# CIVIC ENGAGEMENT AND PUBLIC POLICY IMPLEMENTATION: THE CHILD SUPPORT GRANT

P.A. Brynard School of Public Management and Administration University of Pretoria

## ABSTRACT

• he amount of time required to define a certain policy proposal, as well as the policy problem itself, is logically determined by the particular issue at hand. Issues that are complex and value-laden generally have higher and more varied levels of involvement by various stakeholders. In some instances, the courts may influence policy content and processes, which sometimes renders this complex phenomenon more shapeless and fluid. The support for, or opposition to the issues involved in the policy-making process, or even in the implementation of the policy, further shape and form the final policy to reflect differing values and ideological positions. The final policy involves an extremely complex set of interactions over time. It is therefore important to realise that successful policy-making requires democratic decision-making. Besides the elected policy-makers, the presence of an informed citizenry and self-organised groups may contribute valuable pieces to the final policy. Successful implementation of the policy again requires other critical elements like recognising citizens' expectations, participation, and continual political engagement. This article focuses on aspects of citizen engagement and relates these aspects to the child support grant in South Africa in particular. The child support grant addresses the issue of child poverty.

## **INTRODUCTION**

The content of policy in a democracy determines the kind of social and political activity that will be stimulated by the policy-making process. It is not possible that all policies will equally stimulate the interest of all the people. Some policies may stimulate less interest, while others may trigger a chain of events having long-lasting

results. Every policy proposal may therefore yield its own series of events, public actions, reactions and responses. These actions or reactions could be either organised or sporadic, institutional or individual. The exact interactions are difficult to predict, due to the nature of the particular policy.

The amount of time required to define a certain policy proposal, as well as the policy problem itself, is logically determined by the particular issue at hand. Issues that are complex and value-laden generally have higher and more varied levels of involvement by various stakeholders. In some instances, the courts may influence policy content and processes, which sometimes render this complex phenomenon even more shapeless and fluid. The support for, or opposition to the issue involved in the policy-making process, or even the implementation of the policy, further shape and form the final policy to reflect differing values and ideological positions. The final policy involves an extremely complex set of interactions over time. It is therefore important to realise that successful policy-making requires democratic decision-making. Besides the elected policy-makers, the presence of an informed citizenry and self-organised groups may contribute valuable content to the final policy. Successful implementation of the policy again requires other critical elements like citizens' expectations, participation, and continual political engagement.

This article focuses on aspects of engagement and relates these aspects to the child support grant in South Africa in particular. The child support grant addresses the issue of child poverty. In South Africa, like other countries, women have been especially disadvantaged in the patterns of poverty and inequality. Households headed by young women in rural areas are among the poorest of all households; households headed by young women in urban areas, perform well relative to other households. The ratio of children living in poor households to well resourced households is high, with strong provincial variation – from three out of five in the Eastern Cape, to one out of five in Gauteng. Child poverty is higher in rural areas (Children's Institute, 2007c).

The lack of citizen participation in policy formulation is often ascribed to the lack of proper commitment to the policy-making process. Prospective participants often fail to see the linkage between community service and the dynamics of the public policy-making process. The *service learning process* could be viewed as a partial solution to this challenge. Citizenship and its interaction with policy-making are therefore critical for addressing the real needs (Doamekpor, 2004:114).

#### CIVIL SOCIETY AND QUALITY GOVERNANCE

Civil society is an important component of the democratic process. Civil society not only influences public policy, but also keeps a watchful eye on the activities of public officials. The democratic tradition requires civic space which allows for public assembly and discourse on critically important issues like poverty and child poverty in particular. Participation in the decision-making process in turn ensures good governance. The danger exists that citizens rely increasingly on profit-driven mass media to formulate their *opinions* (Arko-cobbah, 2006:349). Government, as the steward of a country's huge pool of resources, is unfortunately prone to misconduct by public officials. Throughout the world, there is a growing demand for greater public accountability, and civil society organisations play a vital role in attaining this objective. The United Nations Development Programme (UNDP) describes governance as the exercise of political, economic and administrative authority in the management of the affairs of a country at all spheres. Good governance, in general, implies an array of practices that maximize the common good.

For the purpose of this article, the UNDP (1997) identifies some attributes of good governance, namely:

- *Participation,* expecting all citizens to have a say in decision-making, directly or indirectly;
- *Rule of Law,* which is the extent to which the legal frameworks are fair and impartially enforced, especially the laws on human rights and the rights of the child;
- Accountability, which is a never-ending quest for decision-makers in government and also in civil society organisations, i.e. to be accountable to the public (Arko-cobbah, 2006:351).

## CIVIL SOCIETY AS WORLD OF GROUPS

Civil society comprises both individuals and groups of people. An emphasis on one appears to discount the other. The fact is, both individuals and groups belong to an associational society. In civil society, in particular, the self organisation of the small group is essential. Such groups could be extremely small and could carry out a vast number of lesser undertakings (Fine & Harrington, 2004:343). This generally involves committees rather than organised civic movements. In this regard Waltzer (1992:107) notes the following:

Civil society itself is sustained by groups much smaller that the demos, or the working class, or the mass of consumers, or the nation. All these are necessarily pluralised as they are incorporated. They become part of the world of family, friends, comrades, and colleagues, where people are connected to one another and made responsible for one another.

Such a view supports the understanding of society as a web of small groups. In this way, civic engagement can contribute to and shape policy-making and policy implementation. Small groups are a cause, context, and consequence of civic engagement. The proliferation of small groups without formal affiliations represents a healthy development in democratic societies, by establishing interesting webs of allegiance. Small groups also enable the dimension of behavioural and discursive spaces, in which civil society is created and enacted. It could therefore be deduced that small groups are the incubators of civil society. In the course of interaction, participants in small groups define some social problems as being worthy of a collective response (Fine & Harrington, 2004:344).

## CHILD SUPPORT GRANT AND PARTICIPATION BY CIVIL SOCIETY

The building of a democracy is a time-consuming process. The time limitation on participation in policy reform curtails the number of options available for decision-making. The ideal is that interest groups should bring their expertise to bear on the design of programmes and participate in complex choices such as the allocation of resources (Lund, 2008:97). Countries undergoing transition, be it economical, social or both types of change, experience a tension between the management of reform and allowing new interest groups to voice their opinions and to be included in policy formulation. The challenge is especially to accommodate all emerging interest groups (Lund, 2008:97).

In South Africa, tension developed between government and interest groups due to a lack of consultation. This lead to the establishment of the National Welfare, Social Service and Development Forum which was launched at a Welfare Summit in September 1994. The Forum comprised delegations from the nine regional forums, as well as religious, professional and civic groupings, trade unions, consumer organisations and the Department of Welfare (Lund, 2008:98). The Welfare Forum preformed a crucial role in the White Paper process and in connecting government with civil society organisations.

The process to publish the White Paper started with the establishment of Strategic Management Teams (SMTs) for the respective provinces to restructure their welfare services. These SMTs included people from the private sector and civil society organisations. The national Welfare Department established a National Strategic Management Committee (NSMC) to oversee restructuring of the welfare services. The White Paper was finally published in 1997 and empathically emphasised the participation of interest groups (Lund, 2008:99). According to Lund (2008:100), the welfare policy process was broadly inclusive. Although the process was strong on rhetoric and principle, it was weak on concrete targets for restructuring and delivery.

During the phasing out of the Social Maintenance Grant (SMG), there was a feeling that civil society was not sufficiently consulted. The parliamentary Portfolio Committee on Welfare called public hearings to discuss the Child Support Grant (CSG) and a number of organisations voiced their concerns (Lund, 2008:102). However, the majority of these organisations were urban, and the deep rural areas, which the CSG was designed to reach, did not receive much of the grant. Some NGOs had concerns about their input with regard to the means test, that were not taken into consideration. The Lund proposals were a watershed in the implementation of the CSG. Civil society continued to engage government vigorously in ensuring that it prioritised social security for children (IDASA, 1997:2).

Subsequently, the independent *watchdog* role of many civil society organisations has been strengthened. It is worthwhile to mention the critical network for the CSG that consists of the Centre for Applied Legal Studies at the University of the Witwatersrand, the Children's Institute at the University of Cape Town, and the Community Agency for Children's Entitlement to Social Security. These organisations have monitored the take-up

of the CSG, the effects of the age extension, and the costs of applying the means test (Lund 2008:105).

## SUBMISSION BY ACESS

ith a view to influencing the new *Social Assistance Act, 2004* (Act 13 of 2004) (Republic of South Africa 2004), ACESS (Alliance for Children's Entitlement to Social Security) made an input into the policy formulation process in 2004. ACESS is an alliance of over 500 children's organisations from across South Africa.

The key issues which ACESS addressed were (ACESS 2004:2):

- extending the Child Support Grant to all children under 18 years;
- enabling child-headed households to have access to social assistance through a mentorship scheme;
- entitling children who are primary care-givers for themselves and other children, to access the Child Support Grant directly;
- redefining the eligibility criteria for the care dependency grant, which will allow children with moderate disabilities and chronic illness to qualify, including children with HIV and AIDS; and
- delaying the consideration of the structure of a Social Security Agency to deliver social assistance and/or social insurance, until final decisions have been taken on a comprehensive social security system.

Although ACESS made these suggestions to the Portfolio Committee in 2004, it is interesting to note (as discussed further in this article), that some of these recommendations have only recently been accepted, to a limited extent.

## AGENCY RESPONSIBLE FOR IMPLEMENTATION

newly established body, the South African Social Security Agency (SASSA), takes prime responsibility for the implementation of the CSG. SASSA has the primary function of administering and paying social assistance grants. The policy authority and control is vested in the National Department of Social Development (Children's Institute 2005:13). SASSA will provide a feedback system with a view to making contributions to future policy amendments.

SASSA has established pay point committees at all pay points, for the meaningful communication among all role players: SASSA, the payment contractor and the social grant recipients. The value of having an informed pay point committee lies in providing an alternative means of communication with the beneficiaries in an attempt to address their needs more effectively, while assisting SASSA and the contractor to improve service delivery. The establishment of pay point committees is also in line with government's objectives, namely to involve citizens in community development programmes in their respective communities, and to apply the *Batho Pele* principles (SASSA 2007; Interview with Dianne Dunkerly on 7 April 2008).

Besides the Department of Social Development, there are other government departments that assist with the implementation of the Child Support Grant (Goldblatt, Rosa & Hall 2006:3).:

- Home Affairs;
- National Health;
- National Education; and
- Justice and Constitutional Affairs.

These departments are not part of civil society, but they contribute significantly to the success of the CSG and are therefore of crucial importance in the roll out plans.

## AWARENESS OF PROSPECTIVE APPLICANTS

People in the target groups of the CSG often know very little about the grant. Information on how much it is worth, and what documents are needed for an application, are generally unknown to prospective applicants. According to civil society organisations, and the Children's Institute (University of Cape Town), prospective applicants hear about the grant from their mothers and grandmothers who receive old age pensions. In a few cases, applicants hear about the Child Support Grant by way of government pamphlets. The way the information is communicated sometimes leads to the emergence of certain myths about the CSG. For example, some people believe that married people are not eligible to receive the grant and that single mothers can receive the grant even if the father maintains the child (Goldblatt, *et al.*, 2006:33). A community-based organisation in Orange Farm assists people in the region with problems specifically related to accessing identity documents and all types of grants. This organisation provides feedback to the Department of Social Development with regard to information-sharing practices about the CSG.

It is clear that awareness-raising campaigns need to be launched in different areas and through different media to inform applicants about the CSG. Such campaigns should state the eligibility requirements for the CSG and the administrative requirements for application. Although SASSA and the Department of Social Development have the prime responsibility for information sharing, this is a prime example where civil society organisations can play a critical role in promoting the success of policy implementation.

## **COMBATING FRAUD**

Infortunately the laudable effort to alleviate child poverty is, like many other grant initiatives, also subject to fraud. During March 2005, the Minister of Social Development launched an amnesty campaign aimed at combating fraud. Various methods for detecting fraud were implemented, including the following (Goldblatt, *et al.*, 2006:34).:

• In some provinces *welfare forums* or *welfare committees* made up of volunteer committee members were established. This is another instance where civil society can assist in combating fraud.

- Amnesty forms for people to declare fraud before 1 April 2005 were distributed.
- Photos of children are now required on application forms before applications may be submitted.
- The interface between the Government Employees Pension Fund (GEPF) and PERSAL databases are used to detect civil servants who are defrauding the system.
- People were encouraged to report fraud by phoning a toll-free fraud hotline

The establishment of SASSA in 2006 was also a way of addressing mal-administration and combating fraudulent activities in the administration of applications, the approval and payment of social grants. During April 2005, the Department of Social Development set aside R57,9 million for the Special Investigating Unit to deal with fraud and corruption.

Although the Child Support Grant is covered by the *Social Assistance Act, 2004* (Act 13 of 2004), all aspects relating to children are covered by the *Children's Act, 2005* (Act 38 of 2005). The following sections illustrate several attempts at civic engagement in new policies regarding children in South Africa. The first is a special project (Dikwankwetla) that exhibits the involvement of children themselves in a civic organisation.

## DIKWANKWETA AND THE CHILDREN'S AMENDMENT BILL

Dikwankwetla is a group of South African children who are engaged with the Children's Bill, expressing their concerns and providing recommendations, in an attempt to ensure that the Bill adequately addresses the needs of children. Children have the right to freedom of expression and the *Constitution of the Republic of South Africa, 1996* states that "a child's best interests are of paramount importance in every matter concerning the child". The right of children to express their views is important, and their engagement is in the best interest of the Bill and its eventual implementation.

The Children's Bill (2005) is the single most important and comprehensive piece of child-related legislation in South Africa. The Dikwankwetla project is the result of the children's sector collaborating to establish working groups on a range of issues including children's rights, parental rights and responsibilities, protection, abuse and HIV and AIDS. The idea of children's participation in the law-making process strengthens their knowledge of their rights, while at the same time informing decision-makers of their needs. In the final instance, it will also strengthen the process of service delivery. The Dikwankwetla project ran over a period of three years. Its final submissions to Parliament during the Children's Bill process proved to be a very effective way of informing members of Parliament (MPs) of issues that impact on children's lives (Children's Institute 2007a).

The children as well as the caregivers involved in the Dikwankwetla Project were under the impression that the project was successful in achieving its objectives. This opinion is underscored by a KwaZulu-Natal group that remarked the following:

The first objective of the project was to convey the message to the MPs – this goal was reached – the message was children's rights and parents rights and responsibilities (Children's Institute, 2007b:41).

The two major achievements of the project were personal growth for both the children and caregivers, and the signing of the Children's Bill into an Act which they viewed as a major group achievement, since they were part of the process. The whole project was facilitated by the Children's Institute at the University of Cape Town which deserves special acknowledgement for such an outstanding project. While the project was initiated and facilitated by the Children's Institute (Children's Institute, 2007b:42), three NGOs, namely the Samaritan Centre (Limpopo), Naledi Life Skills (North West) and the Ziswe Trust (KwaZulu-Natal) supported the children financially in terms of time and other resources (Children's Institute, 2007b:42). Verba, Schlozman and Brady (1995) identify three factors that are necessary for individuals to become civically engaged: the desire to get involved (motivation), the ability to contribute (civic skills and time and/or financial resources), and a connection to networks of collective action. Motivation, skills and network connections are therefore essential for civic engagement (Kirlin & Kirlin, 2001). The involvement of the Children's Institute and the three NGOs with the groups of children, exhibited all these requirements for civic engagement.

The engagement of the children took different forms, for example verbal submissions, or in some instances, they drew pictures that explained their needs in terms of the proposed policy. The following figures are examples of the contributions by the children that illustrate their needs more dramatically than words alone.

## NEW CHILDREN'S POLICY IN SOUTH AFRICA

ivil society, especially with regard to international initiatives, highlights the plight of children across the world. The key authoritative international instrument governing children's rights is the United Nations Convention on the Rights of the Child. In addition, South Africa has ratified the African Charter on the Rights and Welfare of the Child, and has instituted progressive policies in this regard (Berry 2007:168).

Available statistics on the status of children paint a bleak picture of the conditions in which children live, learn, and socialize. Based on a review of the current data on children, their situation is improving in some areas; however on the whole, progress is gradual. Of the 18 million children living in South African households, 19% have been orphaned, and 0,7% live in child-headed households. More than half (54%) of the country's children live in rural areas. Additional key indicators of the status of children are the following:

- Two-thirds of children are living in poverty. As an attempt to ameliorate the severe poverty that many children and families experience, the delivery of the Child Support Grant programme is proving to be very successful 84% of eligible children were receiving the Child Support Grant at the end of July 2006.
- Among children younger than five years of age, 95 die per 1 000 live births 40% of deaths in this age group are HIV/AIDS related.
- 96% of children aged 7 17 years are attending a school or educational facility.
- 65% of children live in formal housing, and only 58% of children have access to drinking water on site (Berry 2007:170).

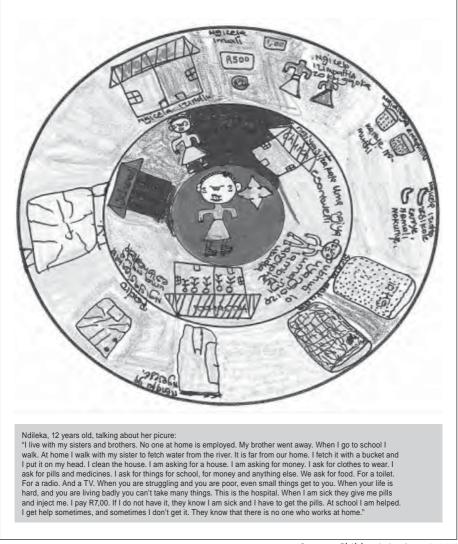


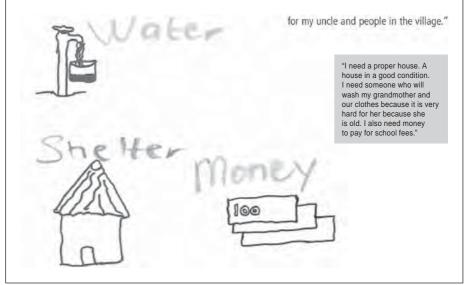
Figure 1: First example of a child's input to the Children's Amendment Bill

Source: Children's Institute (2001)



Figure 2: Second example of a child's input to the Children's Amendment Bill

Figure 3: Third example of a child's input to the Childern's Amendment Bill



Source: Children's Institute (2001)

Data on child abuse, neglect and exploitation are scarce. According to the South African Police Service, crime statistics provide some indication of the extent and nature of child maltreatment in South Africa:

- In 2000 and 2001, the three most common crimes committed against children were rape and attempted rape, common assault, and assault with attempt to do grievous bodily harm.
- In the period from January to September 2001, more than 15 500 cases of child rape or attempted rape were reported to the police.

Children are exposed to violence in different settings, including their homes, schools, and communities, increasing their risk of injury and psychological trauma. Corporal punishment in the home is considered to be a common and acceptable child rearing practice – only 43% of parents report never having smacked their children (Berry, 2007:170). Policies are therefore needed to address the issues and needs of children in South Africa.

Former President Thabo Mbeki signed the Children's Amendment Bill into law, now known as the *Children's Act, 2005* (Act 38 of 2005) on 8 June 2006. At that stage Parliament passed the Children's Amendment Bill (2006), and the Children's Act (2005). The Amendment Bill became a single comprehensive Act, the *Child Care Act, 1983* (Act 74 of 1983), which will remain in effect.

The Children's Act (2005) legislates the following critical issues. It:

• gives effect to certain rights of children as contained in the *Constitution of the Republic* of *South Africa* (1996);

- sets out principles relating to the care and protection of children;
- defines parental responsibilities and rights;
- makes further provision regarding children's courts;
- · provides for the issuing of contribution orders;
- makes new provision for the adoption of children;
- provides for inter-country adoption;
- gives effect to the Hague Convention on Inter-Country Adoption;
- prohibits child abduction and gives effect to the Hague Convention on International Child Abduction;
- provides for surrogate motherhood; and
- defines certain new offences relating to children.

The Children's Amendment Bill (2006) aims to:

- amend the Children's Act (2005);
- insert certain definitions such as 'child-headed household' and 'cluster foster-care scheme';
- provide for partial care of children;
- provide for early childhood development (ECD);
- make further provision regarding the protection of children;
- provide for prevention and early intervention services;
- provide for children in alternative care;
- provide for foster care;
- provide for child- and youth-care centres, shelters and drop-in centres; and
- define certain new offences relating to children.

The Children's Amendment Bill (2006) was approved by Parliament and is a groundbreaking policy with regard to the advancement of children's rights. Clearly, the advocacy by civil society organisations, as well as international influence, contributed to this achievement.

Clause 75 of the Children's Bill (2006) provides for the establishment of the National Child Protection Register that records details of all persons found through the Children's Court, as well as criminal courts, to be unsuitable to work with children. In terms of the Bill, child care facilities, including welfare organisations offering foster care and adoption, will be able to check prospective employees, foster parents and adoptive parents against the register. The register, however, is not open to the public and all requests for information must be directed through the Department of Social Development.

One of the shortfalls of the Bill is the failure to protect adequately the property rights of orphans. When children inherit property from their deceased parents, they require the assistance of an adult to represent them and protect their inheritance. If the care giver is a relative, which is often the case, they need to appeal to the High Court (and not a magistrate's court) to obtain guardianship. This poses a challenge for people, especially those in rural areas, to travel long distances to access the High Court (Berry, 2007:170). Currently, the Amendment Bill needs to be accompanied by appropriate regulations and prescriptions that will enable its successful implementation.

## NON-PROFIT ORGANISATIONS

formal connection between government and civil society is critical in order to address issues of children in South Africa. One such initiative is the administration of Non-Profit Organisations (NPO Act 1997) by the Department of Social Development. The NPO Act mandates the Department of Social Development to contribute towards creating an enabling environment within which NPOs (Non-Profit Organisations) can flourish. NPOs are required to apply and register at the Department of Social Development. The Directorate of Non-Profit Organisations in the Department manages the registration facility and attempts to increase public access to information on registered organisations.

The registration and reporting of such organisations has increased substantially since the inception of the NPO Act in 1998. During 2005/06, 13 405 organisations applied for registration. By March 2006, the total number of registered organisations was 37 532. Most registered organisations are in Gauteng (32%), followed by KwaZulu-Natal (18%). The Northern Cape (2.3%) has the fewest registered organisations (Department of Social Development 2007). The Department of Social Development is also conducting capacitybuilding interventions and other support initiatives in collaboration with provincial departments, other networking organisations and various *fora* within civil society.

## CONCLUSION

Givic engagement in public policy making can take on different shapes and forms. The critical aspect is to bridge the gap between policy making and policy implementation to such an extent that it fulfills the real needs of the recipients of a particular policy. Government, as the representative of the people in a democratic society, should endeavour, by means of various mechanisms, to achieve successful policy implementation. The input to new policies or even existing policies is a critical variable in the implementation process. The executive arm of government, i.e. government departments and other agencies, is supplemented by different organs in civil society to bridge the gap between the formulation and design of policy and its successful implementation.

Civil society comprises individuals and groups, but mostly civil society organises itself into sustained groups or even committees. In this article, civic engagement in the design and formulation of child policy was investigated, as well as the eventual successful implementation of policies with regard to children. The particular example of the Dikwankwetla Project was of special interest because the participants, who were children, are not legal voters of the country, but they are beneficiaries of children's policies. The Dikwankwetla Project actually achieved more than mere inputs to the Children's Bill – it also contributed to the personal growth of the children and their communities. This inspiring project illustrates the different and special ways in which civic engagement could be approached in order to create a sense of community for the recipients of particular policies.

The future challenge is whether and how to maintain the momentum of the activities initiated in the provinces, in terms of child participation and children's rights that the Dikwankwetla children initiated in their respective communities. The children's experiences demonstrate how an issue like HIV and AIDS exacerbates people's vulnerability to poverty. Poverty is the real issue that government attempts to address by means of various policies and social grants. The existing social security system is under pressure to meet the needs of vulnerable children and to provide for children's basic rights to water, food, shelter and care. The Child Support Grant is highly effective in improving the lives of millions of poor children through a small monthly cash amount paid to their care givers. Nevertheless, perhaps some of the most marginalised children who are eligible for the grant are not receiving it, due to difficulties in acquiring the right documentation and in gaining access to the relevant offices to apply. This plight underscores the importance of civic engagement in all policies relating to children, either by the children themselves or by the host of organizations that act on behalf of children.

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