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THE SOCIAL PROTECTION FLOOR IN SOUTH AFRICA, NDP VISION 2030: MEASURING PROGRESS OF THE PROPOSED ELEMENTS.

Final Report | January 2022



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ACRONYMS & ABBREVIATIONS

COGTA	Department of Cooperative Governance (and Traditional Affairs)
CPME	Department of Planning, Monitoring and Evaluation
CWP	Community Work Programme
DBE	Department of Basic Education
DHIS	District Health Information System
DPWI	Department of Public Works and Infrastructure
DSD	Department of Social Development
ECD	Early childhood development
EPWP	Expanded Public Works Programme
ETI	Employment Tax Incentive*
FLISP	Finance Linked Individual Subsidy Programme
ICESCR	International Covenant on Economic, Social and Cultural Rights
NEET	Neither employed nor in education or training
NPC	National Planning Commission
NPNC	Non-personnel-non-capital
PDA	Priority development area
PDE	Provincial Department of Education
PDOT	Provincial Department of Transport
PDS	Provincial Department of Social Development
PHC	Primary health care
SADHS	South Africa Demographic and Health Survey
SASSA	South African Social Security Agency
SRD	Social relief of distress
UNICEF	United Nations Children's Fund

EXECUTIVE SUMMARY

Introduction

During its second term (2015-2021), the National Planning Commission (NPC), through a process of engagement with social partners and independent research, identified 12 existing elements that might form the basis of a social protection floor. These spanned the categories of social assistance, minimum wages, and the social wage. However, the exercise also identified weaknesses and gaps within and across the elements.

UNICEF, in partnership with the NPC (located in the Department of Planning, Monitoring and Evaluation (DPME), commissioned this review, which takes the form of a structured annotated audit of each of the proposed elements. The audit is intended to provide the basis for a more informed assessment of the current system as well as suggest realistic next steps in working towards a more comprehensive system amid constrained resources. The Government of the Republic of South Africa may, on reflection, amend the elements contained in the list of elements considered here. The review therefore marks an important milestone in the evolution and establishment of a comprehensive social protection floor as mandated in the National Development Plan.

For each element, the audit identifies the core rights and clauses to which it relates in the South African Constitution and international conventions; legislation and regulations stipulating minimum benefits; the agency with primary responsibility for budgeting and implementations; the budget allocation for 2021/22; indicators and targets within the National Development Plan and the 2019-2024 Medium Term Strategic Framework, and progress against these, along with recommended next steps for the next few years.

The review confirmed that South Africa has in place a range of elements that could be seen as providing for a relatively comprehensive social protection floor where the related policies are fit for purpose, budgeted for,

and implemented. The audit highlights shortfalls in different aspects of each of the twelve elements and provides ideas as to ways in which improvements might be achieved over the next few years.

While the review examined each of the elements



separately, several cross-cutting issues emerged. These include the adequacy with which some of the elements are financed, data challenges in measuring progress in implementation, the coverage and reach of the intervention, and the impact of COVID-19 on several elements.

Several of the elements are significantly underfunded. The allocations for social welfare services and learner transport rely on provincial allocations which are inadequate across all provinces. In the case of no-fee schooling the prescribed provincial minima are not allocated by all provinces and, even where allocated are arguably inadequate. With access to basic services, National Treasury allocates funding through the municipal equitable share, but municipalities spend the bulk of the allocated shares on other items. With regards to social grants, the primary constraint on introducing a grant for working-age people in need and on increasing the amount of the child support grant is financial.

The audit reveals a range of areas where important data are either non-existent, out-of-date and/or unreliable and assessment of progress thus difficult, if not impossible. The elements that are most worrying in respect of data limitations include access to free basic services, where municipal data on the number of

households categorised as indigent are not available; and social welfare services, where provincial departments of social development do not seem to have standardised information on the number of NPOs funded for different services and programmes and the total funding allocated. In addressing the challenges, government should avoid ambitious schemes to link and combine databases or create a single “master” social registry as these are likely to do more harm than good if undertaken before the component databases are accurate and up to date.

In respect of coverage, there is sometimes a significant difference between what the policy provides for and actual coverage. This is evident, among others, in the case of learner transport, access to free basic services; because of an increase in the number of informal settlements, the minimum wage; because of very limited enforcement, and early childhood development. In other cases, the policy itself provides for limited reach. This is the case for social grants, for example, where there is, in non-COVID times, no provision for working-age people unless they have a disability.

The audit includes information on COVID-19-related measures in respect of social grants, access to basic services, school nutrition, ECD, the ETI, and public works employment. The measures varied in the extent to which they successfully mitigated the impact of the pandemic. Some of the measures – such as school nutrition and the ECD subsidy – were implemented only after concerted advocacy. For minimum wages the audit includes discussion on how already poor monitoring and enforcement was further hampered. Overall, the pandemic served as an excellent illustration of the need for a social protection floor. However, it also served to undo some of the progress that South Africa had made towards having an effective floor.

The review also considered the implications for children of each of the elements. Overall, if well designed and implemented, the elements would play a significant role in ensuring that children accessed their basic rights. Five of the twelve elements; no-fee schooling, school nutrition, scholar transport, free primary health care for young children, and early childhood development programmes have children as their primary focus. For the sixth; social grants, the child support grant

has more beneficiaries than any other grant. For the seventh element; social welfare services, children again constitute the majority of beneficiaries, with a range of different interventions targeting them. Beyond children, two of the elements; the ETI and the public works programme, have youth as the predominant beneficiaries. However, they do not target children under 18 on the understanding that, ideally, children should still be in education at that age. Finally, the national housing programme and access to free basic services are of special interest to poorer households among which children are over-represented.



The 12 Elements

The summaries below highlight key points in relation to each element, as well as key recommendations.

1. SOCIAL GRANTS

This element provides for monthly non-contributory payments to individuals in various categories deemed vulnerable and unable to provide for themselves.

The element is the largest in terms of budgetary resources and is internationally recognised and acclaimed. Challenges include non-provision for able-bodied working-age adults who are not able to provide for themselves, the very low value of the child support grant, the threat of annual increases below the rate of inflation, and a danger that gender and other biases are introduced when existing measures are amended or added.

Recommendations include, at the least,

- Maintaining the real value of the grants through annual upward adjustments,
- Increasing the amount of the child support grant using the National Food Poverty Line as a potential benchmark, and
- Ensuring that any changes introduced do not have implicit negative gender or other biases.

2. ACCESS TO FREE BASIC SERVICES FOR POOR HOUSEHOLDS

This element provides for exemptions from utility payments for households that qualify under the municipalities' indigent policies.

Unfortunately, the indigent policies give cause for concern in several respects. These include differences in the definition of indigence across municipalities and serious under-spending of the funds provided by National Treasury for this purpose. Meanwhile, municipalities do not report publicly, as required, on why they are under-spending. In addition, the policy is not helpful for those living in informal settlements and other areas where the basic service infrastructure is non-existent or in disrepair.

Recommendations include

- Standardisation of the eligibility criteria across all municipalities,
- Enforcement of the requirement that municipalities that under-spend the funds they are allocated report in their budget documents why they were unable to spend the allocated amounts, and
- Enforcement of the requirement that municipalities undertake the related public consultations.

3. NATIONAL HOUSING PROGRAMME

This element aims to provide housing; whether through ownership, rental, or other means, to poorer households that would not afford it without some form of subsidy.

Assessing performance on this element is complicated by the range of different policies and measures designed to give effect to the right, as well as the changing demographics of the country in terms of size of the population, where people live, typical household structures, and the like. Available indicators suggest

under-performance to date in reaching the targets set for the MTSF period. The lack of progress in respect of informal settlements is particularly worrying.

The recommendation here is for greater effort to be made in meeting the targets, especially given the increase in the number of households needing accommodation over time.

4. NO-FEE SCHOOLING

This element provides for no school fees or payments for textbooks and stationery to be charged for children attending public schools serving the poorest 60% of children.

While the no-fee policy is being implemented across provinces, more and more provinces have started paying less than the prescribed minimum subsidies over time. The prescribed minimum is itself too low to cover the cost of one textbook per learner per subject. In addition, the subsidy element accounts for a very small proportion of government support to public schools. The largest single element; payment of staff salaries, often favours better-off schools. In too many provinces there are still schools that do not have the basic infrastructure required by the national uniform norms and standards despite many years of direct and indirect conditional grants.

Recommendations include

- That the no-fee approach be retained, but the minimum per learner amount that provinces are required to provide to schools be increased and enforced; and
- Additional ways investigated of favouring these schools in terms of government funding beyond the small per learner amount currently provided (integrated cross-sectoral funding).

5. SCHOOL NUTRITION

This programme aims to provide at least one meal per school day for learners attending no-fee schools.

The programme has impressive coverage, although the amount and quality of food provided differs across schools. Further, while in some provinces the programme reaches schools in quintiles 4 and 5, the youngest children – whose current and future health and well-

being are most at risk – are not covered for at all. The transfer of responsibility for ECD from DSD to DBE may provide new opportunities in this latter respect.

The main recommendation is that government extend the programme to the early childhood development level given that the negative consequences of poor nutrition for younger children can inflict permanent damage on their development.

6. SCHOLAR TRANSPORT PROGRAMME

The programme is intended to provide free transport to and from school for poor children who live at a distance of more than (usually) five kilometres from their allocated school and do not have access to other means of affordable transport.

Government reports what appears to be serious underestimates of need in respect of assistance through this policy, yet currently even government estimates show serious shortfalls in provision. The situation is exacerbated by the inadequacies of the public transport



system in most parts of the country. Performance and budget data on the programme are not easily available making monitoring by government and other actors very difficult.

Key recommendations include

- Alignment of provincial learner transport policies with the national policy in terms of eligibility, coverage of Grade R, and the cut-off distance from the school,
- Reversion to the historical situation where the provincial education departments provided the budget for learner transport, and
- Introduction of the promised conditional grant for learner transport.

7. FREE PRIMARY HEALTH CARE (PHC) FOR PREGNANT WOMEN AND CHILDREN UNDER THE AGE OF 6

This element provides for no fees to be charged for PHC services for pregnant women and young children at public facilities. The provision was later extended to all age groups.

This is one of the oldest policies of post-apartheid South Africa. Performance is difficult to assess because of the absence of separate budget allocations and regular reliable data. While access to free services seems to be widespread, users often experience long waits, and the quality of the services and treatment are not guaranteed. National Health Insurance would reinforce the focus on primary health care, but progress in taking such a system forward has been very slow.

Recommendations include

- Going beyond access to services to consider the quality of services offered,
- The use of community health workers wherever appropriate to reduce the workload of more highly qualified health personnel,
- Make a wider range of services more accessible at local community level, and
- Reduce waiting times.

8. EARLY CHILDHOOD DEVELOPMENT (SUBSIDISED CENTRE AND NON-CENTRE BASED AND GRADE R)

This element involves the provision of partial subsidies to non-profit providers of ECD services with the intention of making fees more affordable for caregivers, increasing access, and facilitating women home-caregivers (including mothers) engagement in paid work.

The Grade R policy has been rolled out relatively successfully. Roll-out and support of ECD services for younger children has been less successful despite substantial policy and budgetary emphasis on this area beyond that provided for other social development services with stronger rights and legal mandates. The COVID-19 pandemic appears to have further reduced access to ECD services, with the roll-out of support happening both very late and ineffectively. The transfer of the function to DBE provides the opportunity for a serious re-think of the funding model.

Recommendations include

- Taking advantage of the transfer of the function from social development to education for a serious rethink of the funding model, drawing on DBE's experience of funding schooling.
- Development of a strategy that will increase coverage of quality ECD services, with prioritisation of children in the poorest households, and
- Avoidance of focus being placed only on the early learning aspect of ECD while ignoring the care aspect.



9. SOCIAL WELFARE SERVICES

This element takes the form of provision of partial subsidies to (some of the) non-profit organisations that provide social welfare services to different categories of vulnerable individuals and families.

A large share of social welfare services in South Africa, including legislated ones, are delivered by NPOs rather than by government. Much of the service delivery occurs without any government funding, while some is funded by government but only on a partial subsidy basis. A 2014 High Court judgment found the Free State policy on funding of NPOs – a policy that mirrored the national policy – to be unconstitutional and ordered that this situation be rectified. This has not yet effectively occurred. Government has also not implemented three proposals for the 2016 Ministerial Review of the

Welfare White Paper of 1997 which relates directly to this element, despite Cabinet having formally adopted the proposals and associated timelines.

Recommendations include

- Mandating all provinces to comply with the NAWONGO judgment, and
- Implementation of the relevant proposals put forward by the Ministerial Review of the Welfare White Paper of 1997 and adopted by Cabinet in 2016.

10. EMPLOYMENT TAX INCENTIVE (ETI)

This element provides for a partial subsidy, paid to the employer, of the wages of young workers to reduce the level of youth unemployment.

The ETI incurs “tax expenditure” of about three times the amount of the ECD conditional grant, but there is no clear evidence yet that the incentive is creating a substantial number of jobs that would not otherwise have existed. The available evidence shows the incentive benefiting large firms, such as those in the retail industry, which tend to pay relatively low wages to unskilled workers. More recent data may give a clearer picture as to the extent to which this measure benefits companies and unemployed young people respectively since the introduction of the national minimum wage.

The primary recommendation is for research to be conducted into possible trends in the number of employees, type of business, wages, and subsidy levels of ETI workers in the period since the national minimum wage came into effect.

11. EXPANDED PUBLIC WORKS PROGRAMME (EPWP) AND COMMUNITY WORK PROGRAMME (CWP)

This element involves the provision, through government funding, of low-paid work to unemployed people.

The amount of publicly available information on the EPWP has decreased substantially over recent years despite much of the funding occurring through conditional grants which should have strict reporting requirements. Meanwhile, the serious weaknesses in the CWP have prompted a redesign which is behind schedule. Anecdotal information suggests that in many cases workers are employed long-term on an EPWP basis, raising the possibility of the programme serving as a source of cheap labour given that the minimum wage for EPWP workers is set at only 11% of the national minimum wage. Earnings are further reduced where the “work opportunities” do not involve full-time work.

Recommendations include

- Making publicly available on the EPWP website the detailed performance information in respect of different government agencies, sectors, and projects; and
- Discussions that include the social partners on the implications of allowing participants to continue working indefinitely on an EPWP project if the work is paid at below the minimum wage.

12. MINIMUM WAGES

This element aims to set a specified amount below which no employee’s wage should fall.

A national minimum wage came into effect in 2019 and has been adjusted more or less annually as provided for in the legislation. Minima for agricultural workers have been aligned with those for other sectors, and the Commission has proposed that the same happens for domestic workers as from 2022. However, minimum wages for EPWP workers remain at only just over half the standard minimum wage. Survey data suggest poor monitoring and enforcement of the minimum wage. Government has not to date used compliance with this legislation as a pre-condition for securing government contracts.

Recommendations include

- Amending the provisions of the Employment Equity Act in respect of equal pay for work of equal value to apply across, as well as within, workplaces; and
- Requiring compliance certificates in respect of minimum wages and other legislation in state procurement.¹



In Conclusion

The report will be of use to the NPC in advising government on the way forward and prioritising among different options. This is especially important given that government must make hard choices between the many different demands it currently faces in a situation of constrained resources – a situation in which poorer people, too, are facing impossible constraints and challenges. The Minister of Finance indicated in late 2021, in his first Medium Term Budget Policy Statement, that government hopes that by 2024/25 it will be possible to end the current period of “fiscal consolidation”. This implies at least two further years of constrained budgets followed – at the most optimistic – by less constrained but still cautious budgeting. The report could also be useful as background for further engagements by government and the NPC with both social partners and development partners.

The task for the new National Planning Commission is to discuss, agree and advise government on which of the twelve elements merit inclusion in South Africa’s social protection floor, whether and how these elements can be improved, and whether any other elements need to be added. In doing so, the Commission will need to consider government’s capacity, financial and otherwise, to implement elements effectively. Throughout these deliberations it will want to prioritise people and families most in need of protection.

¹ Benjamin P & Cawe A. 2019. Meeting the NDP’s labour market objectives: a critical review. National Planning Commission: Pretoria.

INTRODUCTION

CONTEXT

During its second term (2015-2021), the National Planning Commission (NPC) organised discussions with social partners on the topic of a social protection floor. The discussions and subsequent work done by the Commission identified a range of existing elements that might form the basis of a social protection floor. These spanned the categories of social assistance, minimum wages, and the social wage. However, the engagement and further work also pointed to weaknesses and gaps within the different elements as well as within the collection of elements when assessed for comprehensiveness of the social protection floor.

It is against this background that UNICEF, in partnership with the NPC (and the Department of Planning, Monitoring and Evaluation (DPME) which services it), commissioned this review of the different elements of South Africa's nascent social protection floor.

The exercise takes the form of an annotated audit of each of the diverse elements that currently make up South Africa's social protection system. The audit is intended to provide the basis for a more informed assessment on how far along South Africa is from having a comprehensive social protection floor and system. It will also provide indications of what might constitute

realistic next steps in working towards the achievement of the desired comprehensive floor and system.

The report will be of use to the NPC in advising government on the way forward and prioritising among different options. This is especially important given that government must make hard choices between the many different demands it currently faces in a situation of constrained resources – a situation in which poorer people, too, are facing impossible constraints and challenges. The Minister of Finance indicated in late 2021, in his first Medium Term Budget Policy Statement, that government hopes that by 2024/25 it will be possible to end the current period of “fiscal consolidation”. This implies at least two further years of constrained budgets followed – at the most optimistic – by less constrained but still cautious budgeting. The report could also be useful as background for further engagements by government and the NPC with both social partners and development partners.

Finally, the terms of reference envisaged this work as identifying gaps in information. The standard format used below assists in identifying gaps.

APPROACH

The task and approach used for this review can be conceptualised as involving construction of a matrix. The matrix has the programmes (elements) on the vertical axis and the issues related to each on the horizontal axis. Each of the “content” cells attempts to encapsulate the key points accurately but succinctly.

Given the large number of programmes, in practice each column is presented as a separate table. This format also allows for narrative discussion of each element below the summary table.

The terms of reference identify the elements of South Africa's comprehensive social protection floor and system as including; social grants, access to free basic services for poor households, the national housing

programme, free basic and secondary education, school nutrition; the scholar transport programme, free primary health care for pregnant women and children under the age of 6, early childhood development (subsidised centre and non-centre based and Grade R), Employment Tax Incentive (ETI), Expanded Public Works Programme (EPWP) and Community Work Programme (CWP), minimum wages, and social welfare services. (The list excludes a few items named as forming part of the social protection floor in the NPC's Policy and Planning Brief², namely (a) statutory social insurance (the Unemployment Insurance Fund, Compensation for Occupational Injuries and Diseases Act and Road Accident Fund) and (b) voluntary social security for formally employed people in the form of pensions and provident funds.



As noted above, the report discusses each of the identified elements separately. Where an element encompasses different sub-elements – as is the case for social grants and social welfare services – the information provided on the different sub-elements of social welfare services is limited given the relatively wide range of different services, the large number of implementing agents, differing approaches across the nine provinces, and general lack of availability of data even within the national and provincial Departments of Social Development. An added complication in respect of social welfare services is that many of the services are not provided, not funded, and not even subsidised by government. It is therefore questionable to what extent they can be considered part of the social protection floor.

For each of the elements, the focus is on the current situation rather than attempting to provide a history of the development of the element over time. The focus on the current situation is complicated in several ways by the COVID-19 pandemic. In particular, the pandemic has increased South Africa's fiscal challenges and resulted in further budget constraints that are unlikely to be relaxed in the near future. Further, delivery of most, if not all, government programmes has been negatively affected since the first lockdown in April 2020. It is



difficult to know what the “new normal” will be, and this makes it difficult to make recommendations. The report includes boxes with italicised font that highlight some of the COVID-19 developments related to each element.

² National Planning Commission. August 2020. *Social protection floor: A social compact for social cohesion. Policy and Planning Brief*. Pretoria.

DATA COLLECTION AND REPORTING MATRIX

The rows of each column/table are shown in the following table.

South African Constitution	Identifies the core right and the most relevant clause within the South African Constitution.
Key rights in international conventions	Identifies the key right and relevant international instrument.
Legislation & regulations for minimum benefits	Identifies the most relevant piece of legislation providing for this element and where relevant /where minimum benefits are specified through regulation; also indicates whether the legislation and/or regulations provides for a mandatory minimum (i.e. give effect to a right) or instead takes the form of an aspirational level and/or gives the relevant authority discretion in respect of the minimum.
Agency with primary responsibility for budgeting and implementation	Identifies the key decision-making agency, but also indicates if the authority in respect of the particular element is spread across different agencies and/or spheres of government.
Budget allocation, 2021/22	Where there is an identifiable allocation specifically for this element, provides the amount, as well as the percentage of the consolidated budget (national and provincial budgets combined). Where this is not possible, indicates which budget programmes/sub-programmes or allocations might provide for the element.
NDP indicators and targets	Indicates, where these exist, more or less directly related indicators and the targets for 2030.
2019-2024 MTSF indicators and targets	Indicates, where these exist, more or less directly related indicators and targets for 2024. Indicators and targets specified in documents other than the NDP and MTSF are not considered as the intention in this audit is to assess whether the over-arching planning and strategic documents have relevant targets and indicators.
(Disaggregated) measurement of progress	Provides the most recent available “delivery” or “access” information in respect of the NDP and MTSF indicators or, where this is not available, provides a related indicator where possible.
Recommendations	Provides an assessment based on the above and other available information of the current status in respect of this element and offers realistic recommendations as to how government might move closer over the next few years to providing this element more comprehensively.



THE ELEMENTS OF SOUTH AFRICA'S SOCIAL PROTECTION FLOOR

Social Grants

South African Constitution	Access to social security 27(1)(c)
Key rights in international conventions	Right to social security (ICESCR Art 9)
Legislation & regulations for minimum benefits	<p>Social Assistance Act 13 of 2004</p> <p>States that the Minister must make available (and thus budget for), and the South African Social Security Agency must provide the following grants for those who apply and meet the specified eligibility criteria:</p> <ul style="list-style-type: none"> • Child support grant • Care dependency grant • Foster child grant • Disability grant • Older person's grant • War veteran's grant • Grant-in-aid <p>The Minister may specify income thresholds and test means for the grants. The grant amounts are specified in regulations which, typically, are issued annually after being announced in the national budget.</p>
Agency with primary responsibility for budgeting and implementation	South African Social Security Agency, under Department of Social Development.
Budget allocation, 2021/22	R195,5 billion (9,7% of consolidated budget)
NDP indicators and targets	<p>Our vision is that by 2030, South Africa would have a comprehensive system of social protection that includes social security grants, mandatory retirement savings, risk benefits such as unemployment, death and disability benefits and voluntary retirement savings.</p> <p>By 2030, the number of households living below R418 a month per person (in 2009 rands) should fall from 39 percent to zero.</p>
2019-2024 MTSF indicators and targets	<p>Payment of social grants to eligible beneficiaries. Indicator: % of eligible grant beneficiaries receiving grants per grant type.</p> <p>Targets: 95% of eligible CSG by 2024; 95% of eligible persons with disability by 2024.</p>

(Disaggregated) measurement of progress	18 440 572 beneficiaries of standard grants as at end March 2021, and over 9 million beneficiaries of COVID-19 SRD grant during the financial year.
Recommendations	<p>South Africa's grant system – and in particular the child support grant – had substantial reach and has won international acclaim. It is recognised as the country's most effective poverty alleviation tool. However, the system is inadequate in a range of respects. The most evident gap is provision for working-age adults who are not able to provide for themselves.</p> <ul style="list-style-type: none"> • At the least, maintain the real value of each grant through annual upward adjustments that equal or exceed inflation. • Increase the amount of the child support grant given its clearly inadequate current value, its reach into the poorest households, its proven benefits, and the very strong rights accorded to children in the South African Constitution. • Ensure that any new grants that are introduced, or changes to existing grants, do not have implicit gender or other biases such as those in the first round of the COVID-19 special grant.



Between end March 2020 and end March 2021, the number of standard social grants being paid increased from:

18 290 592 to 18 440 572.

TABLE 1. GRANTS PAID IN MARCH 2021

Grant Type	Beneficiaries
Care Dependency Grant	150 151
Child Support Grant	12 993 589
Disability Grant	997 752
Foster Child Grant	309 453
Grant in Aid	267 912
Old Age Grant	8 722 675
War Veterans Grant	40

Source: South African Social Security Agency (SASSA). November 2021. 2020/21 Annual Report Presentation: Presentation to the Portfolio Committee on Social Development.

COVID-19 MEASURES 1. SOCIAL GRANTS

In addition, between May and October 2020, the above grants were supplemented as part of the COVID-19 alleviation measures. The CSG was supplemented by R300 per child in May, followed by R500 per caregiver for the remaining months. All the other grants other than the grant-in-aid were supplemented by R250.

Further, a special COVID-19 social relief of distress (SRD) grant of R350 per month was made available for adults who were not employed and had no other income. The World Bank estimated the number of those meeting the criteria at between 8 and 15 million.³ Between May and October 2020, 9,3 million applications for the grant were processed.⁴ However, the exclusion in respect of other income was interpreted as including adults receiving a grant on behalf of children. This meant that those – mainly women – who received child grants on behalf of children in their care were not eligible for the COVID-19 SRD grant. The grant was reintroduced in August 2021, this time without the exclusion of (mainly women) recipients of child grants. By 25 August, in less than a month, more than 11 million completed application had been received.⁵

SASSA's database of beneficiaries is reliable enough to be used to offer beneficiaries other benefits. For example, child beneficiaries of grants are automatically exempt from school fees, and automatically pass the means test for National Student Financial Aid System bursaries. However, attempts to link up with other databases, for example for checking of applicants' income, have not been very successful. In the case of the COVID-19 SRD grant, the database-matching excluded many eligible applicants. Premature attempts to link databases and/or create a single "master" social registry run the danger of proving the "garbage-in-garbage-out" rule and corrupting relatively reliable databases if they are undertaken before the proposed other component databases are accurate and up to date.



³ World Bank. 2021. South Africa: Social Assistance Programs and Systems Review. Washington DC.

⁴ <https://pmg.org.za/tables-committee-report/4742>

⁵ <https://pmg.org.za/committee-question/17082/>

Access to Free Basic Services for Poor Households

South African Constitution	Access to adequate housing (26(1);28(1)(c))
Key rights in international conventions	Right to adequate housing (ICESCR 11(1))
Legislation & regulations for minimum benefits	<p>Local Government Municipal Systems Act, 32 of 2000 obliges municipalities to deliver basic services to all. A basic service is defined as “a municipal service that is necessary to ensure an acceptable and reasonable quality of life”.</p> <p>Section 3 of the Water Services Act, 108 of 1997 states that everyone has the right of access to water and basic sanitation, and that relevant authorities must have measures to realise these rights.</p> <p>The Regulations Relating to Compulsory National Standards and Measures to Conserve Water (Compulsory National Standards) of 2001 stipulate minimum standards for basic water supply and sanitation services. These are the only services for which there are legislated minima, with the standard for water theoretically legally enforceable.⁶</p> <p>In 2001, policy provides that municipalities are responsible for identifying “indigent” households that will receive basic services for free or at highly subsidised rates.</p>
International conventions	CESCR General Comment 15 of 2002: “the human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realisation of other human rights”.
Agency with primary responsibility for budgeting and implementation	COGTA; National Treasury; municipalities.
Budget allocation, 2021/22	R56,3 billion (2,8% of consolidated budget)
NDP indicators and targets	<p>Ensure ... 95 percent [electricity] coverage by 2030 (with balance met through off-grid technologies).</p> <p>By 2030, South Africa will have an energy sector that promotes... social equity through expanded access to energy services, with affordable tariffs and well targeted and sustainable subsidies for needy households.</p>
2019-2024 MTSF indicators and targets	Indicators related to access to electricity, water and refuse services but not to free services in particular
(Disaggregated) measurement of progress	In 2017, the most recent year for which data are available, South Africa’s 257 municipalities registered 3,51 million indigent households, equivalent to about one-fifth of the 16,2 million households in the country. ⁷

⁶Tissington K. 2013. Targeting the Poor? An Analysis of Free Basic Services (FBS) and Municipal Indigent Policies in South Africa. Socio-economic Rights Institute of South Africa: Johannesburg.

⁷Statistics South Africa, cited at <https://www.cogta.gov.za/index.php/2019/10/31/facts-about-indigent-households/>

Recommendations	<p>The indigent policy excludes the large number of people living in informal settlements or backyard shacks. Even for others who might qualify for the service, the policy itself is poorly implemented, with the funds allocated for this purpose often used on other things.</p> <ul style="list-style-type: none"> • The eligibility criteria for indigent status should be standardised across municipalities so that the basic rights to which citizens are entitled do not differ geographically. • The requirement that municipalities report in their budget documents why they are not using the full allocation in the equitable share, and the related public consultation, should be enforced.
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While the term “basic services” can be interpreted more broadly, this element of the social protection floor is interpreted as referring to basic services to households as defined in the Local Government Municipal Systems Act (see above).

Households living in informal settlements or other areas cannot benefit from the free electricity if their areas are not electrified. Whether they can benefit from the water allowance depends on the infrastructure and services available in the area, as well as where the source of water is in relation to their dwelling. The Asivikelane project’s monthly releases highlight the extent of the challenges informal settlement dwellers experience in relation to access to water and other basic services based on the experiences of more than 2 000 residents in settlements across the country.⁸

Table 2 reveals that only 47% of all South African households have a tap for drinking water inside their dwelling, with a further 28% having a tap (other than from a borehole or water tank) in the yard. The remaining 25% may not have to pay the municipality for water but cannot be regarded as enjoying decent free basic services. In Eastern Cape and Limpopo more than half of all households do not have water in their dwelling or yard.



TABLE 2. LOCATION OF HOUSEHOLD'S SOURCE OF DRINKING WATER, BY PROVINCE

Province	In Dwelling	In Yard	Elsewhere	Total
Eastern-Cape	38%	11%	51%	100%
Free State	45%	43%	12%	100%
Gauteng	62%	29%	9%	100%
KwaZulu-Natal	39%	31%	30%	100%
Limpopo	10%	35%	55%	100%
Mpumalanga	29%	44%	27%	100%
North West	30%	37%	33%	100%
Northern Cape	56%	24%	20%	100%
Western Cape	77%	10%	14%	100%
Total	47%	28%	25%	100%

Source: Own calculations, General Household Survey, 2020

⁸ <https://asivikelane.org/>

For those who do have a tap on-site, definitions of indigence differ across municipalities. In 2017 (the most recent year for which information is available), 147 of the 278 municipalities in the country used the most common cut-off, namely R3 200 per month combined income for the household, equivalent to two older persons' grant. The extent of the subsidy also differs across municipalities, although the general understanding is that these households were entitled to six kilolitres of free water and 50 kWh of free electricity per month. Some municipalities include a subsidised or free sewage service of up to R50 per month.

PROVISION FOR FREE BASIC SERVICES WITHIN THE LOCAL GOVERNMENT EQUITABLE SHARE

The local government equitable share formula includes a basic services component which is explicitly intended to enable municipalities to provide free basic services. In 2021/22, this component accounts for 79% of the total municipal equitable share. The size of the component differs across municipalities and is derived from the percentage of households that had incomes below the value of two state old age grants in the 2011 census. For all municipalities combined, the percentage of such households was 59%. According to National Treasury, municipalities that decide to provide fewer households with free basic services than provided for in their equitable share should reflect this in budget documents explaining why and how they consulted with the community.

Previously, the component provided for all poor households as defined above. However, in 2021/22 the equitable share, like many other allocations, has been cut back because of budget constraints. As a result, the 2021/22 budget provides for 96% of poor households, while in 2022/23 it will be 94% and in 2023/24 only 88%. National Treasury notes that the impact of this cut "should be minimal" because most municipalities have not up to now provided free services to all those assumed to qualify.

In 2021/22, the formula provides for a monthly subsidy of R460,12 per household. This is meant to cover six kilolitres of free basic water, 50 kilowatt-hours of energy, sanitation and refuse removal, with an additional 10% for service maintenance.

The Department of Cooperative Governance (COGTA) reports that while 6,9 million households (76% of "consumer units") benefited from free water in 2006. The number had more than halved, to just over 3 million (22% of consumer units), in 2019. COGTA explains that the decrease is explained by improved targeting of indigent households instead of all households receiving free basic services as often happened in the past.⁹ However, the 22% of households reported by COGTA remains far below the 59% of households on which the equitable share is based.

COVID-19 MEASURES 2. ACCESS TO BASIC SERVICES

For COVID-19, national government allocated R20 billion to municipalities in respect of improving water and sanitation in informal settlements and rural areas, temporary shelter for homeless people, and sanitising of public transport facilities. R2,3 billion of the total came from the reprioritisation within the Urban Settlement Development Grant. The Asivikelane project recorded some short-term improvements in some metros in the first months of the pandemic, but enormous challenges remain.



⁹ Sources for this discussion are: Human Rights Commission. March 2018. Water and Sanitation: Monitoring the Implementation of the Commission's Recommendations from its 2014 Report; National Treasury. 2021. Annexure W1: Explanatory memorandum to the division of revenue; Department of Cooperative Governance and Traditional Leadership. 2021. Annual Report 2020/21. Pretoria.

National Housing Programme

South African Constitution	Access to adequate housing (26(1); 28(1)(c))
Key rights in international conventions	Right to adequate housing (ICESCR Art 11(1))
Legislation & regulations for minimum benefits	Housing Act 107 of 1997
Agency with primary responsibility for budgeting and implementation	Department of Human Settlements; associated provincial departments; local municipalities
Budget allocation, 2021/22	Human settlements development grant: R13,4 billion Informal settlements upgrading partnership grant: R3,9 billion Combined: 0,9% of consolidated budget
NDP indicators and targets	Nonrelevant
2019-2024 MTSF indicators and targets	<ul style="list-style-type: none"> • Number of Breaking New Ground houses delivered. Target: 450 000 • Number of households that received financial assistance and purchased units through Finance Linked Individual Subsidy Programme (FLISP). Target: 20 000. • Number of serviced sites delivered. Target: 300 000 • Number of rental housing units delivered in priority development areas. Target: 30 000 • Number of informal settlements formalised/upgraded to Phase 3 of the Informal Settlements Upgrading Programme. Target: 1 500
(Disaggregated) measurement of progress	<p>Cumulative to March 2021 against 2019/24 targets:</p> <ul style="list-style-type: none"> • Houses: Unknown • Financial subsidies (FLISP): 6 327 (32%) • Serviced sites: 90 698 (30%) • Units: 115 070 (26%) • Social housing/rental: 3 463 (12%) • Settlements formalised/upgraded: Unknown
Recommendations	<p>By March 2021, the achievement should have been at least 40% on each of the indicators as two of the five years had passed.</p> <ul style="list-style-type: none"> • There is thus clear need for greater effort to be made in meeting the targets, especially as the trend over time has been towards smaller household sizes – and thus faster increase in the number of households needing accommodation – over time.



A COLLECTIVE VERSUS INDIVIDUAL RIGHT TO HOUSING

A 2003 report prepared by the Urban Sector Network argues that South African courts, through cases such as Grootboom, Kyalami Ridge, Modderklip, Rudolph, Baartman and Sheffield Road have emphasised the collective right to a reasonable policy rather than an individual right to a minimum core entitlement.¹⁰ The Network argues that this approach calls for a suite of programmes that include housing subsidies, access to credit, rapid land release, informal settlement upgrading and support for self-help housing. South Africa has all of these, but substantial challenges remain in terms of implementation as well as the design of the programmes. There are also financial constraints, with the Human Settlements capital budget reduced by R15 billion in the three years before COVID-19 struck.

The Department's annual report for 2020/21 estimates that 2,2 million households live in informal settlements, with an estimated 2,7 million housing backlog. In contrast, more than 21 million South Africans (perhaps about five million households) live in government-subsidised housing.

Over the years, the focus has increasingly shifted from providing housing to providing serviced stands. There has, however, been ongoing poor performance in respect of providing for people living in informal settlements. For example, in 2019/20, 25% of households targeted for upgrading were not reached, with the number reached 32% less than those upgraded in 2016/17. 2020/21 saw the introduction of the Upgrading Informal Settlements Grant, by separating out 20% of the Urban Settlements Development Grant for each municipality. Of the total, R2,4 billion was allocated to provinces and R2,2 billion to metros. However, in 2020/21 the Informal settlements programme underspent by 19% of its adjusted allocation, or R122,4 million.¹¹

The Department's annual report for 2021/22 records "unsatisfactory performance" on all indicators. For fully subsidised housing, delivery was 45 551 as against a target of 85 898, for serviced sites it was 39 273 against a target of 44 505, and for affordable rental units it was 1 856 against a target of 6 000. This amounts to 53%, 88% and 31% respectively of the three targets. There was no delivery against the target of upgrading 300 informal settlements to phase 3.



No-Fee Schooling

South African Constitution	Basic education (29(1)(a))
Key rights in international conventions	Right to free primary and, where possible, free secondary education (ICESCR Art 13(2)(a)-(b))
Legislation & regulations for minimum benefits	South African Schools Act 84 of 1996 The Act states that all school governing bodies must supplement government funding, including through charging school fees. Exemption from this obligation is given – and mandatory – for all schools that have been declared 'no fee schools'. The names of the 'no fee schools' are published in a Provincial Gazette with this status accorded to schools expected to serve the poorest 60% (three lowest quintiles) of children based on income levels in the area in which they are located. Other schools can apply to the provincial department for exemption. Minimum uniform norms and standards for public school infrastructure were gazetted in November 2013 in terms of section 5A(1)(a) of the Act.

¹⁰ Urban Sector Network. 2003. Expanding Socio-economic Rights and Access to Housing. Mega-Tech. David Bilchitz (2003. Towards a Reasonable Approach to the Minimum Core: Laying the Foundations for Future Socio-Economic Rights Jurisprudence, South African Journal on Human Rights, 19:1, 1-26) argues that the Court's focus on reasonableness should be modified to recognise that there is a minimum core obligation related to urgent survival in terms of which the state should not delay.

¹¹ Sources for this discussion include: Department of Human Settlements. 2021. Annual Report 2020/21. Pretoria; Human Rights Commission. 2021. State of Human Rights in Gauteng Report 2020/21. Towards Ensuring the Right to Adequate Housing through the Upgrading of Informal Settlements: Towards Ensuring the Right to Adequate Housing through the Upgrading of Informal Settlements.

Agency with primary responsibility for budgeting and implementation	Provincial departments of education, but with the “quintiles” determined nationally by the Department of Basic Education. The national Department of Basic Education determines the minimum non-personnel-non-capital (NPNC) subsidy to be provided to no-fee schools and schools in other quintiles each year.
Budget allocation, 2021/22	The subsidies for no-fee schools are not recorded separately in the budget documents, although such schools do receive a larger NPNC subsidy than other schools. In 2021, the subsidy for no-fee schools (quintiles 1-3) is R1 466 per learner while quintile 4 schools receive R735 and quintile 5 R254.
NDP indicators and targets	By 2030... learning materials are readily available; basic infrastructure requirements are met across the board
2019-2024 MTSF indicators and targets	Not covered
(Disaggregated) measurement of progress	See discussion below about data challenges
Recommendations	<p>While the no-fee policy is being implemented in all provinces, some are providing subsidies below the prescribed thresholds. Further, the quintile-based NPNC is only a small proportion of government funding of education, with other elements often biased towards schools serving better-off learners.</p> <ul style="list-style-type: none"> The no-fee approach should be retained, but the minimum per learner allocation should be both increased and enforced and additional ways beyond this relatively small per-learner allocation investigated of favouring these schools in terms of government funding.

The NPNC allocation has been lower than the prescribed amount in KwaZulu-Natal since 2014, Northern Cape since 2015, Mpumalanga since 2016, and Eastern Cape in 2021. Further, the prescribed amount is not sufficient for the CAPS requirement of one textbook per learner per subject.¹²

Even where the prescribed amount is paid, the NPNC allocation constitutes a very small proportion of the funding for each school. In 2016/17, for example, the Western Cape’s mean expenditure on teachers per learner was R11 318 compared to the NPNC subsidy of R1 144 per learner – less than 10% of the teacher amount – for schools in quintiles 1 through 3. A far larger amount is paid by government to the teachers employed by public schools. The teacher payments are determined independently on the quintile to which the teacher’s school belongs. In practice, higher-quintile schools tend to employ more higher-paid teachers. As a result, the government generally provides a larger subsidy to better-off schools than to schools serving poorer communities.¹³

While provision of school infrastructure is not strictly speaking a component of no-fee schooling, it is relevant to the extent that meaningful learning is much less likely to take place if the infrastructure is inadequate. However, despite multiple funding streams to facilitate provision of infrastructure in lines with prescribed norms and standards in school, there are still shortfalls. For example, the Financial and Fiscal Commission reported in late 2021 that in 2020 all schools had some form of sanitation, although 14% of schools in the country still had only pit latrines.¹⁴ However, a South African Human Rights Commission of mid-2021 indicated, based on responses received from the provincial departments, that 199 schools in Eastern Cape had no sanitation facilities, as was the case for five schools in Free State, and 44 in North West. In many cases schools with no toilets, or only pit toilets, also had no water supply. This was the case for 121 schools in the Eastern Cape, ten in Free State, three in Limpopo, and nine in North West.¹⁵

The special indirect School Infrastructure Backlog Grant, introduced in 2011/12 specifically to address shortfalls, was meant to end in 2017/18. However, by 2021, 24% of

¹² Financial and Fiscal Commission. 16 November 2021. Briefing to the Portfolio Committee on Basic Education.

¹³ Budlender Debbie. 2017. Expenditure 2016/17: Are allocations efficient for improving outcomes? What is the evidence that spending is pro-poor? Commissioned by DGMT for the Western Cape Department of Education. Cape Town.

¹⁴ Financial and Fiscal Commission. 16 November 2021. Briefing to the Portfolio Committee on Basic Education.

¹⁵ South African Human Rights Commission. July 2021. Report on Water and Sanitation in Schools,



the R16,2 billion allocated had not been spent. Provinces spent 98% of the combined total of R87,5 billion allocated through the direct Education Infrastructure Conditional Grant over the period 2011/12 to 2020/21. However, in North West, which over-spent, there is no evidence of physical infrastructure created by the grant. The grant has also been subject to cuts as part of general fiscal consolidation in the most recent years. Each province is also meant to allocate equitable share funds for school infrastructure. However, in 2019/20 the conditional grant accounted for 86% of all school infrastructure spending by provinces.¹⁶

School Nutrition

South African Constitution	Basic education (29(1)(a); 28(1)(c))
Key rights in international conventions	Right to adequate food (ICESCR Art 11(1))
Legislation & regulations for minimum benefits	The conditional grant schedule which forms part of the annual Division of Revenue Act regulates how the grant funds are used.
Agency with primary responsibility for budgeting and implementation	Provincial departments of education
Budget allocation, 2021/22	R8,1 billion (0,4% of consolidated budget)
NDP indicators and targets	Nonrelevant
2019-2024 MTSF indicators and targets	Intervention: Implement food and nutrition security initiatives for vulnerable individuals and households. Indicator: % of individuals vulnerable to hunger accessing food through food and nutrition security initiatives. Target: Reduce individuals' vulnerability to hunger to 6% (from 13.4% in GHS 2016)
(Disaggregated) measurement of progress	21 189 schools, more than 9 million children
Recommendations	<p>The programme has impressive coverage, although the amount and quality of food provided differs across schools. Further, the programme does not reach children in their most vulnerable years.</p> <ul style="list-style-type: none"> Government should extend the programme to the early childhood development level given that the negative consequences of poor nutrition for younger children can inflict permanent damage.

¹⁶ Financial and Fiscal Commission. 16 November 2021. Briefing to the Portfolio Committee on Basic Education.



Learners in quintiles 1 – 3 schools are meant to benefit from school nutrition, but some learners in quintiles 4 and 5 schools which accommodate poorer children are also covered.¹⁷ Children attending Grade R in public schools that are part of the programme also benefit.

COVID-19 MEASURES 3. SCHOOL NUTRITION

In 2020, Equal Education together with the school governing bodies of two secondary schools took the Minister and MECs of education to court over the failure to fulfil a commitment to provide food to qualifying school learners even when schools were closed during the COVID-19 lockdown. The judgment confirmed that nutrition – alongside school infrastructure, textbooks, and scholar transport – is a core element of the right to basic education.

Nevertheless, full implementation has been difficult to achieve where, for example, children attend school on a rotational basis.

Scholar Transport Programme

South African Constitution	Basic education (29(1)(a))
Key rights in international conventions	Right to free primary and, where possible, free secondary education (ICESCR Art 13(2)(a)-(b))
Legislation & regulations for minimum benefits	National learner transport policy, October 2015, states that transport should be subsidised for “needy” (not defined) learners in grades R to 12 attending the nearest “appropriate school” rather than another school chosen by the parents.

¹⁷ Department of Basic Education. 2021. Annual Report 2020/21.

Agency with primary responsibility for budgeting and implementation	Provincial departments of education
Budget allocation, 2021/22	R3,1 billion across the nine provinces in 2017/18 (0,2% of consolidated budget)
NDP indicators and targets	By 2030, investments in the transport sector will ensure that it serves as a key driver in empowering South Africa and its people, enabling improved access to economic opportunities, social spaces, and services by bridging geographic distances affordably, reliably and safely.
2019-2024 MTSF indicators and targets	Not covered
(Disaggregated) measurement of progress	Nonrelevant
Recommendations	<p>The policy has been implemented unevenly across provinces and does not reach many of the intended children. The division of responsibility between two departments complicates implementation and accountability.</p> <ul style="list-style-type: none"> • Align provincial learner transport policies with the national policy in terms of eligibility, coverage of Grade R, and the cut-off distance from the school. • Revert to the historical situation where the PEDs provided the budget for learner transport. • Introduce the promised conditional grant.

Around the time the national learner transport policy was gazetted in 2015, the Department of Transport reported that about 70% of all learners needing school transport had this need satisfied. However, estimates of need derived from General Household Survey data suggest that the real need is more or less double the official target.¹⁸ The shortfall reported by government is therefore over-optimistic.

Across all provinces, the provincial Department of Education (PED) is responsible for identifying learners in need of transport and the provincial Department of Transport (PDOT) is responsible for managing the transport operators who provide the service. However, the allocation of other functions, including funding, differ across provinces. In Gauteng and Limpopo, the PED provides the funding, while in the other provinces the PDOT does so.

Table 3 shows the provincial amounts allocated for payment to service providers of learner transport in 2017/18; the most recent year for which data are available. For all provinces combined, this amount was 18% higher than in 2015/16. In terms of planned number of beneficiaries, there was a 24% increase. However, the patterns varied across provinces and as noted above, survey data suggests that the official targets need to be adjusted as they seriously under-estimate the need if the latter is defined as in the policy.



¹⁸ The key source for this discussion is Budlender Debbie. 2017. A proposal for a Learner Transport Conditional Grant. Commissioned by the International Budget Partnership - South Africa: Cape Town. The estimates of need are derived from responses to the question about the distance between each learner and the school they attend.

TABLE 3. PROVINCIAL BUDGET ALLOCATIONS FOR LEARNER TRANSPORT, 2017/18 (R'000S)

Province	2017/18
Eastern Cape	498 000
Free State	40 000
Gauteng	779 076
KwaZulu-Natal	190 000
Limpopo	274 000
Mpumalanga	467 448
Northern Cape	125 310
North West	287 100
Western Cape	380 047
Total	3 040 981



Free Primary Healthcare (PHC) for Pregnant Women and Children Under the Age of 6

South African Constitution	Access to health care services (27(1)(a); 28(c)) ^{ww}
Key rights in international conventions	Right to health, with special focus on reduction of stillbirth rate and infant mortality (ICESCR Art 12(2)(a))
Legislation & regulations for minimum benefits	This was one of the earliest policy announcements made by President Nelson Mandela after his inauguration in 1994.
Agency with primary responsibility for budgeting and implementation	Provincial departments of health
Budget allocation, 2021/22	The budget for PHC for pregnant women and children is not distinct from the general primary health care budgets. Ilifa Labantwana estimates that in 2016, two thirds (67%) of the 5% of national expenditure spent on early childhood development other than welfare services was spent on PHC for mothers and children. ¹⁹
NDP indicators and targets	By 2030, the health system should provide quality care to all, free at the point of service, or paid for by publicly provided or privately funded insurance.
2019-2024 MTSF indicators and targets	Intervention: Provide good quality antenatal care. Indicator: Antenatal first visit before 20 weeks rate. Target: 75% by 2024. Intervention: Protect children against vaccine preventable diseases. Indicator: Immunisation coverage under 1 year. Target: 90% by 2024.

¹⁹ Ilifa Labantwana. 2016. A plan to achieve universal coverage of early childhood development services by 2030. Cape Town.

<p>2019-2024 MTSF indicators and targets (continued...)</p>	<p>Intervention: Protect children against vaccine preventable diseases. Indicator: Immunisation coverage under 1 year. Target: 90% by 2024.</p> <p>Intervention: Improve the integrated management of childhood disease services. Indicators: Children under-5 years (a) severe acute malnutrition case fatality rate; (b) pneumonia case fatality rate; (c) diarrhoea case fatality rate. Targets: (a) <5,0%; (b) <1,0%; (c) <1,0% by 2024.</p>
<p>(Disaggregated) measurement of progress</p>	<p>By 2016 (the most recent South African Demographic and Health Survey):</p> <ul style="list-style-type: none"> • 47% of women had their first antenatal visit in the first trimester of their pregnancy. • 89% of children aged 12-23 months with vaccination cards had received all basic vaccinations. But only 66% had vaccination cards available and the reported rate was 7% for these children. • Mortality rate of 42 per 1 000 live births for children under five <p>Also see Table 4 below</p>
<p>Recommendations</p>	<p>Access to these services is at a relatively high level, but there are ongoing reports of poor-quality services and long waits.</p> <ul style="list-style-type: none"> • Attention needs to go beyond access to services to consider the quality of services offered. • Community health workers should be used wherever appropriate to reduce the workload of more highly qualified health personnel, make a wider range of services more accessible at local community level, and reduce waiting times.

South Africa's Demographic and Health Survey (SADHS) of 2016²⁰ found that 94% of women aged 15-49 who had given birth in the previous five years had skilled assistance during pregnancy. More than three-quarters (76%) had at least four antenatal visits, and nearly half (47%) had their first visit within the first trimester. By 2016, 96% of the deliveries were in a health facility, and 97% attended by a skilled person. 84% of mothers and 86% of the babies had a postnatal check-up within the first two days of delivery. Overall, these estimates provide a fairly positive indicator of pregnancy-related access to health services.

In respect of children, the SADHS data is less helpful, both because the survey does not cover key indicators. It is also difficult to get accurate estimates of vaccination rates because many respondents do not have the vaccination record (Road to Health card) easily to hand, in part because of mobility of children and their mothers. Table 4 below contains indicators for 2019 from the District Health Information System (DHIS)²¹. The first indicator shows children under five years having an average of over three visits per year. This suggests relatively good access – and attentive care by parents and other caregivers.



²⁰ National Department of Health, Statistics South Africa, South African Medical Research Council and ICT. 2019. South Africa Demographic and Health Survey 2016. Pretoria and Rockville.

²¹ The "smoothed" indicators, i.e. those derived excluding obvious outliers, are shown.

TABLE 4. KEY DHIS CHILD HEALTH INDICATORS, 2019

Indicator	Value
PHC utilisation rate under 5 years (mean visits per year)	3.4
Immunisation under 1 year coverage	83.5
Death in facility under 5 years rate	5.0
Pneumonia case fatality under 5 years rate	2.3
Diarrhoea case fatality under 5 years rate	1.8
Severe acute malnutrition case fatality under 5 years rate	7.8
Pneumonia case survival under 5 years rate (rescaled)	97.7

Source: Table from: <https://www.hst.org.za/publications/Pages/DHB2019-20.aspx>

Early Childhood Development (Subsidised Centre and Non-Centre Based and Grade R)

South African Constitution	Social services (28(1)(c))
Key rights in international conventions	Right of parents and legal guardians to state assistance in the performance of their child-rearing responsibilities and development of institutions, facilities, and services for the care of children (Convention on the Rights of the Child Art 18(2))
Legislation & regulations for minimum benefits	Children's Act, Chapter 6, 93(1) specifies that the MEC "may" provide and fund early development programmes for that province.
Agency with primary responsibility for budgeting and implementation	Provincial departments of education for Grade R Provincial departments of social development, currently transitioning to departments of education for centres and non-centre-based
Budget allocation, 2021/22	R1,0 billion for the ECD conditional grant (0,1% of consolidated budget) Grade R funding provided by provincial education departments
NDP indicators and targets	By 2030, South Africa needs ... high-quality early childhood education, with access rates exceeding 90 percent. All children should start their learning and development at early childhood development centres. Capacity needs to be developed to provide relevant development activities to the total projected 4 million children in the 0-3 age cohort and nearly 2 million in the 4-5 age group by 2030. By 2030, all children have access to two years of quality pre-school learning exposure.
2019-2024 MTSF indicators and targets	Intervention: Develop and operationalise an ECD planning, funding, registration, and information systems. Indicator: Develop new funding models for ECD delivery. Target: Approved funding model by 2023. This falls under an outcome of Improved school-readiness of children, with outcome indicators that relate only to children aged 5 years and above.

(Disaggregated) measurement of progress	General Household Survey of 2020 records 8% (12% in 2019) of children under six years attending Grade R, 5% (8% in 2019) attending preschool, 19% (25% in 2019) a creche or educare centre, 7% (2% in 2019) at other services, but 61% (50% in 2019) not attending any ECD service.
Recommendations	<p>The Grade R policy has been relatively successful. ECD provision for younger children remains a challenge despite much attention by government, the private sector and civil society.</p> <ul style="list-style-type: none"> • The function is in the process of being transferred from social development to education, and DBE is conducting an audit of available ECD services. This provides an opportunity for a serious rethink of the funding model, drawing on DBE's experience of funding schooling, including independent schools. • DBE needs to develop a strategy that will increase coverage of quality ECD services, with prioritisation of children in the poorest households. • Avoid focusing only on the early learning aspect of ECD and ignoring the care aspect.



Table 4 elaborates on the progress indicator above by giving the percentage of young children (under six years) reported as not attending any ECD service in 2020. For the country, the percentage not attending falls from 90% under children under one year of age, to 43% among four-year olds and 22% among five-year olds. These estimates are over-optimistic as all forms of care are included, including day mothers, grandmothers and child minders. The estimates also do not consider the quality of care.

TABLE 5. PERCENTAGE OF CHILDREN UNDER SIX YEARS NOT ATTENDING ANY ECD SERVICE, 2020

Province	% Not attending
Eastern Cape	66%
Free State	51%
Gauteng	54%
KwaZulu-Natal	66%
Limpopo	56%
Mpumalanga	69%
North West	61%
Northern Cape	76%
Western Cape	62%
Total	61%

Source: General Household Survey 2020 (own calculations)

Most five-year olds – about 750 000 – are in Grade R. If we relax the age restriction, approximately 1 million children are reported as being in Grade R. This suggests a pleasing level of access for this level compared to other forms of ECD.

PRIORITISATION IN POLICY AND BUDGETING VERSUS PRIORITISATION IN LEGISLATION

For the purposes of the social protection floor, the focus is on the extent to which government provides subsidised ECD services. Most Grade R is provided in primary schools, and no-fee schools receive 80% of the standard per-learner subsidy for every Grade R learner. However, the use of “may” in section 93(1) of the Children’s Act can be contrasted with similar clauses in respect of other services where the Act specifies that the MEC “must” provide and fund the service. Despite this wording, over the years this service has been prioritised in policies and plans, and has benefited from targeted additions to the equitable share as well as in recent years, a conditional grant. This has not happened in the same way for the “must” provide services.

In 2021/22 the ECD conditional grant totalled R1,1 billion, of which 91% was allocated for subsidies, and the remainder for maintenance. The subsidy can be used for both ECD centres and non-centre-based provision. For the former, the subsidy is assumed to be R17 per day per child, while for the latter it is R6 per session per child.



TABLE 6. ECD CONDITIONAL GRANT BY PROVINCE, 2021/22 (R'000)

Province	Amount
Eastern Cape	157 970
Free State	63 533
Gauteng	152 107
KwaZulu-Natal	227 031
Limpopo	143 443
Mpumalanga	96 251
Northern Cape	25 302
North West	88 751
Western Cape	102 273
Total	1 056 661

The subsidy is meant to be used 40% for nutrition, 40% towards a stipend for the practitioner and 20% for administration. If we assume one practitioner (including the prescribed assistant in the term “practitioner”) per 10 children as specified in the norms and standards for 3–4-year-olds, this implies a practitioner subsidy of R68 per day or R1496 per month – well below even the minimum EPWP rate.

Meanwhile, it appears that the ECD sector may well take a long time to recover from the impact of the COVID-19

pandemic. In 2016, Ilifa Labantwana reported that only half of 3-4 years olds participated in an “early learning” programme, and half of these attended poor quality programmes.²² Five years later, the final round of the NIDS-CRAM survey suggested that by July-August 2021, only 5% of children under seven were attending ECD programmes compared to 38% in 2018.²³ The estimates derived from the General Household Survey of 2019 and 2020 show a noticeable decrease between 2019 and 2020 but remain far more optimistic than the NIDS-CRAM data. The difference is to some extent explained by NIDS excluding Grade R in the definition of ECD programmes.

²² Ilifa Labantwana. 2016. A plan to achieve universal coverage of early childhood development services by 2030. Cape Town.

²³ Wills, G., Kotzé, J. and Kika-Mistry, J. 2021. A Sector Hanging in the Balance: Early Childhood Development and Lockdown in South Africa. RISE Working Paper Series. 20/055.

COVID-19 MEASURES 4. EARLY CHILDHOOD DEVELOPMENT

In the national COVID-19 Special Adjustment budget in June 2020 the amount of the ECD grant did not change. However, the use to which part of the grant could be put was changed. The standard ECD grant is split into two sections, with the first part allocated for operating costs of centres and the second part for infrastructure improvements. The special COVID-19 adjustment budget converted the infrastructure component into allocations to fund health measures that were intended to allow about 7 000 ECD centres to reopen after the strict lockdown.

The Adjustment budget of October 2020 allocated R588,7 million within the Presidential Employment Initiative for (existing rather than new) ECD workers, social workers and “registration support officers”.

Subsequently, in early 2021, ECD service providers could apply for payments from R380 million allocated for this purpose. All types of ECD services, including non-centre-based, unregistered and those not previously subsidised, could apply. Applications could be made only in respect of existing employees, for a once-off payment of a maximum of R4 470 per staff member for a maximum of four staff members per provider for centres and one staff member for non-centre-based services. (The restrictions on the number of staff members were later removed.) There were a range of bureaucratic requirements, including that the provider needed a bank account in the name of the service and – perhaps most difficult – that the provider needed to register on government Central Supplier Database (CSD).

By early June 2021, 8 083 (or 29%) of the 28 283 ECD service providers who had applied had been paid, providing funds in respect of 23 079 employees. This is less than a quarter of the more than 100 000 employees that government had envisaged, and the 116 578 employees reported as validated for payments.²⁴

Social Welfare Services

South African Constitution	Rights of children to social services (28(1)(c))
Key rights in international conventions	Convention on the Rights of the Child (18(3)) states that “States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible”.
Legislation & regulations for minimum benefits	Older Persons Act, 2006 (Act No. 13 of 2006) Children’s Act 38 of 2005, as amended Prevention and Treatment for Substance Abuse, Act 70 of 2008 Probation Services Amendment Act, 2002 Child Justice Act No. 75 of 2008 The above acts differ in the extent to which they prescribe or mandate minimum services.
Agency with primary responsibility for budgeting and implementation	Provincial departments of social development
Budget allocation, 2021/22	Nine provinces combined: Social welfare services: R5 284,9 million Children & families: R9 104,6 million Restorative services: R3 211,7 million Combined: R17,6 billion (0,9% of consolidated budget)
NDP indicators and targets	None on reach of services (see discussion)

²⁴ <https://www.news24.com/news24/southafrica/local/peoples-post/eec-relief-fund-applications-reopen-for-a-second-chance-20210712>.

<p>2019-2024 MTSF indicators and targets</p>	<p>Intervention: Develop a core package of social welfare interventions including an essential minimum psychosocial support and norms and standards for substance abuse, violence against women and children, families, and communities. Indicator: Core package of social welfare interventions developed. Target: Five core packages of social welfare interventions developed.</p> <p>Intervention: Create an enabling environment for children’s services through legislation, policy, effective practice, monitoring, evaluation, and quality assurance. Indicator: Amendments to the Children’s Act enacted. Children’s Act amended, costed and implemented by 2024. Target: Act amended, costed and implemented; regulation drafted and published; 80% of sector workforce capacitated on 2009 Training Guidelines on the Act by 2024.</p>
<p>(Disaggregated) measurement of progress</p>	<p>Nonavailable on service delivery</p>
<p>Recommendations</p>	<p>All provinces need to comply with the requirements of the NAWONGO judgment.²⁵ Government needs to implement the relevant proposals put forward by the Ministerial Review of the Welfare White Paper of 1997.</p>

This element spans a large and diverse set of services. The provincial DSD budgets have three programmes which encompass most welfare services. The programmes, and the areas covered by their sub-programmes, are:

- Welfare services: Services to Older Persons, Services to Persons with Disabilities, HIV and AIDS, Social Relief
- Children and families: Care and Services to Families, Child Care and Protection, ECD and Partial Care, Child and Youth Care Centres, Community-Based Care Services for Children
- Restorative services: Crime Prevention and Support, Victim Empowerment, Substance Abuse, Prevention and Rehabilitation

The NDP envisages an increase in the number of social service professionals from 15 000 to 55 000 by 2030, and there is some monitoring of this indicator. However, this indicator ignores the existence of substantial numbers of workers who have qualifications and/or experience in delivering legislated welfare services but for whom there are no jobs, or only poorly paid jobs.

Table 8 shows the share of the three key programme budgets allocated to NPOs across the nine provinces. The table shows the large Children and families programme as most reliant on NPOs.²⁶ Restorative services shows the biggest variation across provinces in the share allocated to NPOs, perhaps reflecting differences in the type of services on offer. The percentages understate the role of NPOs in delivery because the programme budgets include amounts for overall management and

administration; because NPO staff receive noticeably lower remuneration and fewer (if any) benefits than government employees with similar qualifications and experience; and because NPO transfers take the form of a subsidy rather than covering the full cost of delivery.



²⁵ Budlender D. 2016. The Size of the Pie and How to Cut It: Assessing the NAWONGO Case and the Effects on Social Welfare Allocations for Children. Centre for Child Law, University of Pretoria.

²⁶ The provincial patterns are not fully comparable as provinces differ, for example, in the extent to which staff costs are allocated to delivery programmes or administration.

TABLE 7. NPO TRANSFERS AS A SHARE OF PROGRAMME BUDGETS BY PROVINCE, 2021/22

Province	Social welfare	Children & families	Restorative	Combined
Eastern Cape	15%	49%	10%	29%
Free State	45%	72%	13%	54%
Gauteng	86%	38%	60%	53%
KwaZulu-Natal	32%	46%	20%	39%
Limpopo	19%	47%	8%	34%
Mpumalanga	40%	62%	22%	50%
North West	17%	43%	8%	24%
Northern Cape	44%	42%	1%	30%
Western Cape	40%	95%	30%	58%
RSA	40%	51%	26%	43%

Source: Estimates of provincial revenue and expenditure 2021/22

THE 2014 HIGH COURT JUDGMENT ON FUNDING OF SOCIAL WELFARE SERVICES

In 2014, the NAWONGO judgment formally recognised the inadequate funding of welfare services and required that the Free State government develop and implement a Constitutionally compliant NPO funding policy in which government covered the full core costs of NPOs delivering services on its behalf. The injunction would apply to other provinces as Free State had, in some respects, been performing better than others in terms of NPO support. Over seven years later, while many draft documents have been developed, the NAWONGO judgment's requirements have not yet been met despite a further court challenge in the Free State.

Proposal 11 of the 2016 Ministerial Review of the Welfare White Paper of 1997²⁷ provided for acceleration of the NPO funding reform process, with the "first substantial phase" implemented in the 2017/18 financial year at the latest, and measures to address inefficiencies related to the transfers addressed even sooner. Proposal 4 of the Ministerial Review provided for five consecutive years – starting in 2017/18 – in which, for all provinces combined, the real value of provincial DSD budgets would increase by 1,9% per year, with the addition allocated for welfare services. This increase, if appropriately allocated across provinces and services, would have allowed for all provinces to reach the level of expenditure per poor person of the Northern Cape, which was the best performer in this respect.

Proposal 1 of the Ministerial Review was to establish a social protection floor that includes social welfare. The initial set of services to be included in the social floor was to be agreed on within twelve months. All provincial departments would then determine how they would achieve at least the basic minimum within a three-year period as part of the MTEF.

All the 16 proposals of the Review were formally adopted by Cabinet. By this point, all three of the proposals highlighted here should have been fully implemented. However, there has been very limited, if any, progress on all three.



²⁷ Department of Social Development. 2016. Comprehensive Report on the Review of the White Paper for Social Welfare. Pretoria.

Employment Tax Incentive

South African Constitution	Social security (27(1)(a))
Key rights in international conventions	Right to work (ICESCR Art 6)
Legislation & regulations for minimum benefits	The ETI was introduced in 2014 as a tax credit for employers who hire (new) workers aged 18-29 years earning below R6 000 (gross) a month. The incentive can be claimed for two years, with a full subsidy paid in year 1, and half in year 2. The subsidy amount increases up to a wage level of R2000, remains static up to R4000, and then decreases again.
Agency with primary responsibility for budgeting and implementation	National Treasury
Budget allocation, 2021/22	R4 512 million tax foregone in 2018/19 ²⁸ (0,3% of consolidated budget in 2018/19)
NDP indicators and targets	The national development plan proposes to create 11 million jobs by 2030
2019-2024 MTSF indicators and targets	Intervention: Implement Presidential comprehensive youth employment intervention. Indicator: Number of youth NEET (neither employed nor in education or training) absorbed in employment. Target: 1 million youth jobs by 2024.
(Disaggregated) measurement of progress	9,1 million NEET in third quarter of 2021 ²⁹ (4,4 million male; 5,0 million female) 15-19 years: 0,6 million 20-24 years: 2,9 million 25-29 years: 3,3 million 30-34 years: 2,7 million
Recommendations	Research into whether the incentive has resulted in creation of jobs that would not otherwise have been created or, instead, has served as a subsidy to business, remains inconclusive. <ul style="list-style-type: none"> • Research is needed into possible trends in the number of employees, type of business, wages, and subsidy levels of ETI workers after the national minimum wage came into effect.

The official 2019 review of progress³⁰ in meeting the labour market objectives of the National Development Plan cites the contradictory research then available on the impact and effectiveness of the ETI in terms of youth employment. The research cited for the most part finds limited impact. However, Ebrahim and Pirtilla (2020?) note that the number of youth subsidised in the first three years of the incentive was 686 402, substantially above the target of 423 000. What was less clear was whether these were jobs that would not have been created without the incentive or, alternatively, whether most firms claim the ETI when they would anyway have been hiring new workers. Further, most of the jobs were low paid, often just about the specified minimum of R2 000 per month, and thus well below the soon-to-be introduced national minimum wage. Meanwhile, in 2014

alone, government paid out R6,6 billion in incentives. In 2016/17, the R4,7 million paid out amounted to 0,4% of total tax revenue.

A more recent paper³¹ uses a newly developed econometric approach to explore why previous research has provided contradictory evidence. The use of linked employer-and-employee tax data provides the researchers with a comprehensive dataset not only to explore reasons for the discrepancies, but also to identify the characteristics of firms that claim the incentive. They find good evidence that the ETI increases firm-level youth employment but cannot find similar evidence in respect of the economy as a whole for both youth and non-youth.

²⁸ National Treasury. 2021. Budget Review 2021. Pretoria.

²⁹ Own calculations using data from Quarterly Labour Force Survey

³⁰ Benjamin P & Cawe A. 2019. Meeting the NDP's labour market objectives: a critical review. National Planning Commission: Pretoria.

Stated crudely, the challenge facing researchers is that the characteristics of the firms claiming the incentive differ in marked ways from those who do not claim the incentive. In particular, the firms that claim tend to be much larger employers. Thus, firms employing 1 200 or more workers account for more than half of all ETI-eligible workers. Further, the firms tend to have high employee turnover and fast employment growth even in the absence of the incentive. The fact that they also tend to be low-wage employers aligns with earlier research which noted the predominance of retail firms among the claimants. The clear differences between beneficiary and non-beneficiary firms prevents use of econometric approaches that compared matched units because matching firms are not readily available.

The ETI is of interest from a child perspective given that older children will in a few years be potential beneficiaries.

COVID-19 MEASURES 5 EMPLOYMENT TAX INCENTIVE

One of government's COVID-19-related tax relief measures consisted of an expanded employment tax incentive. This measure increased the monthly maximum ETI allowed by R750; extended eligibility to workers beyond 24 months, those who had been employed before October 2013, or were over 30 years of age; removed the adjustment for employees working less than 160 hours per month; and provided for monthly rather than six-monthly payments by SARS. By mid-February 2021, R40 billion had been claimed in terms of the incentive.³²



Early childhood development (subsidised centre and non-centre based and Grade R)

South African Constitution	Social security (27(1)(a))
Key rights in international conventions	Right to work (ICESCR Art 6)
Legislation & regulations for minimum benefits	Code of Good Practice for employment and conditions of work for Expanded Public Works Programmes of 2011; Minimum Wage Act of 2019
Agency with primary responsibility for budgeting and implementation	Department of Public Works and Infrastructure

³¹ Budlender Joshua & Ebrahim Amina. 2021. Estimating employment responses to South Africa's Employment Tax Incentive. WIDER Working Paper 2021/118. United Nations University.

³² National Treasury. 2021. Budget Review 2021. Pretoria.

Budget allocation, 2021/22	R836 million in conditional grants to provinces R758 million in conditional grants to municipalities (Combined: 0,04% of consolidated budget) Community Work Programme: R4 186 million, but the budget documentation does not show how much of this is for management rather than programming
NDP indicators and targets	Public employment programmes should reach 1 million by 2015 and 2 million people by 2030
2019-2024 MTSF indicators and targets	Intervention: Create jobs through Job Summit Commitments, Operation Phakisa and other public sector employment programmes. Indicator: Number of work opportunities reported through other public employment programmes. Target: 5 million work opportunities created by 2024
(Disaggregated) measurement of progress	938 688 work opportunities in 2020/21
Recommendations	<p>The programmes are very far from an employment guarantee in terms of the number of workers involved. There also appears to be growing acceptance of people being employed indefinitely in the EPWP, which in effect means that employers are exempt from paying the full minimum wage.</p> <ul style="list-style-type: none"> • The detailed performance information in respect of different government agencies, sectors and projects needs to be publicly available on the EPWP website, as it was some years previously. • Discussion is needed as to the implications of allowing participants to continue working indefinitely on an EPWP project if the work is paid at below the minimum wage.

In theory, government departments are meant to allocate their own funds for the EPWP. In practice, the EPWP conditional grants to provinces and municipalities probably account for the bulk of EPWP spending, with a further amount in the Cooperative Governance budget vote in respect of the CWP.

Table 6 gives the breakdown by province of the two

provincial EPWP conditional grants. The municipal EPWP conditional grant amounts to less than the provincial total, at R758 million. In addition, R1 020 million was allocated for EPWP in non-state institutions in 2021/22. Some of the latter funds might be for costs of the management agency/ies rather than for people offered “work opportunities”.

TABLE 8. NPO TRANSFERS AS A SHARE OF PROGRAMME BUDGETS BY PROVINCE, 2021/22

Province	Social sector	Integrated	Total
Eastern Cape	51 825	102 099	153 924
Free State	37 600	21 651	59 251
Gauteng	44 721	48 838	93 559
KwaZulu-Natal	98 599	114 398	212 997
Limpopo	67 687	33 749	101 436
Mpumalanga	26 824	22 736	49 560

Province	Social sector	Integrated	Total
Northern Cape	17 277	16 390	33 667
North West	30 884	32 852	63 736
Western Cape	39 027	29 773	68 800
Total	414 444	422 486	836 930

The CWP is managed by the Department of Cooperative Governance and Traditional Affairs (COGTA). COGTA's annual report for 2020/21 points to a range of management weaknesses in respect of the CWP, to the extent that it attracted the Auditor-General's attention. The annual report notes that the programme was in the process of being re-designed to address management weaknesses, as well – it seems – as other perceived weaknesses. The redesign was to have been completed by end March 2021 but this was not achieved.

The Department of Public Works and Infrastructure (DPWI) is responsible for monitoring and reporting on all “work opportunities” created by the EPWP, and monitoring whether they meet the women, youth and people with disability targets in terms of who benefits from the work opportunities. A few years ago, the EPWP website provided access to detailed information from the reports on delivery performance submitted by the different government agencies. Unfortunately, these reports are no longer on the EPWP website. Further, the Department's own documents give contradictory information on the targets. Thus, the Estimates of National Expenditure for 2021/22 give targets of 55% for women, 55% for youth, and 2% for people with disabilities, while the annual report for 2020/21 has targets of 60%, 55% and 2% respectively.

The fact that the percentages add to more than 100% is not necessarily a problem as an individual participant may be both a youth and a woman. What is puzzling is that the percentages add to only a little more than 100%, suggesting that the youth are overwhelmingly male. The percentages have also shifted substantially over the years. When first introduced, they specified 60% - of earnings rather than opportunities – for women and 25% for youth.

The annual report gives only high-level performance figures. It reports creation of 938 688 work opportunities, equivalent to 95% of the target of 984 490. The DPWI spent R11,9 billion in respect of payments to these beneficiaries. On target groups, it records 69% women, 42% youth and 1% people with disabilities. It notes that the “surplus” women reflect the predominance of care- and service-related opportunities available during COVID-19 lockdowns.

A World Bank review reports that in 2019/20, the EPWP provided 838 000 work opportunities, equivalent to 267 000 full-time jobs.³³ The 2020/21 performance is higher

than this. However, the World Bank review notes that in 2014/15 the EPWP provided more than 1,1 million work opportunities (404 000 full-time job equivalents). The conversion to full-time equivalents also highlights that the EPWP “work opportunities” are not full-time jobs – and are thus likely to provide very low incomes given that the EPWP is not subject to the standard minimum wage.

The World Bank cites worrying results from tracer studies of the previous phase of the EPWP which suggest that 75% of individuals were unemployed after participating in the programme, compared to 65% who were unemployed before joining the programme.

COVID-19 MEASURES 6. PUBLIC WORKS EMPLOYMENT

In October 2020, the President announced the Presidential Employment Stimulus Package as a vehicle for funding job creation and retention and support for livelihood strategies such as subsistence farming, with skills development as a secondary objective. Implementation began in January 2021, after the COVID-19-SRD grant (see above) came to an end. R12 billion was allocated for the package, and an estimated 700 000³⁴ temporary or permanent work opportunities were meant to be created by the 11 participating national departments. Larger programmes included a programme implemented by the Independent Development Trust which employed 34 348 people from June to November 2020 within the Department of Health's Public Health Hygiene Strategy, as well as the ECD initiative reported above. The largest initiative saw 280 000 youth placed as school assistants around the country. The second phase of this school initiative later in 2021 saw 940 000 applicants submit more than 6 million applicants for the 287 000 positions available.³⁵

³³ World Bank. 2021. South Africa: Social Assistance Programs and Systems Review. Washington DC.

³⁴ World Bank has 800 000.

³⁵ Department of Public Works and Infrastructure. 2021. Annual Report 2020/21. Pretoria; Department of Basic Education. 17 November 2021. Basic Education Department welcomes participants in second phase of Presidential Youth Employment Initiative. Press release.

Minimum wages

South African Constitution	Fair labour practices (23(1)) The provision is not explicit about earnings.
Key rights in international conventions	Fair wages (ICESCR Art 7)
Legislation & regulations for minimum benefits	National Minimum Wage Act (9 of 2018). The Act prescribes a national minimum, initially with lower minima for domestic, agricultural and EPWP workers. It requires domestic and agricultural worker minima to be adjusted upwards to (or as near as possible) the standard minimum within two years, and EPWP minimum to remain at the same proportion of the standard minimum. It requires an annual review of the national minimum.
Agency with primary responsibility for budgeting and implementation	Department of Employment and Labour
Budget allocation, 2021/22	Unspecified, but would include Minimum Wage Commissioner fees and associated costs
NDP indicators and targets	Not covered
2019-2024 MTSF indicators and targets	Not covered
(Disaggregated) measurement of progress	The agricultural minimum was raised to the overall national minimum in 2021, and the Commission has proposed that the domestic worker minimum be similarly aligned from 2022.
Recommendations	<p>The ICESCR also provides for equal pay for work of equal value. South Africa's Employment Equity Act 55 of 1998 now provides for equal pay for work of equal value. However, it applies only within a specific workplace while the concentration of women and men in different sectors means that much of this type of discrimination happens between workplaces.</p> <ul style="list-style-type: none"> • The Employment Equity Act's provisions in respect of equal pay for work of equal value need to be amended to apply across workplaces. • Compliance certificates in respect of minimum wages and other legislation should be made a requirement in state procurement.³⁶

The 2021 national minimum wage was R21,69 per hour, but R19,09 per hour for domestic workers and R11,93 per hour for EPWP workers. The Commission has proposed an increase equivalent to the consumer price index plus one percentage point in the standard national minimum and the EPWP minimum, alongside bringing domestic workers under the standard national minimum.

The Department of Employment and Labour's annual report for 2020/21³⁷ notes that while the rate at which the

minimum is set does not constitute a living wage, it has benefited millions of workers and laid a basis for future improvements. Increases in the national minimum wage have occurred annually, as required, although with some delays.

The minimum wage for agricultural workers was aligned with the overall minimum. This did not happen within two years for domestic workers as envisaged in the Act but should happen in 2022.

Minima in sectors in which there are sectoral determinations are automatically increased at the same rate as the national minimum wage. The provision of a much lower minimum for EPWP workers is questionable in a situation where EPWP contracts can be extended numerous times and training is not necessarily provided to these workers. This situation undermines the purpose of a minimum wage.

The labour market measures such as public works programmes and minimum wages all have a relatively direct impact on children to the extent that the workers affected by the programmes live in households together with children where the income earned boosts the available household income.

COVID-19 MEASURES 7. MINIMUM WAGES

Enforcement through inspections was severely impeded by COVID-19, with only 120 101 workplaces inspected in 2020/21 as against the 838 560 planned. Part of the under-achievement can be explained by many workplaces being closed for some parts of the year. But even where this was not the case, unlike the occupational health and safety inspectors, who were deemed essential workers, inspectors responsible for monitoring compliance with the minimum wage were not deemed essential. Even the planned target is low compared to the number of workplaces where the Act is likely to be contravened.



Conclusion and moving forward

The review confirmed that South Africa has in place a range of elements that could be seen as providing a relatively comprehensive social protection floor where the related policies are fit for purpose, budgeted for, and implemented. The audit highlights shortfalls in different aspects of each of the twelve elements and provides ideas as to ways in which improvements might be achieved over the next few years.

While the review examined each of the elements separately, several cross-cutting issues emerged. These include the adequacy with which some of the elements are financed, data challenges in measuring progress in implementation, the coverage and reach of the intervention, and the impact of COVID-19 on several elements.

Several of the elements are seriously underfunded. The allocations for social welfare services and learner transport rely on provincial allocations which are

inadequate across all provinces. In the case of no-fee schooling the prescribed provincial minima are not allocated by all provinces and, even where allocated are arguably inadequate. With access to basic services, National Treasury allocates funding through the municipal equitable share, but municipalities spend the bulk of the allocated shares on other items. With social grants, the primary constraint on introducing a grant for working-age people in need and on increasing the amount of the child support grant is financial.

The audit reveals a range of areas where important data are either non-existent, out-of-date and/or unreliable and assessment of progress thus difficult, if not impossible. The elements that are most worrying in respect of data include access to free basic services, where municipal data on even the number of households categorised as indigent are not available; and social welfare services, where provincial departments of social development do not seem to have standardised

³⁶ Benjamin P & Cawe A. 2019. Meeting the NDP's labour market objectives: a critical review. National Planning Commission: Pretoria.

³⁷ Department of Employment and Labour. Annual Report 2020/21. Pretoria.



information on the number of NPOs funded for different services and programmes and the total allocated. With scholar transport and the national housing programme data collection and collation is complicated by having more than one government agency responsible. The EPWP also involves multiple agencies, but previously managed to maintain a large database on the government website. This is no longer the case. In addressing these challenges, government should avoid ambitious schemes to link and combine databases or create a single “master” social registry as these are likely to do more harm than good if undertaken before the component databases are accurate and up to date.

In respect of coverage, there is sometimes a significant difference between what the policy provides for and actual coverage. This is evident, among others, in the case of learner transport, access to free basic services (including because of an increase in the number of informal settlements), the minimum wage (because of very limited enforcement), and early childhood development. In other cases, the policy itself provides for limited reach. This is the case for social grants, for example, where there is, in non-COVID times, no provision for working-age people unless they have a disability.

The audit includes information on COVID-19-related measures in respect of social grants, access to basic services, school nutrition, ECD, the ETI, and public

works employment. The measures varied in the extent to which they successfully mitigated the impact of the pandemic. Some of the measures – such as school nutrition and the ECD subsidy – were implemented only after concerted advocacy. For minimum wages the audit includes discussion of how already poor monitoring and enforcement was further hampered. Overall, the pandemic served as an excellent illustration of the need for a social protection floor. However, it also served to undo some of the progress that South Africa had made towards having an effective floor.

The review also considered the implications for children of each of the elements. Overall, if well designed and implemented, the elements would play a significant role in ensuring that children accessed their basic rights. Five of the twelve elements – no-fee schooling, school nutrition, scholar transport, free primary health care for young children, and early childhood development programmes – have children as their primary focus. For a sixth – social grants – the child support grant has more beneficiaries than any other grant. For a seventh element – social welfare services – children again constitute the majority of beneficiaries, with a range of different interventions targeting them. Beyond children, two of the elements – the ETI and the public works programme – have youth as the predominant beneficiaries. However, they do not target children under 18 on the understanding that, ideally, children should still be in education at that age. Finally, the national housing programme and access to free basic services are of special interest to poorer households among which children are over-represented.

The task now facing the new National Planning Commission is to discuss, agree and advise government on which of the twelve elements merit inclusion in South Africa’s social protection floor, whether and how these elements can be improved, and whether any other elements need to be added. In doing so, the Commission will need to take into account government’s capacity, financial and otherwise, to implement elements effectively. Throughout these deliberations it will want to prioritise people and families most in need of protection.



