

Civic engagement and public policy implementation: the child support grant

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Introduction

The content of policy in a democracy determines the kind of social and political activity that will be stimulated by the policy-making process. It is not possible that all policies will equally stimulate the interest of all the people. Some policies may stimulate least interest, while others may trigger a chain of events having long-lasting results. Every policy proposal may therefore yield its own series of events, public actions, reactions and responses. These actions or reactions could be either organized or sporadic, institutional or individual. The exact interactions are difficult to predict, due to the nature of the particular policy.

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

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

The lack of citizen participation in policy formulation is often ascribed to the lack of proper commitment to the policy-making process. Prospective participants often fail to see the linkage between community service and the dynamics of the public policy-making process. The so-called 'service learning process' could be viewed as a partial

solution to this challenge. Citizenship and its interaction with policy-making are therefore critical for addressing the real needs (Doamekpor 2004:114).

Civil society and quality governance

Civil society is an important component of the democratic process. Civil society not only influences public policy, but also keeps a watchful eye on the activities of public officials. The democratic tradition requires civic space which allows for public assembly and discourse on burning issues like poverty and child poverty in particular. Participation in the decision-making process in turn ensures good governance. The danger exists that citizens rely increasingly on profit-driven mass media to formulate their ‘opinions’ (Arko-cobbah 2006:349).

Government, as the steward of a country’s huge pool of resources, is unfortunately prone to misconduct by public officials. Throughout the world, there is a growing demand for greater public accountability, and civil society organizations play a vital role in attaining this objective. The United Nations Development Programme (UNDP) describes governance as the exercise of political, economic and administrative authority in the management of the affairs of a country at all spheres. Good governance, in general, implies an array of practices that maximize the common good.

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

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

Civil society as a world of groups

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

“Civil society itself is sustained by groups much smaller than the demos, or the working class, or the mass of consumers, or the nation. All these are necessarily pluralized as they are incorporated. They become part of the world of family,

friends, comrades, and colleagues, where people are connected to one another and made responsible for one another”.

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

The following sections focus on the Child Support Grant (CSG) in terms of interaction with civil society.

The Child Support Grant and participation by civil society

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

In South Africa, tension developed between government and interest groups due to a lack of consultation. This led to the establishment of the National Welfare, Social Service and Development Forum which was launched at a Welfare Summit in September 1994. The Forum comprised delegations from the 9 regional forums, as well as religious, professional and civic groupings, trade unions, consumer organizations and the Department of Welfare (Lund 2008:98). The Welfare Forum performed a crucial role in the White Paper process and in connecting government with civil society organizations.

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

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

Subsequently, the independent ‘watchdog’ role of many civil society organizations has been strengthened. It is worthwhile to mention the critical network for the CSG that consists of the Centre for Applied Legal Studies at the University of the Witwatersrand, the Children’s Institute at the University of Cape Town, and the Community Agency for Children’s Entitlement to Social Security. These organizations have monitored the take-up of the CSG, the effects of the age extension, and the costs of applying the means test (Lund 2008:105).

Submission by ACCESS

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

The key issues which ACCESS addressed were:

- ⊕ Extending the Child Support Grant to all children under 18 years;
- ⊕ Enabling child-headed households to have access to social assistance through a mentorship scheme;
- ⊕ Entitling children who are primary care-givers for themselves and other children, to access the Child Support Grant directly;
- ⊕ Redefining the eligibility criteria for the care dependency grant, which will allow children with moderate disabilities and chronic illness to qualify, including children with HIV and AIDS;
- ⊕ Delaying the consideration of the structure of a Social Security Agency to deliver social assistance and/or social insurance, until final decisions have been taken on a comprehensive social security system (ACCESS 2004:2).

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

Agency responsible for implementation

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

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

Besides the Department of Social Development, there are other government departments that assist with the implementation of the Child Support Grant:

- ⊕ South African Police Service;
- ⊕ Home Affairs;
- ⊕ Health;
- ⊕ Education;
- ⊕ Justice; and
- ⊕ Traditional authorities (Goldblatt, Rosa & Hall 2006:3).

Although these departments are not part of civil society in the strict sense of the term, they contribute significantly to the success of the CSG and are therefore of crucial importance in the roll out plans.

Awareness of prospective applicants

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

Department of Social Development with regard to information-sharing practices about the CSG.

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

Combating fraud

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

- ⊕ In some provinces 'welfare forums' or 'welfare committees' made up of volunteer committee members were established. This is another instance where civil society can assist in combating fraud.
- ⊕ Amnesty forms for people to declare fraud before 1 April 2005 were distributed.
- ⊕ Photos of children are now required on application forms before applications may be submitted.
- ⊕ The interface between the Government Employees Pension Fund (GEPF) and PERSAL databases is used to detect civil servants who are defrauding the system.
- ⊕ People were encouraged to report fraud by phoning a toll-free fraud hotline (Goldblatt et al. 2006:34).

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

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

Dikwankwetla¹ and the Children's Amendment Bill

Dikwankwetla is a group of South African children who are engaged with the Children's Bill, expressing their concerns and providing recommendations, in an attempt to ensure that the Bill adequately addresses the needs of children. Children have the right to freedom of expression and the Constitution of the Republic of South Africa (1996) states

that “a child’s best interests are of paramount importance in every matter concerning the child”. The right of children to express their views is important, and their engagement is in the best interests of the Bill and its eventual implementation.

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

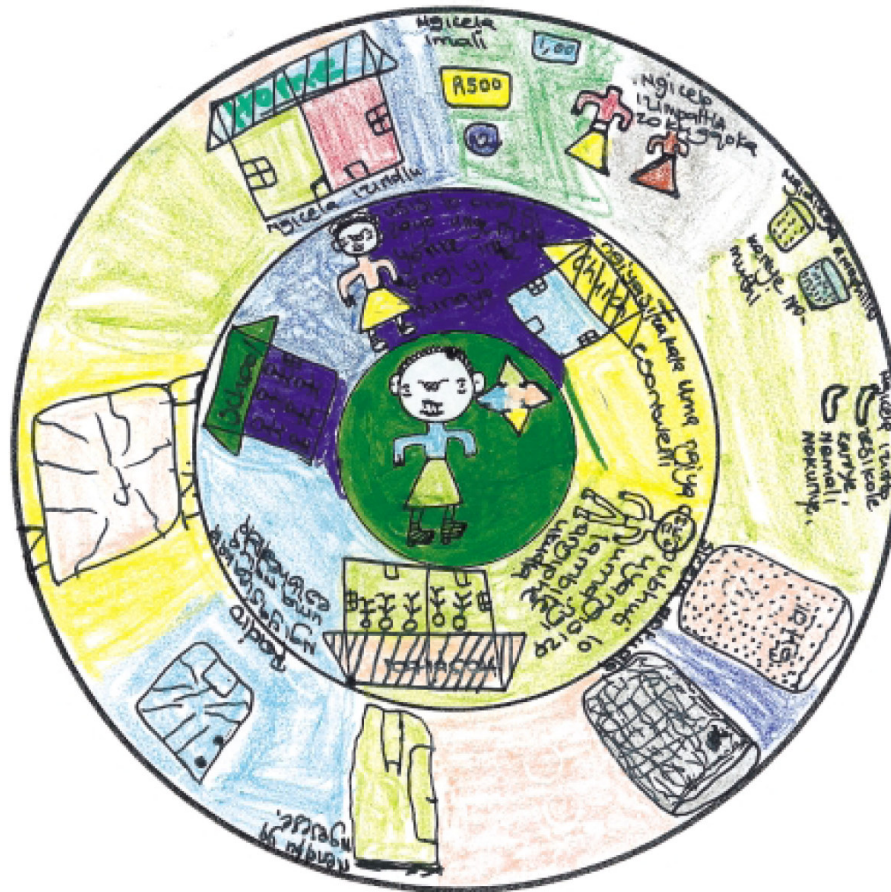
The children as well as the caregivers involved in the Dikwankwetla Project were under the impression that the project was successful in achieving its objectives. This opinion is underscored by a KwaZulu-Natal group that remarked the following:

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

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

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

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



Ndileka, 12 years old, talking about her picture:

“ I live with my sisters and brothers. No one at home is employed. My brother went away. When I go to school I walk. At home I walk with my sister to fetch water from the river. It is far from our home. I fetch it with a bucket and I put it on my head. I clean the house. I am asking for a house. I am asking for money. I ask for clothes to wear. I ask for pills and medicines. I ask for things for school, for money and anything else. We ask for food. For a toilet. For a radio. And a TV. When you are struggling and you are poor, even small things get to you. When your life is hard, and you are living badly you can't take many things. This is the hospital. When I am sick they give me pills and inject me. I pay R7.00. If I do not have it, they know I am sick and I have to get the pills. At school I am helped. I get help sometimes, and sometimes I don't get it. They know that there is no one who works at home. ”

Source: Children's Institute (2001)

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

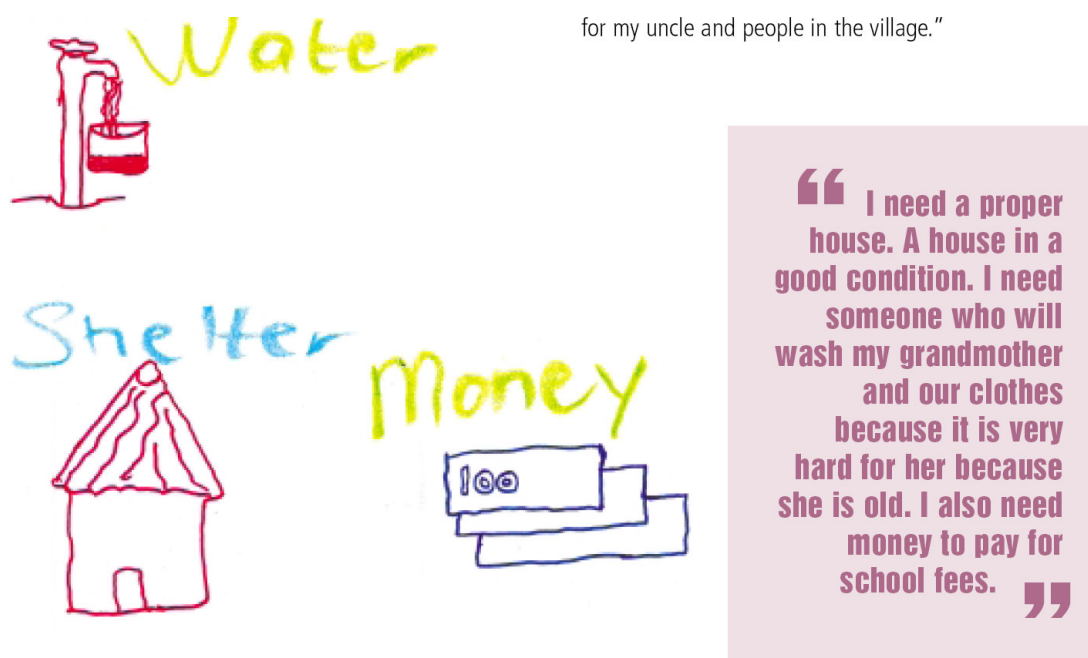


Aphiwe, 13 years old:

“ This is me and my little sister. My sister is 6 years old. I must look after her. And after school, I must go to fetch firewood at the veld. It is not that far. My sister must come with me on my back because there is no one to watch her when I go. I look after the chickens, and this is where I cook food outside, and I must sweep the house. If I fetch water from the tap I have to pay but I do not have any money, and so I have to walk a long distance. On weekends I wash clothes. My sister and I cook and clean. I don't have parents, it's just me and my sister ... I need water, inside the house. ”

Source: Children's Institute (2001)

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



Source: Children's Institute (2001)

New Children's Policy in South Africa

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

Available statistics on the status of children paint a bleak picture of the conditions in which children live, learn, and socialize. Based on a review of the current data on children, their situation is improving in some areas; however on the whole, progress is gradual. Of the 18 million children living in South African households, 19% have been orphaned, and 0.7% live in child-headed households. More than half (54%) of the country's children live in rural areas. Additional key indicators of the status of children are the following:

- ⊕ Two-thirds of children are living in poverty. As an attempt to ameliorate the severe poverty that many children and families experience, the delivery of the Child Support Grant programme is proving to be very successful – 84% of eligible children were receiving the Child Support Grant at the end of July 2006.
- ⊕ Among children younger than 5 years of age, 95 die per 1 000 live births – 40% of deaths in this age group are HIV/AIDS related.
- ⊕ 96% of children aged 7 - 17 years are attending a school or educational facility.

- ⊕ 65% of children live in formal housing, and only 58% of children have access to drinking water on site (Berry 2007:170).

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

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

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

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

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

- ⊕ gives effect to certain rights of children as contained in the Constitution of the Republic of South Africa (1996)
- ⊕ sets out principles relating to the care and protection of children
- ⊕ defines parental responsibilities and rights
- ⊕ makes further provision regarding children's courts
- ⊕ provides for the issuing of contribution orders
- ⊕ makes new provision for the adoption of children
- ⊕ provides for inter-country adoption
- ⊕ gives effect to the Hague Convention on Inter-Country Adoption
- ⊕ prohibits child abduction and gives effect to the Hague Convention on International Child Abduction
- ⊕ provides for surrogate motherhood
- ⊕ defines certain new offences relating to children.

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

- ⊕ amend the Children's Act (2005)

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

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

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

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

Non-profit organizations

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

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

Conclusion

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

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

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

underscores the importance of civic engagement in all policies relating to children, either by the children themselves or by the host of organizations that act on behalf of children.

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¹ Dikwankwetla means 'heroes'