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## NOW THE SOLUTION IS HERE – SOCIAL ASSISTANCE FOR ORPHANED CHILDREN: THE EXTENDED CHILD SUPPORT GRANT

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### ABSTRACT

The current crisis in foster care was precipitated by using the child protection system to meet the social assistance needs of orphaned children. The new parallel system in the form of an extended child support grant system would enable children in the care of relatives to access an appropriate grant without having to go through a time-consuming and resource-intensive statutory process. This article outlines the challenges in the South African foster care system, discusses the reasons for introducing the extended child support grant system and explains how it will be implemented. The paper seeks to contribute to the knowledge base on social work policy changes. The policy shift towards an extended child support grant could ensure that the majority of orphans have access to adequate social protection and free up the formal child protection system, enabling a quicker social work response to cases of child abuse, maltreatment and neglect.

**Keywords:** social assistance; foster care; orphaned children; extended child support grant; kinship care; child protection

### INTRODUCTION

For many years concerns have been raised about the sustainability of the foster care system in the face of South Africa's unique challenges in dealing with orphans. As such, a completely new system in the form of an extended child support grant was needed. The new parallel system would enable children in the care of relatives to access an appropriate grant without having to go through a time-consuming and resource-intensive statutory process. Poor and orphaned children have always been eligible for the *child support grant (CSG)*. The application process

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for the CSG is fairly easy compared with that for the foster care grant. The top-up amount for orphans will be a way of acknowledging that caregivers have little choice in taking on the burden of care and will help them to provide adequately for the orphaned children in their care.

This article will critically describe the current crisis in foster care and outline how this was precipitated by using the child protection system to meet the social assistance needs of orphaned children. It outlines a possible comprehensive legal solution, which entails the introduction of the extended child support grant. If implemented, this solution could ensure not only that the majority of orphans have access to an adequate social grant, but that abused and neglected children have access to quality social welfare services/child protection services. The article also considers how an extended child support grant would work in practice.

### **SOUTH AFRICA'S FOSTER CARE CRISIS**

For many decades, the number of children in foster care placements in South Africa remained below 50,000. But when orphaning rates started to increase rapidly in the early 2000s as a result of rising HIV prevalence rates and the failure of the state to roll out antiretrovirals, there was growing public concern about what would happen to orphans (Hall, Skelton & Sibanda, 2016). The number of maternally orphaned children doubled from half a million to over a million between 1996 and 2004 (Actuarial Society of South Africa, 2010). In 2002 the former Minister of Social Development, Dr Zola Skweyiya, stated publicly that the *Department of Social Development (DSD)* was “encouraging relatives to take care of orphaned children under the foster care package” (Skweyiya, 2003). This shift towards using the foster care system (and the associated foster care grant) for orphaned children was echoed by politicians and policymakers on a number of other occasions, but without formal consultation or inquiry into the systemic consequences of such a shift (Hall *et al.*, 2016). Even at the time of the DSD announcement there were concerns about this approach. When the Children’s Bill was first being considered in January 2003, the South African Law Reform Commission proposed the legal recognition of kinship care, with a distinction between court-ordered kinship care and informal kinship care (South African Law Reform Commission, 2003). The Children’s Act (RSA, 2006), however, did not incorporate this proposal.

The South African system was designed for 150 000 per year, but that is not the case currently as there are around 450 000 children on it (Parliamentary Monitoring Group, 2021). The annual report from the *South African Social Security Agency (SASSA)* (SASSA, 2019) shows that 386 019 children received a foster care grant in 2018/2019 (SASSA, 2019: 26). The figure is three times the number that the system had been accommodating previously. Moreover, because of the delays in processing foster care grants, it took the Department of Social Development more than 10 years to reach 512 055 (Proudlock, cited in the Children’s Institute, 2014). There are between 3.7 million to 5.7 million orphans who are in need of care and protection at any given time (Konyana & Khanye, 2019) and would qualify for the foster care grant. However, only around 450 000 children are getting the foster care grant. The question is: How long will it take them to reach the other one million children? At the current pace, it will take 20 years or more for the foster care grant to reach the other 1 million orphans (Proudlock, cited in the Children’s Institute, 2014). And what would be happening to these

children in the meantime? Are the children's rights to social security not being infringed? After 20 years most of these children would have grown up without receiving the foster care grant and lost the opportunity to guarantee their survival, development and protection (Proudlock, cited in the Children's Institute, 2014).

In line with Proudlock's concerns about delays in accessing the foster care grant by orphans, Zulu (cited in the Children's Institute, 2014) notes that in previous years there was a gross violation of families' right to access adequate social assistance. This was as a result of serious delays in processing new foster care applications, leading to families being sent from pillar to post and files sitting for long periods of time without being assessed.

It has become increasingly clear that the foster care system will never be able to achieve the objective of reaching the majority of orphans in need. In the face of this evidence, continuing to use the foster care system as the support solution for orphans is unreasonable and unconstitutional. According to Sibanda (cited in the Children's Institute, 2014:1),

*The foster care system has been overburdened and is being used for what it was not intended for, in other words, it is being "abused". Surely, it cannot cope with 1.5 million children. If we attempt to force it to cope, it will be a disaster, more and more children will continue to fall through the cracks in the system. More and more children who are hungry and thirsty for social work services will continue being deprived of them (social work services) as social workers will be busy conducting administration of foster care. Social workers under strain are forced into crisis intervention mode and end up running ambulance services instead of rendering proper developmental child protection and reunification services to children and their families.*

Matthews (2015) echoes similar sentiments by stating that in 2011 the Constitutional Court instituted a court order which requires the design and implementation of a comprehensive strategy to address the problems in the foster care system. Matthews further noted that the failure of the Department of Social Development to acknowledge the crisis in the foster care system by not designing a 'comprehensive legal solution' as instructed by the Constitutional Court was very disappointing (Matthews, 2015).

The over-reliance on the foster care system as a poverty-alleviation strategy to provide income support to children and their families did not address the plight of children who needed cash and not much in need of care. Skelton (2015:11) posed the question: "Is foster care the correct vehicle for the delivery of social assistance?" Most social workers in a national South African study by Sibanda (2013) stated that their case loads are unnecessarily high because they had to deal with cases of children who passed through the formal foster care system so as to access foster care grants. In 2007, after hearing submissions on the Children's Bill which highlighted the crisis in the foster care system, the Portfolio Committee on Social Development realised the burden on the foster care system, and in its report on the Amendment Bill requested that the Department of Social Development conduct a comprehensive review of the social security policy for children and the foster care system (Proudlock & Jamieson, 2008). However, as late as 2019 this review had not yet materialised; the order was extended to November 2019 after *Social Work/Maatskaplike Werk, 2023: 59(1)*

the DSD requested the North Gauteng High Court to extend an order for 18 months to resolve the crisis in foster care grants and find a comprehensive solution to the crisis (Stent, 2020). The value of social grants and their contribution to the household income and wellbeing of families in South Africa is uncontested and indubitable (Sewpaul, 2005). Matthews (2015) noted that the conflation of the need for care and protection with the need for social assistance entrenched and probably increased the use of the child protection system for the administration of foster grants. This was worrying, because the child protection system was already not coping with the workload added by foster care applications by orphaned children's family members (Sibanda, 2015).

## **WHAT ARE THE CONSEQUENCES FOR SOCIAL WELFARE SERVICES?**

The reliance on the foster care system to provide income support to orphaned children and their families has had severe negative impacts on the foster care system itself, as well as on the capacity of social workers to deliver services to abused and neglected children and to others in need of social welfare services. The consequences are addressed below.

### **The shortage of social workers**

The Children's Act 38 of 2005 (RSA, 2006) now allows for children's courts to make permanent foster care orders in specified circumstances (section 186), this reduces the costs and time of the two-yearly reviews by social workers and the courts that were required by the Child Care Act 74 of 1983. Nevertheless, social workers and courts are still required for the first placement decision.

Social workers simply do not have the capacity to deal with hundreds of thousands of foster care placements on top of the other services they need to provide (Hall *et al.*, 2016). The Department of Social Development (DSD, 2015) acknowledged that insufficient numbers of available social workers make it difficult to deliver social services where they are needed. According to the DSD (2014), the ratio of social workers needed to handle foster care cases is 1:60, but at the end of 2014 the ratio of social workers to foster care placements was estimated at 1:94 – and this ratio holds only if the social workers do nothing else but process and review foster care placements.

The backlog in foster care placement is therefore set to continue. As noted by Proudlock and Jamieson (2008), the result is that families caring for orphaned children will continue to wait for a long time before they receive the foster child grant, while services for children who have been abused or exploited will also be delayed as social workers and the courts struggle under a heavy case load. The opportunity to promote the use of the administratively simple child support grant for children placed with relatives and who are considered low-risk placements has been lost. Besides reaching more orphaned children faster and saving considerable costs for both the Departments of Justice and Social Development, it would also have freed up precious court and social worker time to deal with active cases of child abuse. The consequences of delays in dealing with child abuse cases are serious.

A social worker in a study by Sibanda (2013:73) highlighted shortages of social workers as a challenging factor in the implementation of the Children's Act as follows:

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*Implementation is a challenge, because we are working with a population of over 49 million and we have a drop in the ocean number of social workers, who are supposed to render, not only child protection services, but also family preservation services, services for persons living with disabilities and a lot of other welfare sectors.*

Social workers are the ones to turn the Children's Act into a lived reality for children and their families. However, social workers are not sufficient in numbers to render proper services and in addition they face the challenges of their working conditions (Cronje, 2015). The poor and inadequate working conditions for social workers are an on-going issue. A study by Alpaslan and Schenck (2012) found that social workers work in environments characterised by lack of offices, inadequate office equipment, shortage of vehicles, high caseloads and shortage of staff.

In his State of the Nation Address of 9 February 2007, the then President of the Republic of South Africa, Thabo Mbeki, highlighted the need to "accelerate the training of family social workers at professional and auxiliary levels to ensure that identified households are properly supported and monitored" (State of the Nation Address, 2007). This statement represents the high-level public acknowledgment by government of the critical role played by social workers as well as acknowledging the shortage of social workers in the country. The study conducted by the Department of Labour reports that South African Council for Social Service Professions statistics reflect that only 11 100 social workers are registered in the country (TMS-AFRICA, 2019). This number includes social workers who work for the government; non-profit organisations, the private sector, as well as those who are no longer in practice but retain their registration status.

Clearly, the number of social workers is inadequate for a successful implementation of the Children's Act. In 2011, Proudlock and Debbie (2011) predicted that between 16 000 and 66 000 social workers providing direct welfare services for the Children's Act alone were needed in the country. Twelve years later, the situation has not changed in relation to the shortage of social workers. The then Minister for Social Development, Bathabile Dlamini, repeated that there was a shortage of social workers and observed that this was crippling the delivery of critical services to families and children (Cronje, 2015).

The use of child protection social workers and the children's courts to process paperwork to enable foster care grants to be paid is an ineffective and inappropriate use of these scarce resources. According to Loffell, (cited in the Children's Institute, 2014:2), social workers are not sufficiently available to respond swiftly to calls for protective services, because they spend more time doing paperwork to renew grants. The Children's Institute (2014: 2) echoes the same sentiments:

*Child protection social workers and courts should be providing services to raped, assaulted, neglected, abandoned and orphaned children. There is no need for them to have to spend their skills and time processing paperwork for grant applications for children, the majority of whom are quite safely living with their grannies or aunts. South Africa has a very effective social security agency (SASSA) with an army of social grant officers who could be tasked with processing these grant applications and reaching orphans quickly.*

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The shortage of social workers leads to massive caseloads, which in turn forces many social workers to implement child protection services on the basis of a remedial approach at the expense of the comprehensive and holistic services embedded in the social development approach (Sibanda & Lombard, 2015). The constraints associated with the shortage of social workers and high caseloads often force social workers to work from a crisis intervention approach (Loffell, 2011; Sibanda, 2013).

### **The lapsing of foster care grants**

Should the determination of access to a foster care grant continue as per the current arrangement, many children will continue to be in the foster care system. This will continue to put immense pressure on the already over-burdened social workers. According to Loffell (2011), the presiding officers require voluminous and unnecessary documents to be attached to the section 159 (extension of orders) reports. It is now all about running all over the place with little pieces of paper and the valuable professional time of social workers has now been relegated to performing clerical duties (Sibanda, 2013).

It is impossible for social workers managing high caseloads to have all documents and attachments to reports for extending orders ready for courts on their due dates. It is therefore inevitable that orders will lapse. According to Du Toit (cited in News24, 2011:1), an estimated 123 236 children's foster care orders had lapsed by the end of January 2011 without being extended and a large number of such orders were due to expire each subsequent month. Loffell (cited in News24, 2011), attributed this to a building up of backlogs at the various provincial departments, the children's courts and the child protection organisations. In the light of this catastrophe and touched by the plight of large numbers of children who were consequently facing discontinuance of foster care grants, the Centre for Child Law at the University of Pretoria made an urgent application to the high court. In *Centre for Child Law v Minister of Social Development and others* (10 May, 2011a), Classen recognised the urgent need to provide a temporary solution for pre-Children's Act foster care orders requiring renewal, "until such time as the Children's Act 38 of 2005 is amended to provide for a more comprehensive legal solution."

Classen also considered the problem of expired foster care orders. He instructed that those which have expired since 1 April 2010 should automatically be "deemed not to have expired and are hereby extended for a period of 2 (two) years from the date of this order" (*Centre for Child Law v Minister of Social Development and others*, 2011a). With orders that expired even earlier, he directed that any foster care order that expired within two years before 1 April 2010 was automatically revived and extended in the same way as those expiring after 1 April 2010. In another order Classen added that, where a social worker operating in terms of the old administrative process decided that a placement should not be extended "for the full two-year period ... or should be extended for longer than two years, the social worker may approach the Children's Court for an appropriate order in terms of the Children's Act" (*Centre for Child Law v Minister of Social Development and others*, 8 June, 2011b). However, this temporary solution was meant only for lapsed foster care orders and does not address the challenge of lapsed orders for children in child and youth care centres.

Skelton, (cited in the Children’s Institute, 2014: 3) reflects on this matter;

*In 2011 the Department was taken to court by civil society because approximately 120 000 foster care grants had stopped being paid to children. Social workers and courts had not kept up with extending the children’s foster care court orders. The Department agreed in a court-ordered settlement to re-instate the lapsed grants. The court order placed a temporary moratorium on any further lapsing of grants. The court ordered the Department to design a comprehensive legal solution by December 2014.*

Noticing that December 2014 was fast approaching and that the comprehensive legal solution had not yet been designed as required by the Classen order, the Department of Social Development approached the North Gauteng High Court on 12 December 2014 and requested that the above-mentioned order be renewed in order to prevent the discontinuance of the foster care grants for children whose orders had not been extended (Skelton, 2015). This showed a sense of desperation and further proved that there is a crisis in the foster care system when the Department of Social Development approached the court to renew an order that was obtained against them by the Centre for Child Law. This was an indirect admission that the foster care system was failing to cope. Nevertheless, on 12 December 2014 the North Gauteng High Court reviewed an order that was issued on 8 May 2011 (the Classen order) to make a provision for the order to subsist until 31 December 2017 (Skelton, 2015). The order made a provision for the provincial Departments of Social Development to extend the foster care orders in terms of the repealed Child Care Act 74 of 1983. This meant that the backlog of all lapsed foster care orders and a comprehensive legal solution for children had to be designed by December 2017. After the December 2014 order, the Department of Social Development (DSD, 2015) provided an update to court and declared that:

*Out of 108 479 of orders that lapsed between April 2009 and December 2014, 58 246 were outstanding nationally by June 2015. This means that 50 233 foster care orders were issued since 12 December 2014.*

This indicated that the Department of Social Development had managed to attend to only half the lapsed orders in seven years (2009 to 2015) and it was very doubtful that they would be able to attend to the remaining half in three years (2015 to 2017). Logic suggested that they needed at least seven more years (2015 to 2021) to deal with the outstanding backlog. Again, this further proved that there was a huge crisis in the foster care system. Panel-beating the foster care system was not enough – the system needed a complete overhaul. Skelton (2015) was concerned that the foster care system was being kept from collapsing by the court orders. This was clearly unacceptable and demonstrated a lack of commitment to the welfare and protection of children in the Republic of South Africa.

### **Financial implications of rolling out the foster care grant to more orphans**

There were severe financial implications to rolling out the foster care grant to another 500 000 to 1 million orphans under the age of 18 years (Matthews, 2015). The costs would have included the direct costs of the grant plus very high operational costs. According to Matthews, (2015:11), “If the nearly 1 million maternally orphaned children who are not yet in receipt of *Social Work/Maatskaplike Werk*, 2023: 59(1)

the foster care grant successfully applied for the grant, the direct cost would be around R11 billion annually, plus enormous costs for court personnel and social workers for the administration of the grant.” The administration of foster child grants is very costly, because it requires the continuous involvement of social workers and court personnel. A social worker needs to examine the case and prepare a report. The case is subsequently referred to court, which reviews the case and makes an order for a temporary foster care placement. The placement of the child needs to be supervised by a social worker on a regular basis. After two years the foster care order lapses (RSA, 2006). To renew it, the order needs to be reviewed by the children’s court. The administration of the foster care grant is therefore much more expensive than the administration of the child support grant, which is administered by the South African Social Security Agency (SASSA) (Matthews, 2015).

### **EXTENDING THE CSG: A SYSTEMATIC COMPREHENSIVE SOLUTION**

As previously highlighted, social worker caseloads were unnecessarily high due to the fact that they (social workers) had cases for children who passed through the formal foster care system primarily to access foster care grants. It was therefore imperative to separate children in need of care and protection from children in need of cash, who already have the care. There was a need for an extended child support grant system, also referred to as the kinship care grant system (the phrases ‘extended child support grant’ and ‘kinship care grant’ will be used interchangeably) as a parallel system to a foster care grant system. A social worker in a study by Sibanda (2013:77), made the following recommendation:

*I think it’s actually prudent if we have a parallel system that can actually capture some of the children, especially the related placements, so that they don’t go through the statutory processes that foster children go through, so that they can actually have their own sort of grant that is administered differently from the foster care grant, so that we reduce pressure on the conventional foster care system.*

The regulations of the Social Assistance Act 13 of 2004 (RSA, 2004) were amended by the Social Assistance Amendment Act No. 16 of 2020 (RSA, 2020) to allow for a kinship care grant which would cater for orphans in the care of relatives. The Minister of Social Development then published draft regulations in 2021 that introduced an additional payment linked to the CSG for orphaned children in the care of relatives or living in child-headed households. The regulations set out who qualifies for the top-up and the proof that they need to provide to SASSA. The Social Amendment Act No. 16 of 2020 and the final regulations were gazetted in March 2022 to enable implementation to start on 1 April 2022 (DSD, 2022). This replaced the use of the inaccessible foster care grant for this category of children. This in turn ensured that the majority of orphans living in poverty with family members would receive an adequate grant efficiently and timeously. By providing a kinship care grant that is accessed by direct application to SASSA and that is higher than the standard child support grant, the use of the foster care grant for orphans in the care of relatives will be reduced. This will also lighten social workers’ caseloads and therefore enable improved prevention services, early intervention and protection services for abused and other vulnerable children. Loffell (cited in the Children’s Institute, 2014:2) concurs that there should be a re-examination of the system to

allow for use of the limited number of social workers in the country in the most appropriate way. This could be achieved by providing financial support in the form of a kinship care grant, which should be available to relatives who are providing stable, permanent care to orphaned children by linking them with appropriate community support services, while reserving the children's courts and child protection social work services for children who are experiencing or at risk of abuse, neglect and abandonment.

Civil society has for many years raised concerns about the sustainability of the foster care system in the face of South Africa's unique challenges in dealing with orphans. Skelton (2015:11) is of the view that "We need a complete system overhaul." According to Jamieson (2015), when the first warning signs of increasing numbers of orphans became apparent, civil society began calling for an accessible kinship care grant system. Such a system would provide family members caring for orphans with an easily accessed and adequate social grant, support in obtaining guardianship where required, and good quality support services. The system would enable this without the family having to go through a time-consuming and intensive social work or court process (Jamieson, 2015).

The Southern African Catholic Bishops' Conference (2015:3) also pointed that in the 2000s there was a proposal by the South African Law Reform Commission to distinctly separate kinship care from foster care and in so doing reduce the burden on the child protection services using three options/alternatives: foster care, court-ordered kinship care and informal kinship care. This is in line with the United Nations Convention on the Rights of the Child (1989) and the African Charter on the Rights and Welfare of the Child (African Union, 1990). A proposal from Johannesburg Child Welfare argues there is an urgent need for sustainable alternatives to the present crisis in the foster system, arguing that "overall, introducing a kinship care grant system is the most practicable way of doing so" (Johannesburg Child Welfare, 2015).

The idea to introduce a kinship care grant is not new; it has always been there, but has not yet materialised because the process kept on being dragged out unnecessarily. According to Todd (cited in the Children's Institute, 2014: 2), "1996 was when we first motivated the kinship care grant to the then Minister for Social Development, Geraldine Fraser-Moleketi. Eighteen years later and sadly we still sit waiting". According to Jamieson (2015), the kinship care grant concept was developed by the South African Law Commission and proposed to the Department of Social Development in the South African Law Commission's Report and Draft Children's Bill in 2001. However, "The Department of Social Development removed the proposal from the Children's Bill before it was tabled in Parliament" (Jamieson, 2015: 3).

In late 2012, after the high court ordered the Department of Social Development to design a comprehensive legal solution by December 2014 (Skelton, 2014), the Department of Social Development announced its intention to introduce a kinship care grant, a move welcomed by civil society (Sibanda, 2015). However, more than 10 years later, the details of this reform have not yet been published for public engagement. In November 2013 a Draft Third Children's Amendment Bill was presented to the Department's Child Care and Protection Forum. This amendment bill contained a proposal that would facilitate the introduction of a kinship care system and grant, once again a move welcomed by civil society (Jamieson, 2015). However,

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five years later, the Department of Social Development has not yet published the Draft Third Children's Amendment Bill in the Government Gazette for public comment. Moreover, it has not indicated when the Third Children's Amendment Bill will be tabled in Parliament. Instead, they tabled and published the Children's Amendment Bill [B13–2015] and the Children's Second Amendment Bill [B14-2015] (RSA, 2015). According to Jamieson (2015), the tabled amendment to Section 150(1)(a) entrenched the use of the unworkable foster care grant for orphans. In response, a number of civil society organisations recommended that the portfolio committee for social development should not make small amendments that might create further confusion, but should rather wait for systemic solutions (Skelton, 2015).

### **The extended child support grant (CSG) system**

The extended CSG is the preferred form of social assistance for caregivers of orphans. This will reduce the use of foster care placements (and the associated foster child grant) for orphaned children living with relatives. The CSG is a poverty alleviation grant which has always been available to family members caring for orphaned children, while the *foster care grant (FCG)* is designed to support children who need care and protection and have been placed in alternative care (Hall & Skelton, 2016). The purpose of the proposed “top-up” for orphaned children is in effect a strategy to discourage families and social workers from opting for foster care purely because of the financial incentive. According to Hall and Skelton (2016), the bigger “top-up” amount would also help to prevent the shift from being seen as regressive, as many orphaned children have already been placed in the foster care system and are receiving the larger FCG.

In October 2022 the CSG was worth R480 per month, while the FCG was worth R1 070 per month (DSD, 2022). The value of the extended CSG has been finalised; it is R720, that is about 50% higher than the current CSG (SASSA, 2022).

The main arguments for the introduction of the extended CSG are summarised below.

- **Arguments for the extended CSG system**

The primary motivation for the extended CSG is to reduce the foster care caseload so that social workers are better able to respond to priority cases where children are known to be at risk of abuse or neglect, or are already in need of child protection services. Child protection services are known to be under-resourced in South Africa and are not always able to respond to urgent cases of need, even when these have been reported.

In other words, the policy option makes use of the existing social assistance programme to address a problem in the child protection system. If this is to work, then the amount of the top-up is important: It must provide an incentive for people to opt for the easier CSG top-up process, rather than trying to get foster care placements in order to receive the FCG.

- **What challenges would it address?**

An introduction of the kinship care grant would address the following challenges:

- The reduction in foster care placements and reviews would liberate social workers and the courts so that they are better able to respond timeously to children in need of care and protection;
- Having a CSG top-up could expedite access to a (larger) grant for caregivers of orphaned children. Relatives who care for orphaned children are already eligible for the CSG if they pass the means test. So, it should be relatively quick and easy for them to receive the top-up grant. In other words, the CSG option would offer families faster and more efficient access to social assistance than applying for the FCG which first requires a foster care placement (SASSA, 2022);
- This approach would not exclude orphans from being able to access child care and protection services, in the same way as any other child who is found to be in need of care and protection as defined in section 150 (1) of the Children’s Act, for example, because they have been abandoned, abused or neglected.

- **How would it work in practice?**

DSD (2022) and SASSA (2022) state that in practice the extended child support grant will work in the following manner:

- Family members caring for orphaned children would apply directly to the South African Social Security Agency (SASSA), using the CSG process for quick enrolment;
- The applicant would need to provide death certificates of parents (or at least one parent combined with an affidavit) to qualify for the extended CSG;
- The applicant would need to provide proof that s/he is a family member. This is not arduous, as all CSG applicants need to “prove” their relationship to the child through an affidavit;
- All other requirements would be as for the CSG. For example, the applicant would have to pass the means test (currently not required for the FCG), and the grant would be available to children until they turn 18;
- There could be a requirement that the details of caregivers be sent by SASSA to provincial DSD after the extended CSG application has been processed, so that DSD can initiate a follow-up home visit to see whether the child is also in need of protection services. This would place the responsibility for assessment on the DSD, but de-link the assessment from the grant, thereby preventing delays in accessing social assistance;
- There should be a transition phase during which those relatives already receiving the FCG for orphans in their care are retained in that system. This should be coupled with increased use of section 186 of the Children’s Act, which extends the orders until the child turns 18 years and requires home visits at two-yearly intervals by a social service professional.

- **Determining the amount of the extended CSG**

The extended CSG is in effect a monetary incentive to remain outside the foster care system unless protection services are actually needed (DSD, 2022). However, there is no evidence-base for what amount of top-up would be acceptable or effective. SASSA has pegged the value of the extended CSG at R720 a month per qualifying child (SASSA, 2022).

The higher the top-up, the more likely that families caring for orphans would be happy to use this option rather than trying to get the FCG, unless they are really in need of protection services (Hall & Skelton, 2016).

- **Progress and current status of the extended CSG**

The phases and progress of the CSG system are as follows;

- A proposal for the extended CSG for orphans was approved in principle by Cabinet in December 2015 (DSD, 2022). The 2015 review of the 1997 White Paper for Social Welfare by the Ministerial Committee also included a proposal on an extended CSG for orphans living with relatives;
- Cabinet approved a draft Social Assistance Amendment Bill in October 2016, which was later released for public comment. In 2018, the Minister of Social Development tabled the Social Assistance Amendment Bill in Parliament to provide for the legislative framework for the CSG-TP. The Bill was passed by Parliament, and then signed into law by the President as the Social Assistance Amendment Act No. 16 of 2020. This Amendment Act empowers the Minister of Social Development, with the concurrence of the Minister of Finance, to introduce an additional payment ('top-up') linked to a social grant based on need (DSD, 2022);
- The Minister of Social Development then published draft regulations in 2021 that introduced an additional payment linked to the CSG for orphaned children in the care of relatives or living in child-headed households. The regulations set out who qualifies for the top-up and the proof that they need to provide to SASSA;
- An amendment to the Children's Act has been drafted and finalised to give effect to a "comprehensive legal solution" to the foster care crisis. This was meant to happen by the end of 2014, but the deadline was extended by the court to the end of 2017. The Children's Amendment Bill has since been finalised in 2020 (RSA, 2020);
- The 2022 budget speech by the Minister of Finance highlighted the budget for the extended CSG system (DSD, 2022);
- The Department of Social Development is currently (November 2022) setting up systems for rolling out the extended child support grant system (DSD, 2022).

## **CONCLUSION**

Social work caseloads are unnecessarily high due to the fact that many cases managed by social workers are related to children who entered the formal foster care system primarily to access the foster care grant, and not because they needed to be placed in foster care. It is therefore imperative to separate children in need of care and protection from children in need of income support, but who already have the care. This paper considered it prudent for an extended child support grant system to be introduced as a parallel system to a foster care grant system.

Not only has the sustainability of the foster care system in South Africa been compromised, it was on the verge of collapsing as a result of the various challenges highlighted in the article. The introduction of a new parallel system in the form of an extended child support grant system would enable children in the care of relatives to access an appropriate grant without having to

go through a time-consuming and resource-intensive statutory process. The application process for the extended CSG will be fairly easy compared to that of the foster care grant. The article has outlined the context for this policy shift, the implications of the practical rollout of the CSG extension, and progress being made currently.

## **RECOMMENDATIONS**

### **Recommendations for rolling out the extended CSG**

The authors make the following recommendations regarding the rolling out of the extended CSG and further research in the field:

- The strengths and opportunities presented by extended child support grant system should be harnessed to address challenges in the South African foster care system;
- The Department of Social Development should be engaged in devising strategies for linking extended child support grant beneficiaries with productive sectors of the economy;
- DSD, SASSA and designated child protection organisations should conduct a social marketing exercise in which they inform and make beneficiaries aware of the process of accessing the extended child support grant.

### **Recommendations for further research**

Recommendations for further research are as follows:

- Further research studies in the field of extended CSG should be undertaken to devise more ways of ensuring that service users are holistically empowered with extended CSG strategies;
- Studies aimed at evaluating the impact of the extended child support grant on the caseloads and challenges faced by child protection social workers;
- A study on the interdisciplinary and inter-departmental collaborative nature of the extended CSG should be undertaken;
- A study focusing on the perceptions of social workers regarding the utilisation of the extended CSG as system parallel to the foster care grant system should be undertaken.

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