(c)). This is usually done by affidavit;
  - That they have no money to support themselves (Reg. 27(6)(e)). This is usually done by affidavit;
  - A discharge certificate from prison, treatment centre or hospital (Reg. 27(6)(f));



- That their spouse has been admitted to a prison, treatment centre or hospital for less than 6 months (Reg. 27(6)(g)). This is usually done by affidavit;
- Proof of a temporary medical disability (for less than 6 months) (Reg. 27(6)(h)); or
- That the applicant is awaiting a trial (Reg. 27(6)(i)). This is usually done by affidavit.

- 5 A social worker must be requested to investigate the applicant's circumstances and to submit a written report with recommendations (Reg. 27(5)).



## Chapter 12

### Social relief of distress

Social relief can be processed and given **for one month** without any of these documents being present (Reg. 27(7)). But, for the relief to continue to be paid out, these documents must be submitted (Reg. 27(7)). In such cases, you **must** inform the applicant that these documents are needed before any more assistance can be given.

## SECTION C – Empowering provisions (step 1)



Once you have received a verified application for the grant, you must decide whether to approve or reject it. To make sure your decision is lawful, reasonable and procedurally fair, you should check your empowering provisions. For social relief of distress, these are Regulations 26(1), 26(3), 29(3) and 29(5).

The empowering provisions will tell you:

- Whether **you** are allowed to make the decision; and
- What conditions must be satisfied before the grant can be awarded.

You will note though that all of the Regulations have **discretionary** provisions (they all use the word 'may'). In each case, it is left to you to decide whether or not to grant the relief. As a result, whenever you exercise this discretion to give the applicant less than what they asked for, the Promotion of Administrative Justice Act will apply (as dealt with in Section F below).



Cross reference  
Discretionary provisions are discussed in more detail in Chapter 3.

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## Chapter 12

### Social relief of distress

#### a. Social relief of distress (generally)

Regulation 26(1) says the applicant **may** qualify for a social relief if they comply with one of the conditions in Regulation 26. These are discussed in Section E below.

#### b. When a supporting document is missing (Reg. 26(1) and 27(7))

In such cases, you **may** still complete the application and pay relief for **one month**.

#### c. Exceptional cases (Reg. 26(3))

Someone in your department **may** approve the application in exceptional cases even if the applicant does not meet the conditions for social relief. The person able to make this decision will differ from province to province. **Please check who it is in your province.**

#### d. Extension of the social relief of distress (Reg. 29(3))

In exceptional cases, extensions for another three months **may** be approved.

#### e. Transport expenditure Reg. 29(5)(a-b)

In exceptional cases, a payment for transport **may** be approved:

- If the applicant has been referred for treatment by a medical officer and no other arrangements for transport can be made; or
- If an applicant has to travel to a specific destination to get a job so that they will no longer dependent on further state aid.

As you can see, there are the different empowering provisions for different situations. Every provision is a discretionary provision, which means that, even if the person satisfies it, a decision must be made about whether or not to grant the application. This is discussed further in Section F below.

### SECTION D – **Procedures** (step 2)

The social relief of stress has a different procedure to other types of grants.

#### a. Application procedure in general (Reg. 27)

The detailed application procedure is shown in Section B above. These are the most important aspects of it:





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### Social relief of distress

- 1 The first attesting officer must complete the application form and certify or confirm the application in the presence of the applicant.
- 2 The second attesting officer must verify and decide.
- 3 The second attesting officer must give the applicant a stamped and dated copy of the application or a receipt for the application.

#### b. Approval procedure in general

The social relief of distress must be issued for a set period (for example, monthly) and up to a maximum of three consecutive months.

As a result, you need to check every month whether the applicant still needs the assistance.

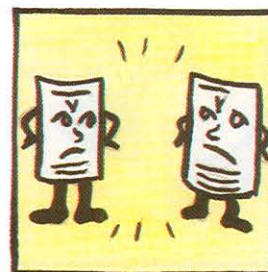


#### c. Procedure in exceptional cases and for transport expenditure

No special procedure must be followed.

#### d. Where a supporting document is missing

Where a document is missing, you may approve the social relief for the first month, but it can only continue if the documents are brought to you. Therefore, before granting relief for the second month, you must check if the missing documents have been submitted. If they have, the process can continue. If not, the social relief must end.



#### e. Extension of the social relief of distress

In exceptional cases, an extension of a further three months may be approved. **But** before this can be done:

- A social worker or any other authorised person must be asked to investigate the circumstances of the applicant; and
- Based on their report, the attesting officer must then decide whether the extension is necessary.





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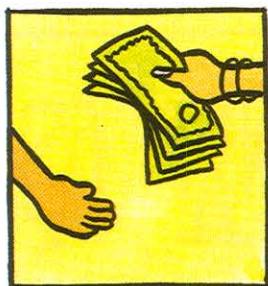
## SECTION E – Qualifying conditions (step 3)



### a Who qualifies for the grant?

The applicant must be in need of temporary material assistance **and** they must meet **one or more** of the following conditions:

- They are awaiting permanent aid;
- They have been found to be medically unfit to work for a period of less than six months;
- They have not received maintenance from a person who is meant to provide it and they can prove that they have tried to find the person and have failed;
- Their breadwinner is dead and they have no money;
- Their breadwinner has been admitted to an institution for less than six months;
- They have been affected by a disaster (although the area where they live has not yet been declared a disaster area), or by any other emergency situation;
- They are not receiving assistance from any other organisation; and/or
- They have appealed against the suspension of their grant and are waiting for the appeal to be dealt with.



### b Who does not qualify?

Generally, applicants will not qualify if:

- They do not meet the qualifying conditions;
- They receive assistance from any other organisation (Reg. 26(g));
- They already receive a grant (Reg. 26(2)) (Unless there are exceptional circumstances, as dealt with above); or
- They are a member of a household that is already receiving social assistance (Reg. 26(i)) (Unless there are exceptional circumstances, as dealt with above).



**Applicants who apply for an extension will not qualify:**

- If refusing the application it would not cause any undue hardship.

**Applicants for transport expenses will not qualify:**

- If they have **not** been referred for treatment by a medical officer **or** other arrangements for transport can be made; or
- If they do **not** have to travel to a specific destination to get a job so that they will no longer be dependent on further state aid.



## SECTION F – **Decision and notification** (steps 4 & 5)

Social relief is unlike other grants. It is only for **temporary** relief and it is issued for three months only (or longer in exceptional cases).

As a result, you have to check the qualifying conditions and approve the payment at regular intervals (for example, monthly).

- If the application is approved, the applicant must be notified and the assistance must be given to them.
- If the application is refused, the applicant must be notified and informed of the right to request written reasons within 90 days.

**However, all of the decisions relating to social relief are discretionary.** That is, even if the person satisfies all of the requirements, you don't automatically have to give them the relief or agree to extend it. Instead, you have a choice. When exercising this choice, you must follow the rules in the Social Assistance Act **and** the Promotion of Administrative Justice Act.



You should also remember that the government's priorities include making sure people are given the services that they are entitled to and reducing poverty. Please take these into account when deciding.

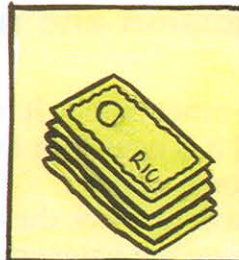
## Chapter 12

### Social relief of distress



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If a person is receiving social relief while waiting for their grant to be approved, and then the grant is approved, the first payment will be reduced by the amount of social relief given to them that month.



#### Cross reference

Chapter 3, Section C, sets out in detail what this letter should contain. For example, it must at least say:

- Who took the decision;
- What decision was taken;
- When the decision was taken;
- Where the decision was taken;
- How the decision was taken; and
- Why the decision was taken.

#### a. Where the application is approved

Even if the applicant meets all the conditions, they do not automatically qualify for the grant. Instead, you have a discretion. If you decide to approve the application, you **must** notify the applicant:

- That their application has been approved;
- How much money they will receive;
- When and how they will receive it; and
- For how long they will receive it.

#### How much do people receive?

The amount people receive depends on whether they are single, married or a child.

- For single people, the value is anything **up to** the amount a person receiving a social grant would receive each month (Reg. 29(1)(a)).
- For married people, it is **the maximum grant amount** that an adult would receive for one month (Reg. 29(1)(b)).
- For children, it is an amount **up to** the maximum that a person receiving a child support grant would be paid each month (Reg. 29(1)(c)).

#### b. Where the application is refused

The application may be refused either because, in exercising your discretion, you chose to refuse it, or because applicant doesn't meet the necessary requirements. When refusing an application, the applicant is entitled to a notice saying:

- What you decided;
- The reasons for your decision; and
- That they can appeal to the Minister within 90 days of receiving the notice.



You will also need to give the person a proper notice (including reasons for your decision and information on how to appeal to the Minister) if you give them less than what they have applied for.



## SECTION G—Lapsing and suspension of social relief of distress

Since social relief is given on a monthly basis, it does not lapse and cannot be suspended. Instead, if the person no longer needs it, it will not be awarded for the month.

## Chapter 12

### Social relief of distress





## Part 3 – **Dictionary**



**Important note**

The definitions in this dictionary have been written in simple language to help you to understand some of the terms used in manual. However, some of these terms are also defined in the Social Assistance Act and its Regulations. You should check both the Act and the Regulations to see whether words are defined there, since it is the definitions in the Act and the Regulations that will be used whenever there is a legal case around social assistance.

**Part 3****Dictionary**

**Affidavit** – a sworn statement, signed by a commissioner of oaths.

**Annuity** – a yearly payment of money that a person receives from somewhere or someone (sometimes in terms of a will) for life or for a set number of years.

**Application** – the process of applying for the grant.

**Applicant** – the person applying for a grant.

**Assess** – check.

**Assessment** – the process of checking.

**Assets** – things people own and their savings.

**Attesting officer** – the officer involved in the application and verification parts of the grant administration process. The first attesting officer fills in the application form with the applicant. The second attesting officer makes sure it is properly filled in and that all of the necessary documents are present.

**Biased** – means that you must favour one person over another when deciding.

**Beneficiary** – the person who receives the grant.

**Bond** – a bond is a loan given by a bank for the purchase of property.

**Bond payments** – the amounts paid each month towards a bond.

**Custodian** – a person who is responsible for the supervision and care of a child.

**Deadline** – the date by which something must be done.

**Deductions** – amounts that must be subtracted from the applicants income and assets when working out the means test.

**Delegate** – give the power or responsibility to do something to someone else (usually below you).

**Dividends** – each year, public companies (companies that people own shares in) pay out an amount of money to their shareholders based on the profits they have made. These payments are called dividends.

**Donated / donations** – to give away.

**Endowment policies** – this is a type of private pension, usually with an insurance company.

**Ex gratia compensation** – this is a 'once-off' payment of money to a person from anyone or any organisation.

**Fair procedure** – means that decisions should not be taken that have a negative effect on people without consulting them first. To ensure fairness, the Promotion of Administrative Justice Act sets out procedures that you must follow before you make decisions.

**Fideicommissum / fideicommissary rights** – an unusual way of 'owning' property, usually only found in rural areas where it is used to deal with farms. Sometimes, when a person dies, they leave their property to one or more of their children, but say in their will that their surviving spouse is allowed to live on and use the property until they die or choose to leave. Although they do not completely own the property and are not allowed to sell it, it obviously has a value to the surviving spouse and so must be taken into account. The rights that the person has to live on and use the property are called **fideicommissary rights**.

**Fraud** – fraud is a crime. It is where a person deliberately tries to get something that they are not entitled to by lying about certain facts.



**Grant administration process** – This is the process for dealing with grants – from the time the person first arrives to apply for it, until payment and reconciliation is made.

**Guardian** – someone who has been given the responsibility (by the law or an order of court) to manage the property and affairs of a child and to represent the child in any legal matters.

**Impartial** – means that, when making your decision, you should not take sides and you should not allow your feelings to get in the way or influence your decision.

**Income** – salary or wages received by an applicant or their spouse.

**Interest in shares** – more commonly known as ‘shares’. Some companies raise money by selling a share of the company to members of the public. Such companies are called **public companies**. Obviously, because these are worth money and can be sold by the person who owns them, they must be taken into account when a person applies for a grant.

**Lawful** – allowed by the law.

**Leasehold** – this is property which a person is renting (or leasing). It was also the only way that black people could hold property in urban areas and townships under apartheid.

**Legislation** – written law (such as the Social Assistance Act and Promotion of Administrative Justice Act).

**Legitimate** – in a form that is allowed by the law.

**Market value** – the amount of money that property could be sold for on the open market.

**Means test** – the test applied to see whether people earn below a certain amount of money or own less than a certain amount of property.

**Mission** – what it aims to achieve; its objectives.

**Municipal value** – the amount of money that the local municipality says a piece of property is worth.

## Part 3

### Dictionary

**Nett income** – the amount of money a person owns after deductions.

**Per annum** – each year.

**Priorities** – the things regarded as most important.

**Procedural fairness** – the idea of procedural fairness is that:

- You should not make decisions that adversely affect people without consulting them first (which is why you must notify them of the decision you are planning to take); and
- When making your decision, you must do so in a way that is fair, unbiased and impartial.

**Procedure** – the steps that must be followed; what you must do.

**Procurator** – a person appointed to collect a grant on behalf of the beneficiary.

**Provident fund** – this is a type of private pension.

**Qualifying conditions** – the requirements that must be met before a person will be entitled to a grant.

**Reasonable** – means that there must be a proper reason for decision and that it must make sense.

**Regulations (Reg.)** – the rules about how the law in the Social Assistance Act must be applied.

**Retirement annuity fund** – a type of private pension.

**Share capital** – the name given to the total amount of cash which the shareholders have contributed to a company.

**Spouse** – The person you are married to.

**SCOPEN** – Social Pension System

**Transfer duty** – the amount of money that has to be paid to the government by a person buying the property.



**Usufruct** – a very unusual way of owning property, usually only found in rural areas, where it is used to deal with farms. Sometimes, a person leaves a right in their will to another person to use their property and to take or use the fruits of the property for themselves (including any money that the property earns in rentals). Although they do not own the property and cannot sell it, they are entitled to the fruits of it. As a result, the value of the fruits of the property need to be taken into account.

**Unbiased** – means that you must not favour one person over another when deciding.

**Values** – things regarded as important.

**Verification** – the process of making sure something is correct.

**Verify** – make sure something is correct.

**Vision** – the way the Department sees itself.

**Withdrawals** – any amount of money drawn from a bank or building society account.