

MINISTER OF SOCIAL DEVELOPMENT

Honourable Minister Lindiwe Zulu
National Department of Social Development
134 Pretorius Street
HSRC Building, Pretoria

By email: ZamaK@dsd.gov.za; MonicaZ@dsd.gov.za; LumkaO@dsd.gov.za

SOUTH AFRICAN SOCIAL SECURITY AGENCY (SASSA)

CEO: Ms Busisiwe Mamele-Khumbula, C/O Ms Paseka Letsatsi
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22 June 2022

URGENT

Dear Sir/Madam

FAILURE TO PAY SOCIAL RELIEF OF DISTRESS GRANTS

1. We act on behalf of the Institute for Economic Justice (“**IEJ**”). We write to you regarding the ongoing failure by the Department of Social Development (“**the Department**”) and the South African Social Security Agency (“**SASSA**”) to facilitate and implement the payment of social relief of distress (“**SRD**”) grants.
2. In February 2022, President Ramaphosa announced in his State of the Nation Address that the SRD grant would be extended until March 2023.
3. When the National State of Disaster was terminated on 4 April 2022, the Government Notice (No. R. 1988) published by Minister Dlamini-Zulu made clear that the SRD grant would continue to be administered for one month from that date.
4. But that did not happen. The Department and SASSA ceased paying the SRD grant in April 2022, and failed to process any new applications for the SRD grant after the termination of the National State of Disaster. This was in direct breach of Minister Dlamini-Zuma’s binding Government Notice.
5. On 22 April 2022, the Minister of Social Development, Lindiwe Zulu published new Regulations under the Social Assistance Act 13 of 2004 (No. R. 2042). The new Regulations provide for the SRD grant to resume, albeit with different application processes and criteria to those applicable under the previous SRD regime.
6. On the same day that the new Regulations were published, the Department published a statement in which it explained that applicants would be considered for the SRD grant from the same month in which their applications were lodged. The Department also explained that every person hoping to receive the grant would be required to re-apply – even if they had previously been verified.
7. By the last week of April 2022, more than 8 million people had applied for the SRD grant using the new system.
8. Further, in May 2022, over 10 million people applied for the SRD grant.

9. However, despite these people having applied, and despite the Department's public undertaking that applicants would be considered for the grant from the same month in which they applied, none of these applicants have received an SRD grant for April or for May.
10. In a speech to parliament on 13 May 2022, Minister Zulu gave a public undertaking that *"all qualifying applicants...will be in receipt of their payments for this iteration of the grant by June."* Despite this public undertaking, on 3 June 2022, the Department made a presentation to the Portfolio Committee for Social Development in which it acknowledged that it and SASSA had not even begun the process of approving applications for April and May 2022.
11. Therefore, on 8 June 2022, a coalition of civil society organisations, including the IEJ, issued a press statement demanding that SRD grant payments be made without delay.
12. In the days following the public statement, the Minister, the President and SASSA each independently gave undertakings that the payments would be made in June 2022:
 - 12.1 On 10 June 2022, Minister Zulu stated in a radio interview with Bongani Bingwa on Radio 702 that *"We are going to be paying back from the time that people applied, and when they applied they were approved so the payments that will be done will be backdated."*
 - 12.2 Also on 10 June 2022, President Ramaphosa confirmed in a press conference that the SRD grant would begin being paid the following week, and that grant payments would be backdated because *"our people have been relying on this."*
 - 12.3 On 13 June 2022, SASSA published a statement confirming that payments for the new cycle of the SRD grant would be paid from mid-June.
13. However, these commitments have not been honoured. To date, payments for April, May and June 2022 have still not been made.

14. On 22 June 2022, SASSA published a statement to the effect that, while June payments will be made in the same month, back-payments for April 2022 would only be made in July 2022, and back-payments for May 2022 would only be made in August 2022.
15. The upshot is that millions of grant recipients, who rely on the SRD grant for their livelihoods, will only receive their grants three months after they were due. This is unlawful, unreasonable and unfair. It is also directly contrary to the public undertakings given by the President, the Minister and SASSA, as described above.
16. It appears that the delays in paying the SRD grant have been caused by the new verification process, and particularly by SASSA's reliance on the banking system for verification. It is impermissible, however, for the Department and SASSA to require grant recipients to bear the burden of these issues.
17. In the circumstances, we are instructed to demand, as we hereby do, an undertaking from the Department and SASSA that, in accordance with their previous public undertakings, all SRD grants for the months of April, May and June 2022 will be paid by 30 June 2022 at the latest. Our client remains open to engaging constructively with you regarding ways to expedite the payment of grants, but reserves its rights to approach a court, if necessary.
18. Kindly respond to this letter by no later than close of business on 27 June 2022.

Yours faithfully



Nkosinathi Sithole

Senior Attorney