

**TO: THE MINISTER OF SOCIAL DEVELOPMENT**

Ms Lindiwe Zulu

c/o Ms Zama Kumalo; Ms Monica Zabo; Ms Lumka Olifant

**PORTFOLIO COMMITTEE ON SOCIAL DEVELOPMENT**

Chairperson: Honourable Gungubele

c/o Committee Secretary: Ms Lindiwe Ntsabo

**THE SOUTH AFRICAN SOCIAL SECURITY AGENCY (SASSA)**

CEO: Ms Busisiwe Memela – Khambula

c/o Ms Paseka Letsatsi

**CC: PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE  
AND TRADITIONAL AFFAIRS**

Chairperson: Honourable Muthambi

c/o Committee Secretary: Ms Shereen Cassiem



Dear Madams / Sirs

**RE: URGENT RE-ASSESSMENT OF COVID-19 SOCIAL RELIEF OF DISTRESS GRANTS**

1. We act on behalf of the Black Sash Trust, a non-profit organisation established in 1955 and dedicated to protecting socio-economic rights and advocating for social justice in South Africa. The Black Sash Trust places a particular focus on social security and social protection for the most vulnerable members of society. It has been actively engaged in social security and protection, including ensuring that applicants for social grants receive the grants and benefits to which they are entitled, fully and timeously.
2. We refer to the directions issued by Minister Lindiwe Zulu on 30 March 2020 ("the Directions") in terms of section 27(2) of the Disaster Management Act, No. 57 of 2002, and the recent amendment to those Directions issued by Minister Lindiwe Zulu on 5 August 2020 ("the Amendment to the Directions") in relation to the COVID-19 Social Relief of Distress Grants of R350 ("COVID-19 SRD grant").
3. The amendment to paragraph 6 of the Directions provides as follows:

*" (cc) A special COVID -19 Social Relief of Distress of R350 per month may be provided for the period indicated herein to distressed individuals, hereinafter referred to as "applicants" or "applicants who are -"*

*(c) the addition after subparagraph (l)(viii)(gg) of the following:*

*(hh) (a) Following the consideration of an application for the benefit provided for in sub-item (cc), the Agency must inform the applicants:*

- i. whether the applicant qualifies for the benefit: or*
- ii. that the applicant does not qualify for the benefit in terms of these Directions, stating the reasons why the applicant does not qualify and of the applicant's right to request the Agency to reassess its decision;*
- iii. that the applicant must, if the applicant so decides, submit an application for reassessment to the Agency electronically, within 15 days from the date of publication of these Directions or in the event that the application is rejected following the publication of these Directions, within 15 days of the date of notification of the rejection of the application;*



- iv. *that for the purposes of an application for reassessment, the applicant must only set out the reasons why the applicant disputes the decision of the Agency and that the applicant may not submit any new or additional evidence. that the Agency must reassess its decision taking into consideration the reasons provided for in the application for reassessment, against the latest available information within a period of 30 days from the date on which the application for reassessment was received by the Agency and inform the applicant of the outcome of the reassessment and provide reasons for such a decision;*
- v. *that no application for reassessment will be considered by the Agency, if not lodged within the prescribed period of 15 days from the date of publication of these Directions or 15 days from the date of rejection of an application, whichever is applicable;*
- vi. *that the outcome of the reassessment by the Agency will be the final decision by the Agency and no further recourse will be entertained: and*
- vii. *that if the applicant is not satisfied with the outcome of the reassessment by the Agency, the applicant may approach a relevant court for judicial review within a period of not more than 180 days of the date of the outcome of the reassessment by the Agency, in terms of section 6(1) read with section 7 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)."*

4. We have several concerns regarding this Amendment to the Directions:

- 4.1. We respectfully submit that the 15-day period referred to in paragraph (iii) and (vi) is not sufficient time for rejected applicants to submit an application for reassessment. We propose that this period be extended to a minimum of 30 calendar days. Given the particular vulnerability of applicants, and the additional hardships and constraints placed on them during this time, a minimum period of 30 calendar days in which to submit reassessment applications will better serve the applicants' interests to properly give effect to meaningful recourse for the COVID-29 SRD grant, as is intended.
- 4.2. The method used in this reassessment application is also not provided for in the Directions. It is not clear whether reassessment applications are to be made using the same channels that applicants utilise to apply for a COVID-19 SRD grant (which includes telephonically and on WhatsApp in addition to email).
- 4.3. Reports from our partners on the ground advise us that what is required is essentially a new application from scratch as there is no "reassess", "declined" or "challenge" item in the menus on USSD, WhatsApp and SASSA status site



(<https://srd.sassa.gov.za/sc19/status>). Sending an email to [srd@sassa.gov.za](mailto:srd@sassa.gov.za) just elicits a response with a link to the application on SASSA's website.

- 4.4. The Department of Social Development ('DSD') and SASSA should provide a template or a prescribed form for the reassessment to assist applicants.
- 4.5. Moreover, it is not at all clear that the public, and potential applicants in particular, are aware of these amendments to the Directions. We are not aware of proactive steps undertaken by SASSA or DSD to ensure that its communication strategy is accessible and meaningful and has reached its intended audience. To this end, and at a minimum, we propose that SASSA inform all rejected applicants of the reassessment application process at the time which the rejection is communicated.
- 4.6. Applicants are required to apply online or telephonically; they are not currently assisted in person at SASSA offices. Where applicants have queries, they are obliged to use SASSA's general call centre which is currently not coping with the demand. This application channel is automated and not manned by actual SASSA staff, and applicants are constrained by standardised responses to queries. This is wholly inadequate, where many applicants' queries are not answered by the standard responses, and without access to a person telephonically or at a SASSA office, they are simply left without assistance, despite otherwise qualifying for a COVID-19 SRD grant.
- 4.7. Based on further reports from the Black Sash Trust's partner organisations, we are very concerned that applicants for the COVID-19 SRD grant have been rejected solely due to information used and relied upon by SASSA on the databases of the UIF, SARS and NSFAS that is either outdated or incorrect. This is compounded by applicants being barred from submitting new evidence or additional documentation in the reassessment application. It is manifest that many applicants' employment status has changed in recent months, and one of the many reasons that receiving the COVID-19 SRD grant is crucial for those applicants. It is critical that rejected applicants be permitted, and encouraged, to provide additional documentation to ensure that SASSA has the most up-to-date information on file to ensure that eligible applicants receive this vital grant.



5. That SASSA states that the outcome of the reassessment process is its final decision and that “no further recourse will be entertained” is precisely why the reassessment process ought to be as fair and inclusive as possible. The suggestion that unsatisfied rejected applicants must approach the courts is neither reasonable nor practical, particularly considering the acute vulnerability of applicants and intended applicants and access to legal services, and the limited period within which the COVID-19 SRD grant is available.
6. Ensuring that multiple channels for reassessment are available, extending the 15 day period to 30 days and ensuring that rejected applicants are aware of the reassessment process as soon as they receive such rejection, and ensuring that applicants' supporting documents and correct and updated information is encouraged, received and considered, will mitigate the risk of denying eligible applicants access to this grant.
7. We further urge SASSA and DSD to pay the COVID-19 SRD grant retrospectively in cases where reassessment applications are successful.
8. Kindly provide us with your urgent response by no later than Wednesday, 26 August 2020.

Yours sincerely,

**Ms Tumelo Matlwa**

Attorney: Centre for Applied Legal Studies

