

SOCIAL GRANTS: CIVIL SOCIETY ENGAGEMENT TOWARDS A MULTIDISCIPLINARY SOLUTION

Chalsty Centre, West Campus, Wits University

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BACKGROUND

The provision of social grants to beneficiaries has been insecure since the Constitutional Court found, in 2013, that the contract between Cash Paymaster Services ("CPS") and the South African Social Security Agency ("SASSA") was constitutionally invalid and suspended the declaration of invalidity to 1 April 2017 to allow SASSA time to remedy the constitutional invalidity.

During that time, it also transpired that the private data of grant beneficiaries' was being utilised for ambush marketing and to exact deductions from beneficiaries without informed consent, and with little or no recourse, arguably unlawfully. This has only been considered by the Constitutional Court to a limited degree to safeguard the private information/data of the beneficiaries.

Most recently, SASSA has again not met its 1 April 2018 deadline, and failed to communicate this timeously to the Constitutional Court. Left without alternative, and following more litigation, the Constitutional Court extending the suspension of invalidity from 1 April 2018 until the end of September 2018 for CPS to continue cash payments only.

A year prior, the Constitutional Court was left without an alternative but to extend CPS' unlawful contract with SASSA from 1 April 2017 to 1 April 2018 and as a result of disputed evidence in that litigation, ordered a section 38 Inquiry aimed at assisting the Constitutional Court in deciding whether the then Minister of Social Development, Bathabile Dlamini, should be held personally liable, for her role in the social grants saga.

The Constitutional Court has also been exercising oversight of the process through the work of a panel of experts under the Auditor-General. There have been extensive engagements with the South African Post Office as a potential successor to CPS as well as investigation into the crisis by Parliament, and an Inter-Ministerial Task Team in Government.

Throughout this saga, SASSA has inspired very little confidence that it can resolve the grants crisis, clean up its agency, and ensure the legislatively required insourcing of grant payments in a manner that is both effective and lawful. There are serious ongoing concerns including about the high turnover of key leadership positions creating instability and uncertainty within SASSA, tender irregularities and lack of adequate oversight in further outsourcing arrangements by SASSA, ongoing questionable deductions,

the potential for increased costs for beneficiaries in new systems that may take effect, the introduction of a state funded funeral plan that has so far not been transparent, the possible introduction of a global company embroiled in a plethora of human rights scandals taking over cash payments come September, and still the ever looming presence of CPS' parent company Net1 working Grindrod Bank still involved in the grant payment process.

OBJECTIVES

The litigation has achieved some gains including to a certain extent the protection of beneficiaries' data, the imposition of conditions on the contractual relationship between SASSA and CPS such that CPS ought not to make a profit out of the administration of social grants, and crucially national consensus on the importance of social grants for poverty alleviation. However, given the seemingly intractable challenges and cognisant of the fact that these impediments around social grants will not be solved by solely utilizing legal strategies, CALS is hosting roundtable discussions on 21 May 2018 for the purposes of brainstorming and soliciting multidisciplinary solutions required to exert pressure on those responsible for the provision of social grants.

The panellists and participants include grant beneficiaries, community based organizations, legal entities, academics and other key sectors. The dialogue will include four panel discussions on:

- Accounts of lived experiences from grant beneficiaries;
- Litigation on social grants to date;
- Protection of data and/or personal information; and
- Media strategies employed by other civil society organisations in their campaigns to successfully put pressure on government.

OUTCOMES

The roundtable is a platform for fostering and facilitating engagement between civil society organisation partners, grant beneficiaries and other relevant stakeholders in order to develop advocacy and mobilization strategies to address the challenges with the current social grants payment system with a particular focus on the protection of personal information particularly for grant beneficiaries.

The ultimate aim of this engagement is to develop advocacy and mobilization strategies which would complement the existing litigation.

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