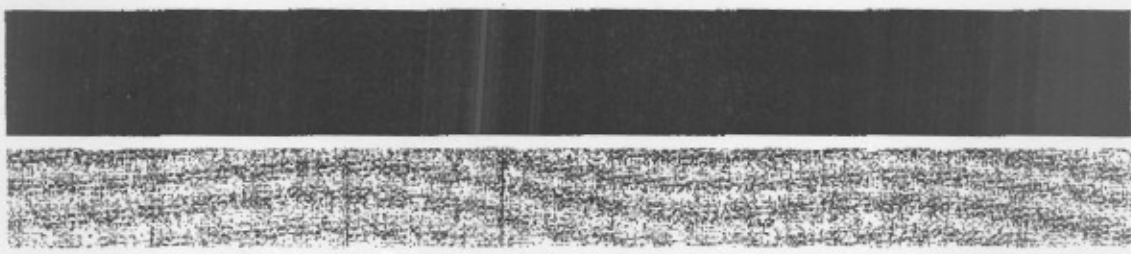


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PROCEDURE MANUAL FOR SOCIAL RELIEF OF DISTRESS



social development
Department:
Social Development
REPUBLIC OF SOUTH AFRICA

**PROCEDURE MANUAL FOR
SOCIAL RELIEF OF DISTRESS**

October 2006

Introduction

The Social Assistance Act No.59 of 1992, Regulations No.R.418 dated 31 March 1998 and No.R.1233 dated 23 November 2001 make provision for relief to persons in distress.

Section 13 of the Social Assistance Act No.13 of 2004 makes provision for the Social Relief of Distress.

Definition of Social Relief of Distress

Social Relief of Distress means the alleviation of the need of persons by means of the temporary and immediate rendering of material assistance to them (**REG. 2(k) of 2001**).

Section 5(2) of the Social Assistance Act No 59 of 1992 states that the Director General may, subject to the provisions of the Act, make a financial award to a person if he or she is satisfied that such person is in need of Social Relief of Distress.

Eligibility Criteria for Social Relief of Distress

Reg. 26(1) of March 1998 states that the following persons are eligible for Social Relief of Distress:

- a) The person awaiting permanent aid. Permanent aid does not only include grants but *any form* of permanent aid, RAF, UIF, COIDA, etc.
- * b) The person has, for a period of less than six months, been found to be medically unfit to undertake remunerative work.
- c) No maintenance is received from a person obliged to pay maintenance and proof is furnished that efforts made to trace such a person or to obtain maintenance were unsuccessful.
- d) The breadwinner is deceased and insufficient means of support are available.
- e) The breadwinner has been admitted to an institution run by the State (prison, state psychiatric hospital, state home for the aged, care and treatment centre and / or treatment centre for drug dependants) for less than six months.
- f) The person has been affected by a disaster although the area of the community in which he or she lives has not yet been declared a disaster area, or by any other emergency situation.
- * g) The person is not receiving assistance from any other organization. The type of assistance that is being rendered by another organization must be determined and if the assistance received does not include food, then Social Relief of Distress must be provided to address the need for nutrition.

h) The person has appealed the suspension of his or her grant.

Persons are not entitled to Social Relief of Distress and a grant at the same time (Reg. 26(2)).

If individuals are issued with food parcels as relief, the value of the food parcels cannot be recovered from the grant due or payable (cash and money vouchers not considered food parcels). Social Relief of Distress is not recovered from individuals in distress who are not eligible for a grant or have been refused a grant.

Undue Hardship

Where refusal of Social Relief of Distress in terms of Reg. 26(1) may, in the opinion of the Director General, cause undue hardship, assistance may in exceptional circumstances be rendered (Reg.26(3)).

***NB.** An official is delegated with the authority to assess an application and issue Social Relief of Distress. It is important for an office to be transparent about its delegations in this regard. Social Relief of Distress for undue hardship in terms of Regulation 26(3) is for those people who cannot be assisted under the categories in Regulation 26(1). The regulation gives a general discretion to the Director-General, which is delegated to the attesting officer, to give help to people who "are unable to support themselves or their dependents" as envisaged by Section 27(1) (c) of the Constitution.*

Examples of the types of people who may qualify in terms of undue hardship are:

- a) An elderly person who is 50 years and older who cannot qualify for an old age pension but also cannot obtain work to support him or herself and his or her dependent children.
- b) A person evicted from a farm, rural area or rented accommodation and is unable to secure employment immediately in his or her new area of residence.
- c) A single parent who has to care for one or more child(ren) and is unable to take up employment because of the caring responsibilities and therefore cannot provide a nutritious meal for him or herself or his or her dependents.
- d) Children who live alone and have no access to a nutritious meal a day.
- e) Families where there are symptoms of malnutrition and stunted growth in children.

- f) Individuals who are homeless and have no access to a nutritious meal. Being homeless can be a consequence of a number of circumstances such as:
- Discharge from institutions such as psychiatric hospitals, prisons, general hospitals etc without continued support.
 - Displacement from families and farms and rural settlements.
- g) People who apply for identity documents and have proof of application.

Persons with insufficient income must be referred to other national or provincial programmes like the Expanded Public Works Programmes for income supplementation and youth in need of skills development and funds for self development should be referred to the Umsobomvu Youth Development Fund or any other related programmes.

NB. Assistance in terms of Sub-regulation 26(3) cannot be refused and the provinces must have the necessary resources to respond to this need. However need can be managed by referring every applicant to a social or development worker who will assist with linking the applicant with sustainable resources, assist with verifying the circumstances of the beneficiary and motivate for continuation of Social Relief of Distress in respect of second and third payments and / or for the extension of Social Relief of Distress for a further period of three (3) months to the maximum period of six (6) months if the need continues to exist. If a beneficiary misrepresents his or her circumstances then an investigation of alleged fraud must be instituted.

Application for Social Relief of Distress (Reg.27)

For assistance of a sustainable nature, all applications for Social Relief of Distress must be referred to a social or developmental worker.

- (1) The application must be completed on a prescribed form.
- (2) The application must be completed in the following manner:

- (a) **Completion** of the application form by the applicant in the presence of an attesting officer. The application must be made at the time the distress is being experienced and therefore at an office in an area closest to the applicant.

- (b) **Certified** or confirmed by the same attesting officer in (a) after which it shall be signed by the applicant in the presence of the attesting officer.

NB. The same official can assist to complete the application, certify or confirm it and witness its signing by the applicant.

- (c) It is **approved** or **rejected** by the second attesting officer. In some offices the official approving an application may be stationed at another office in another area. Procedures must be in place to ensure award of Social Relief of Distress on **the Date of Application**.

- (3)(a) If the applicant does not produce any documentation that is required for the application at the time of the application, the applicant must be informed that the required **documentation** must be submitted **before the second and subsequent monthly payments for relief is made**.

Receipt or Proof of Application

The **applicant** must be furnished with a copy of the application or **receipt** for the application which must be dated and stamped with the official stamp and contain the name of the applicant, date of application and the name of the attesting officer.

Register

The Director General (or delegated official) shall keep a **register of** all applications which must indicate the following details:

- a) Identifying details of the applicant.
- b) Date of attestation.
- c) Area/District/Province in which the application was made.
- d) Date on which social relief of distress was continued or extended.
- e) Type of benefit and the value thereof.
- f) Date on which the applicant was referred to a social worker.

Social Worker's Report

The Director General (or delegated official) may request for a social worker's report with a recommendation in situations of undue hardship or where there is no proof of distress in terms of Regulation 26(1) or no documentation submitted for the continuation of the second and subsequent payment.

No social worker's report must be requested for the first time applicants for Reg. 26(1)(a), (b), and (h).

Documents Required - Reg. 26(6)

List of documentation or certified copies required on application:

- a) *Identity document or birth certificate* or any other valid identification document which proves the identity of the applicant, his or her spouse, his or her biological or non biological children who are dependent on the applicant.
- b) *Proof of marital status.*
- c) *Proof of lack of means. A letter from a medical practitioner, social worker, religious leader, councilor or an affidavit by the applicant.*
- d) *Discharge certificate from prison, treatment center or hospital.*
- e) *Proof of admission of spouse to a prison, treatment center or hospital.*
- f) *Proof of temporary medical disability.* Proof of temporary disability can be from private and state doctors (only for SRD and not meant for Disability Grant assessment).
- g) *Proof that the applicant is awaiting trial.*
- h) *Alternative proof to that listed above as approved by the Director General (or delegated official).* Alternate proof can include:
 - Proof of application for identity documents
 - Affidavit
 - Death certificate
 - Municipal bills
 - Banking account details
 - Letter from an organization or public person

A first application may be completed and attested in the **absence** of the **prescribed documentation for the first assistance**. **Prescribed documentation may be requested for the second and subsequent payments.**

Date of Application and Issuing of Social Relief of Distress (Reg. 28)

The date on which an application for Social Relief of Distress is signed before an attesting officer shall be deemed to be the date on which the application was made.

Determination of the amount and the period for Social Relief of Distress (Reg.29)

The **value** of Social Relief of Distress shall be equal to but never more than:

- a) In the case of a single person the amount of the social grant payable per month,
- b) In the case of a married person an amount not exceeding the amount payable per month for each adult,
- c) In the case of a child, an amount to the maximum of the Child Support Grant or Care Dependency Grant or Foster Child Grant.

Social Relief of Distress shall be issued monthly or for such periods as determined by the Director General or a person delegated by him or her for a maximum period of 3 consecutive months. This section was amended in November 2001.

Exception: In exceptional cases the period may be extended by a further 3 months. These **extensions** must be re-evaluated by the attesting officer on recommendation by a social worker or any other official authorized to do so.

Transport expenditure may be approved in exceptional circumstances where:

- a) An applicant is referred for **treatment** by a medical officer and no other arrangements can be made for transport; or
- b) An applicant must travel to a specific destination to assume **employment**, where he or she will not be dependent on further State aid.

Schematic Representation of the Qualifying Requirements for Social Relief of Distress

Person is awaiting permanent aid Reg. 26(1)(a)		Breadwinner admitted to an institution for less than six months Reg. 26(1)(e)
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Medically unfit to undertake remunerative work for less than six months Reg. 26(1)(b)		Person affected by a disaster, but the area in which he or she lives has not yet been declared a disaster area, or by any other emergency situation Reg. 26(1)(f)
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Receives no maintenance from the person obliged to pay maintenance and efforts made to obtain maintenance were unsuccessful Reg. 26(1)(c)		Does not receive assistance from any other organization Reg. 26(1)(g)
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Breadwinner is deceased and insufficient means are available. Reg. 26(1)(d)		The person has appealed the suspension of his or her grant Reg. 26(1) Amendment (h)
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Reg. 26(3) makes provision for the Social Relief of Distress in exceptional cases in circumstances of undue hardship