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Department of  
Social Development

## PEOPLE WITH DISABILITY POLICY 2020

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## 1. Introduction

Historically, disability has been regarded as a health and welfare issue with state intervention channelled through health and welfare institutions. More recently, disability is viewed as a human rights and developmental issue and acknowledges that obstacles in the environment disable persons with impairment. The objective of the modern paradigm is to include Persons with Disabilities (PWD) in mainstream life.

Knowledge about the nature and prevalence of disability is critical for government to understand the challenges faced by those affected by disabilities. There are sometimes large discrepancies in statistics pertaining to PWD due to a lack of consistency in what is being measured as 'disability', as well as different survey methodologies used to collect data. In South Africa, the lack of awareness around certain types of disabilities and the stigma associated with disability, hinder efforts to determine the number of PWD.

Although barriers such as ignorance and fear have caused PWD to be unfairly discriminated against, the City of Johannesburg Metropolitan Municipality (the CoJ) prides itself in its efforts to protect the rights of PWD. The CoJ recognises the need to adapt its policies to conform to the provision of the Constitution of the Republic of South Africa that guarantees equality and freedom for all South Africans.

Evidence-based decision-making is critical to ensure efficient management of economic and social affairs. To ensure that PWD have equal access to education, employment and basic services, current and future policy interventions require statistical evidence. According to the 2016 Community Survey conducted by Statistics South Africa, 4,7% of South Africans aged 5 (five) years and older were classified as having a disability. Women (5,2%) were slightly more likely to have a disability than men (4,1%). In Johannesburg, more than 70% of registered PWD relate to sight impairment.

The People with Disabilities Policy (the Policy) recognises and supports the need for cooperation and collaboration among CoJ Departments, MEs and both Private Sector and Civil Society Disability Sector Organisations. Inter-governmental relations can play a key role in the successful execution of this Policy.

### 1.1. Problem Statement

There are a number of challenges that continue to face PWD. Among these are restricted environments and barriers that exclude PWD from participating in the daily activities of mainstream society. PWD in

Johannesburg face physical and social exclusion and are extremely vulnerable to social and economic exclusion. Exclusion of residents with disabilities are evident in access to education, employment and physical access to transport. These challenges are further compounded by prejudice against those with disability in general. According to the International Labour Organisation (ILO, 1998); *“In many developing countries, the chances of persons with disabilities finding salaried employment or work in the formal sector, are far smaller than for their non-disabled peers and, if they also lack skills, are often negligible...”*.

Living with a disability affects people’s lives in a number of ways. Many PWD endure poverty and chronic under-employment and lack the means to become economically empowered. Disability is a major challenge affecting communities, in particular poorer households who can hardly afford the equipment required to aid them. PWD, especially women and girls, are vulnerable to becoming victims of abuse and crime.

The lack of up-to-date, reliable and relevant information on the nature and prevalence of disability in South Africa, necessitate the creation of a comprehensive City-Wide database of PWD. The CoJ recognises that a multi-dimensional approach focused on all aspects of the development of PWD is the only way to identify and remove the underlying causes of discrimination in policies, laws, procedures, beliefs, practices and attitudes.

## 1.2. Rationale

The Policy is a framework for developing council plans, strategies and programmes that respond to the needs of PWD in Johannesburg. The Policy provides guidelines for the removal of discriminatory barriers through disability-specific measures. This Policy:

- a) Serves as an overarching policy framework for disability issues within the City of Johannesburg;
- b) Promotes respect for PWD inherent dignity;
- c) Provides a broad outline of responsibilities and accountabilities of the various stakeholders;
- d) Provides PWD with reasonable accommodation for effective governance; and
- e) Promotes, protects and ensure the equal enjoyment of all human rights and the fundamental freedoms by all PWD in the City of Johannesburg.

### 1.3. Policy Goals and Objectives

The goals and objectives of this Policy are to:

- a) Integrate and mainstream disability issues across MEs and all departmental programmes;
- b) Facilitate paradigm shifts within the department and in society regarding disability;
- c) Define the role of the City of Johannesburg Department of Social Development (CoJ-DSD) in service provision to PWD;
- d) Ensure the delivery of awareness, development and training programmes in consultation with registered NGOs, CBOs, Provincial DSD, and other spheres of government throughout the City of Johannesburg;
- e) Promote and support a cohesive and effective network of structures, organisations and groups focusing on PWD;
- f) Facilitate early intervention and support programmes targeting children with disabilities, families, parents and caregivers;
- g) Facilitate research on issues of PWD to inform the design and delivery of services and strategies;
- h) Guide collaboration with other spheres of government to avoid duplication of funding and contribute towards unity in delivering social development services for PWD;
- i) Support PWD to achieve their full and equitable integration and inclusion into mainstream society in order to improve their quality of life;
- j) Create linkages, partnerships and networks to support to PWD in a coordinated manner, by collaborating with other line departments and other spheres of government and civil society;
- k) Mainstreaming of PWD into the economy as well as entrepreneurial activities within CoJ;
- l) Inclusion of PWD in the CoJ's capacity building programme with a special focus on the skills for economy;
- m) Enable PWD to have access, participate and advance in the CoJ's socio-economic programmes;
- n) Comply with all the legislative requirements relating to disability discrimination and ensuring universal access in the CoJ as enshrined in the Article 9 of the United Nations Convention on the Rights of PWD (UNCPRD); and
- o) Comply with Universal access focusing on the infrastructure such as public buildings and transportation within CoJ.

## 1.4. Desired Policy Outcomes

- a) Improved quality of life for PWD in the City of Johannesburg;
- b) Increased involvement of PWD in active citizenship and;
- c) Provision is made for PWD programmes and budgeted for across all MEs.

## 1.5. Scope and Application of Policy

The Policy is closely aligned with Council's IDP and with other key plans such as the Human Development Strategy, Joburg 2040 Growth and Development Strategy (GDS) and the Joburg 2030 Strategy. The alignment of the Policy to the CoJ IDP ensures clear KPIs and addressing PWD issues within departments and MEs. Implementation of this Policy must be aligned with Executive Management Team score cards and annual Service Delivery Implementation Plans.

### 1.5.1. Implementation cohort

The Policy applies to all CoJ and Municipal Entities (MEs) with the CoJ-DSD playing a leading role of coordination, facilitation and management of some of the processes:

- a) Public service employees, officials and departments within the CoJ;
- b) Private sector institutions in Johannesburg that, through their corporate social investment programmes or other such programmes, deliver services to PWD in Johannesburg;
- c) Organised structures and organisations who work with PWD in Johannesburg;
- d) Community-based, faith-based, non-government organisations (NGO's) and organisations focused on PWD;
- e) Interested parties, volunteers and stakeholders who participate in the delivery of services to PWD within Johannesburg;
- f) Persons involved actively or indirectly in delivering socio-economic services to PWD.
- g) This Policy guides the work of private entities and non-profit institutions (NGOs and CBOs) conducting projects on behalf of, or in partnership with, the CoJ.
- h) The CoJ-DSD, as a lead department, will play a role in monitoring and evaluation whilst workplace disability-related issues will be coordinated, monitored and evaluated by the Corporate and Shared Services Department.



### 1.5.2. Beneficiaries

The Policy applies to all persons affected by disability who live in the City of Johannesburg. Definitions of disability are included in table 4.2.1. in this Policy.

## 2. Regulatory framework

The following key legislative imperatives provide a mandate to the CoJ to manage, support and regulate activities within the Policy scope:

Act	Relevance
<p><b>The Constitution of the Republic of South Africa, Act No. 108 of 1996</b></p>	<p>The Constitution is the supreme law of the country. It entrenches specific rights and responsibilities that apply to everyone.</p> <p>Chapter 2, Section 9(3) states that “<i>the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth</i>”;</p> <p>In addition, section 10 states that “<i>everyone has inherent dignity and the right to have their dignity respected and protected</i>”.</p> <p>Chapter 7 of the Constitution mandates local government to promote the social and economic development of communities and community participation in matters of local government.</p>
<p><b>Basic Conditions of Employment Act, No. 75 of 1997</b></p>	<p>The Act provides for the minimum conditions of employment that employers must comply with in their workplaces.</p>
<p><b>Broad-Based Black Economic Empowerment Act, No. 53 of 2003</b></p>	<p>The Act provides for the promotion of black economic empowerment in the manner that the state awards contracts for services to be rendered, and incidental matters.</p>
<p><b>Disability Framework for Local Government 2015 - 2020</b></p>	<p>The objectives of the framework are to:</p> <ul style="list-style-type: none"> <li>• Advocate for the mainstreaming of persons with disabilities into local government. This means that disability issues should inform local</li> </ul>

Act	Relevance
	<p>government actions in terms of projects, planning and implementation of programmes;</p> <ul style="list-style-type: none"> <li>• Ensure that in application of the policy framework, regard must be given to the need for additional measures to address the needs of vulnerable people. This includes women with disabilities, children with disabilities and persons with disability living in rural areas.</li> </ul>
<b>Draft National Disability Rights Policy, 2015</b>	<p>Once published, this policy will seek to deepen the mainstreaming trajectory for the promotion of the rights of persons with disabilities adopted in 1994.</p> <p>It will also provide guidelines for the review of existing and new sector policies, programmes, budgets and reporting to be aligned with both Constitutional and international treaty obligations.</p>
<b>Employment Equity Act, No. 55 of 1998</b>	<p>The purpose of the Act, set out in Section 2, is to “achieve equity in the workplace by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination and implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels in the workforce.” The Act defines designated groups as black people, women and persons with disability.</p>
<b>Labour Relations Act, No. 66 of 1995</b>	<p>The Act contains several provisions that prohibit discriminatory treatment of employees and applicants for work, including persons with disabilities.</p>
<b>Municipal Structures Act, No. 117 of 1998</b>	<p>The Act inter alia sets out to provide for an appropriate division of functions and powers between categories of municipalities; to regulate the internal systems, structures and office-bearers of municipalities; provide for appropriate electoral systems and provide for matters in connection therewith.</p>

Act	Relevance
<b>Municipal Systems Act, No. 32 of 2000</b>	The Act inter alia provides for the social and economic upliftment of local communities; universal access to essential services that are affordable to all, the municipality working in partnership with the local community, community participation; an enabling framework for local government, human resource development, empowering the poor and overall social and economic upliftment of communities in harmony with their local natural environment.
<b>The Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000</b>	The Act provides for the further amplification of the constitutional principles of equality and elimination of unfair discrimination. Section 9 of the Act prohibits unfair discrimination on the ground of disability, including: <i>“(a) denying or removing from any person with disability, any supporting or enabling facility necessary for their functioning in society; (b) contravening the code of practice or regulations of the South African Bureau of Standards that govern environmental accessibility; (c) Failing to eliminate obstacles that unfairly limit or restrict persons with disabilities from enjoying equal opportunities or failing to take steps to reasonably accommodate the needs of such persons.”</i>
<b>The White Paper on the Rights of Persons with Disabilities, 2016</b>	This White Paper provides clarity on various issues, including the development of standard operating procedures for mainstreaming disability. In addition, it sets out the norms and standards in terms of which discriminatory barriers should be removed; and it broadly outlines stakeholder responsibilities.
<b>The White Paper on Local Government, 1998</b>	The White Paper on Local Government identifies the need for municipalities to ensure that all citizens regardless of race, gender or sexual orientation have access to at least a minimum level of services. The paper further states that accessibility is not only about making services available, but also about making services easy and convenient to access.

Act	Relevance
<b>The White Paper on the Integrated National Disability Strategy, 1997</b>	The state must ensure equality, non-discrimination and protection for persons with disability. Local government should not view persons with disability as objects of pity but as capable individuals who are contributing immensely to the development of society.
<b>Further international and local legislation and policies for the equalization of opportunities for persons with disabilities</b>	(a) The White Paper for Social Welfare, 1997 (b) The Code of Good Practice on Employment of Persons with Disabilities, 2015 (c) Education White Paper 6: Special Needs Education - Building an inclusive education and training system, 2001 (d) National Health Act, No. 61 of 2003

### 3. Policy Instruments

#### 3.1. CoJ Development Strategies

a) The CoJ positions itself as a place of hope and potential for all. In support of the 5 (five ) Growth Development Strategy (GDS) outcomes, the CoJ identified 10 (ten) strategic priorities in the 2020/2021 Integrated Development Plan (IDP). This Policy aligns with Outcome 1 of the GDS: Improved quality of life and development-driven resilience for all. Strategic priority 6 in the IDP of 'safer city' and it speaks to the general wellbeing of its residents.

The GDS 2040 Vision: "Johannesburg – World Class African City of the Future – vibrant, equitable African city, strengthened through its diversity; a city that provides real quality of life; a city that provides sustainability for all its citizens; a resilient and adaptive society." This strategy assists the CoJ to design programmes to improve the quality of life for all people living in the City of Johannesburg as well as addressing poverty, inequality and social ills. One of the key issues extracted from the GDS outreach process is that a regional perspective of Johannesburg is necessary to achieve the desired outcomes.

### 3.2. Provincial and National Strategic Imperatives

The Gauteng provincial department of social development's vision is "a caring and self-reliant society" and its mission is "to transform our society by building conscious and capable citizens through the provision of integrated social development services".

The White Paper on the Rights of Persons with Disabilities (WPRPWP) provides the following Strategic Pillars towards programmatic interventions to address needs and challenges faced by PWD:

- a) Strategic Pillar 1: Removing Barriers to Access and Participation.
- b) Strategic Pillar 2: Protecting the Rights of Persons at risk of Compounded Marginalization.
- c) Strategic Pillar 3: Supporting Sustainable Integrated Community Life.
- d) Strategic Pillar 4: Promoting and Supporting the Empowerment of Children, Women, Youth and Persons with Disabilities.
- e) Strategic Pillar 5: Reducing Economic Vulnerability and Releasing Human Capital.
- f) Strategic Pillar 6: Strengthening the Representative Voice of Persons with Disabilities e.g. establishment and sustainability of structures such as Johannesburg Disability Forum, Regional Disability Forums and Inter-Departmental Disability Forum.
- g) Strategic Pillar 7: Building a Disability Equitable State Machinery (In the case of the CoJ, the PWD Subunit exists within CoJ-DSD).
- h) Strategic Pillar 8: Promoting International Co-operation.
- i) Strategic Pillar 9: Monitoring and Evaluation.

In alignment with the WPRPWP providing fundamental pillars to PWD rights, the CoJ Policy for Persons with Disabilities is in essence a translation of the approved White Paper on the Rights of Persons with Disabilities into various service delivery related programmes, projects and activities affecting the entire disability sector.

### 3.3. International Strategic Imperatives

The equal rights and opportunities for women as well as youth and PWD were included in the United Nations Millennium Summit in September 2000. The following are major international policy instruments pertaining PWD:

- a) African Charter on the Rights of the Child.
- b) Plan of Action on the African Decade for Persons with disabilities.

- c) Standard rules on the Equalisation of Opportunities for Persons with disability.
- d) United Nations Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.
- e) United Nations Convention on the Rights of the Child.
- f) United Nations Declaration of Human Rights.
- g) United Nations Millennium Declaration.
- h) United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).
- i) World Programme of Action Concerning Disabled Persons.

## 4. Definitions, acronyms and abbreviations

In this Policy, unless the context indicates otherwise, the English text prevails in the event of a conflict in meaning with other texts.

### 4.1. Acronyms and abbreviations

<b>CBO</b>	Community-based Organisation
<b>CoJ</b>	City of Johannesburg Metropolitan Municipality
<b>CoJ-DSD</b>	City of Johannesburg Department of Social Development
<b>DSD</b>	Department of Social Development
<b>GDS</b>	Growth Development Strategy
<b>GEYODI</b>	Gender, Youth, Persons with Disabilities
<b>IDP</b>	Integrated Development Plan
<b>JDF</b>	Johannesburg Disability Forum
<b>ME/MEs</b>	Municipal Entity/MEs
<b>NGO</b>	Non-Governmental Organisation
<b>PWD</b>	Persons/People with Disability
<b>RDF</b>	Regional Disability Forums
<b>UNCRPD</b>	United Nations Convention on the Rights of Persons with Disabilities
<b>WPRPWP</b>	White Paper on the Rights of Persons with Disabilities

## 4.2. Definitions

### 4.2.1. General Definitions

Concept	Definition
<b>Accounting Officer</b>	Means the City of Johannesburg Metropolitan Municipality's Municipal Manager, also known as "City Manager".
<b>City</b>	Means the City of Johannesburg Metropolitan Municipality as established by Provincial Notice 479 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes an employee or person authorised to perform any function in connection with this Policy;
<b>Disability</b>	<p>The following definition of disability was adopted by the South African Cabinet in 2005: "Disability is the loss or elimination of opportunities to take part in the life of the community equitably with others that is encountered by persons having physical, sensory, psychological, developmental, learning, neurological or other impairments, which may be permanent, temporary or episodic in nature, thereby causing activity limitations and participation restriction with mainstream society".</p> <p>These barriers may be due to economic, physical, social, attitudinal and/or cultural factors. In the 9 December 2015 approved White Paper on the rights of persons with Disabilities (WPRPWD), disability is further defined to capture broad acceptable and educative backgrounds that enables development of policies that are sensitive and responsive to the needs and challenges experienced by PWD on a daily basis.</p>
<b>Discrimination on the basis of disability</b>	Discrimination on the basis of disability refers to imposing any distinction, exclusion or restriction of persons on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, on all human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. It encompasses all forms of unfair discrimination, whether direct or indirect.

Concept	Definition
<b>Empowerment</b>	Refers to the process of endeavouring to make an individual conscious of building critical analytical skills for him/her to gain self-confidence in order to take control of his/her life.
<b>Impairment</b>	The term impairment involves an anomaly, a defect, loss or a significant deviation in body structure or functioning. The impairment may be permanent or temporary, progressive or regressive. It can be physiological, intellectual, psychological or sensory in nature. An impairment which is associated with a cause does not imply illness or a disorder.
<b>Policy</b>	A Policy translates government's political vision into programmes and actions to deliver outcomes, i.e. desired changes in the real world. It outlines the government's decision regarding a particular course of action that will be undertaken or an issue that needs to be addressed and provides a broad framework for decision-making and implementation.
<b>Prevention</b>	<p>Primary prevention involves strategies that encourage communities to live healthy lifestyles thereby preventing the onset of any risk factors which could result in impairment and subsequent disability.</p> <p>Such measures include raising public awareness, promotion of healthy lifestyles, health education, immunisation, maternal and child health services, and promoting road and occupational safety.</p> <p>Secondary prevention refers to early identification and intervention on impairment, diseases, injuries, or conditions to prevent the development of disability or activity limitation.</p>
<b>Stakeholder</b>	Stakeholder refers to any individual or group with vested interest who may add value, contributes towards the development of, or benefit from interventions in the disability sector.
<b>Universal Access</b>	Universal Access refers to the removal of cultural, physical, social, and economic and other barriers that prevent persons with disability from entering, using or benefiting from various systems of society that are available to other citizens. It is the key to exercising civil, political, economic, social, religious and cultural rights in society.



#### 4.2.2. Definitions for the different forms of disability

Concept	Definition
<b>Cerebral palsy</b>	Occurs as result of damage to the brain that causes muscles in-coordination.
<b>Disability</b>	Disability is defined as having a physical or mental impairment which is long term or recurring and which substantially limits one's prospects of entry into, or advancement in employment. (A more broad and inclusive definition is provided under point 4.2.1 Definition of Disability of the WPRPWD.)
<b>Hearing disability</b>	Refers to loss of hearing that could be mild, severe or total.
<b>Hemiplegic</b>	Refers to a substantial loss of function on one side of the body, often due to stroke or as a result of epilepsy.
<b>Intellectual disability</b>	Intellectual disability refers to impairments of a permanent nature that result in significantly below-average cognitive ability. People with intellectual disabilities find it difficult to learn and retain new information, and often to adapt to new information.
<b>Learning disabilities</b>	<p>This refers to a group of impairments that affect a broad range of academic and functional skills including the ability to speak, listen, read, write, spell, reason and organize information.</p> <p>A learning disability is not indicative of low intelligence since research indicates that people with learning disabilities have average or above-average intelligence. Causes of learning disabilities include a deficit in the brain that affects the processing of information.</p>
<b>Mainstreaming disabilities</b>	In the context of sustainable development, mainstreaming is about dignity, self-worth, autonomy and self-determination. The approach is to make the concerns and experiences of persons with disabilities an essential aspect of the design, implementation, monitoring and evaluation of policies and programmes in all areas, so that persons with disabilities benefit on an equitable basis.
<b>Mental disability</b>	This refers to psychological or physiological impairment of a permanent or recurring nature. This includes cognitive, psychiatric and learning disabilities as well as physical head trauma.

Concept	Definition
<b>Multiple disabilities</b>	Having more than one or two disabilities e.g. Hearing and visual disabilities, speech and mobility etc.
<b>Paraplegia</b>	Refers to a substantial loss of function to the lower part of the body.
<b>Physical disability</b>	Refers to damage to muscles' nerves, skin, or bones that leads to difficulty in moving about, in performing activities of daily living.
<b>Post-polio paralyses</b>	Refers to weakness in some muscles and under development of some limbs.
<b>Psychiatric disability</b>	People living with psychiatric or mental illness often experience difficulties in perceiving or interpreting reality, coping with some aspects of daily life.
<b>Quadriplegia</b>	Refers to a substantial loss of function in all four limbs.
<b>Visual disability/impairment</b>	Refers to loss of sight and maybe total or partial.

## 5. Role clarification

### 5.1. Roles and Responsibility and Actors

- a) A wide range of role players and stakeholders are identified for the purpose of partnering and implementation of this Policy. For purposes of mainstreaming and management of disability issues and making a greater impact in the lives of PWD.
- b) The CoJ is the custodian of this Policy and all powers are vested in the Accounting Officer (City Manager) to ensure legitimate implementation thereof.
- c) It is the responsibility of the CoJ-DSD to design annual implementation programmes and action plans to give effect to this Policy. The programmes and action plans will be based on regular feedback from the recipients of the programmes.
- d) The CoJ-DSD will be responsible for monitoring this Policy and ensuring that adequate training and awareness is provided on this Policy.
- e) The implementation of this Policy is the shared responsibility of the entire CoJ's Line Departments and MEs.
- f) The following internal stakeholders will be consulted on matters relating to PWD:
  - i. The CoJ-DSD and its GEYODI programmes. CoJ-DSD will be the lead department for external community PWD issues.

- ii. Tourism, Events and Marketing: Arts and Culture Programmes, Events.
  - iii. Community Developments: Recreation, Library and Information Services.
  - iv. Group Corporate & Shared Services: Trainee, bursary, apprentice opportunities and work seeker's database.
  - v. The Group Strategy Policy Coordination and Relations Department in inclusion in the strategic planning of the CoJ.
  - vi. Department of Health – appropriate and accessible health care.
  - vii. JMPD – Ensure community safety and assist CoJ-DSD with updated data on PWD crime statistics and offences to inform planning.
  - viii. Group Communications – provide access to communication and information.
  - ix. Environment & Infrastructure Services – Ensure that PWD have equal access to the physical built and other services provided or open to the general public.
  - x. Department of Economic Development for Business Support/ Entrepreneurship opportunities, business analysis and Skills Development.
- g) The provision of an integrated and holistic package of services for the PWD is premised on strong and consistent inter-sectoral collaboration and co-ordination between wide ranges of role-players from all sectors of society. The following are strategic external stakeholders:
- i. The representative structures of PWD as the main beneficiaries of the Policy are to be engaged through various channels to ensure appropriate and correct PWD advancement initiatives;
  - ii. Gauteng Provincial Department of Social Development;
  - iii. Gauteng Provincial Department of Cultural Affairs and Sport;
  - iv. Gauteng Education Department;
  - v. Gauteng Provincial Department of Community Safety;
  - vi. Gauteng Provincial Department of Health;
  - vii. Gauteng Provincial Department of Economic Development and Tourism;
  - viii. Civil Society Organisations (including NGOs, CBOs and FBOs; and
  - ix. Ward Committees and Rate Payers Associations.

### 5.1.1. The CoJ Social Development Department

The CoJ-DSD is mandated to:

- a) Facilitate the implementation of the Programme for the PWD;

- b) Fulfil a key role in the development and reporting of indicators and targets to promote rights and advancement of PWD;
- c) Facilitate a process to engage with other directorates/departments to mainstream the directives of the Policy;
- d) Assist with opportunities to enable PWD to manage their many challenges and achieve a dignified standard of living and, where possible, reduce household dependency on the CoJ;
- e) Improve access for households affected by disability to social support programmes and safety nets provided by the CoJ;
- f) Work with PWD, families and communities to assist them to successfully manage life tasks in the face of social disadvantage;
- g) Activate the private sector and civil society to act in a positive and transformational manner in alignment with the programmes of the CoJ to address the needs of PWD;
- h) Identify potential economic opportunities at the community level, design and deliver community-based training programmes and provide the necessary post-training support for PWD;
- i) Following a multi-dimensional approach in servicing and supporting PWD in the City of Johannesburg by responding to the diverse needs of PWD in Johannesburg; and
- j) Articulate specific multi-sectoral partnering, including public and private sector entities.

### 5.1.2. Civil Society Institutions and other institutional arrangements

This Policy supports the establishment of appropriate institutional structures such as the following:

#### 5.1.2.1. CoJ Inter-Departmental Disability Forum

This structure at the level of the CoJ must be constituted by representation drawn from civil society working with disabled persons and representation of all CoJ departments and MEs. A Steering Committee for the Forum must be elected annually, and it is preferable that the Forum be led by the Executive Head for the CoJ-DSD .

This forum should provide an opportunity for consultation by CoJ departments and self-representation of disability sector organisations to take part in planning, decision making, monitoring and evaluation processes. The forum should provide an opportunity, among other things, for:

- a) Coordinate the implementation of the Policy in their Departments.

- b) Collect, collate and package information on PWD's for purposes of revealing the disability status within the Department and ME and among citizens that it interfaces with. (Confidentiality and respect for the privacy of PWD should be in line with ethical principles regarding use of statistics.)
- c) Promote and monitor the implementation of PWD budgeting.
- d) Attend regional PWD forum meeting coordinated by CoJ-DSD on a quarterly basis.
- e) All the Cluster Departments should report progress on the Policy implementation plan to their Executive Directors.

#### **5.1.2.2. Regional Disability Forums (RDFs)**

Regional Disability Forums must be formed by disability organisations in the region. In instances where a forum cannot be formed due to only individual PWD being available, other forums should be urged to incorporate disability issues in their plans and activities and assign representation to the CoJ Disability Forum.

#### **5.1.2.3. Persons with Disability Desk**

The PWD Desk should serve as access point for disability sector organisations, local and visiting PWD are able to access Council services on a daily basis. It should enable CoJ Departments and MEs to interact with PWD directly or indirectly in ensuring that services provided to all other CoJ of Johannesburg citizens, are also made accessible to PWD.

#### ***Functions of this office:***

- a) Identify and take up opportunities to advocate for equity and access for PWD.
- b) Participate in the development and implementation of the Disability strategy through submission and participation in other consultative opportunities.
- c) Create opportunities for PWD to advocate on their own behalf.
- d) Fund and support disability advocacy services in accordance with Council funding policies.
- e) Advocate for policies, programmes, practices and procedures that guarantee equal administration levels within national, provincial and local spheres of governance.
- f) Monitor and make recommendations about the updating and implementation of legislation and practices to achieve the optimum approachability, accessibility and usability in environmental design.
- g) Advocate for participation of PWD in economic development-, employment- and skills training opportunities.

- h) Encourage the positive portrayal of PWD by the media, particularly the Council's own publications and publicity material.
- i) Develop a database of key stakeholders that work with PWD within the borders of the City of Johannesburg. The database must be updated quarterly and made available to the community to ensure awareness of the availability of services to community members.

***Key Roles of the office:***

The PWD Dedicated Office will amongst others have the following key roles to play.

- a) Advocacy for disability mainstreaming.
- b) Advancement of disability rights.
- c) Enhancement of access to Council services (CoJ and MEs).
- d) Enhancement of PWD linkages to employment opportunities.
- e) Enhancement of PWD to economic development and empowerment opportunities.
- f) Management of internal and external relations.
- g) Investigate and recommend disability related interventions.
- h) Promote and advance education and increased awareness on disability issues.
- i) Promotion of integrative participation in Council driven societal programmes and projects.
- j) Act as a link to business sector information, tourism and leisure services for local and visiting PWD.
- k) Enhancement of access to CoJ Social Package and linked to job advisory centres.
- l) Enhancement of compliance to policies and legislative instruments.

**5.1.2.4. Research Institutions**

The CoJ-DSD must develop a close relationship with relevant research institutions to ensure the development of evidence-based programmes. The CoJ-DSD must liaise with Universities and Colleges for students to do some of their practical work in the department. This will ensure improved cross-sector collaboration between academia and the CoJ.

**5.1.2.5. National and Provincial Government**

The CoJ-DSD must collaborate with other spheres of government and specifically with the Gauteng Department of Social Development to mainstream the directives of this Policy.

## 5.2. Delegation of Authority

Sections 59 to 65 of the Local Government: Municipal Systems Act 32 of 2000 provide as follows: “59”. Delegations – *“(1) A municipal council must develop a system of delegations that will maximise administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system, may delegate appropriate powers.”* In terms thereof Council hereby delegates all powers and duties to the Accounting Officer which are necessary to enable the Accounting Officer:

- a) to discharge the Policy responsibilities conferred on Accounting Officers in terms of the Municipal Systems Act 32 of 2000 and this Policy;
- b) to maximize administrative and operational efficiency in the implementation of this Policy;
- c) to enforce reasonable cost-effective measures for the implementation of this Policy; and proper monitoring and evaluation; and
- d) to comply with his or her responsibilities in terms of Section 115 and other applicable provisions of the Municipal Systems Act (Act 32 of 2000).

Provision for sub-delegation:

- a) The Accounting Officer may in terms of section 79 of the Act sub-delegate any PWD Development powers and duties, including those delegated to the Accounting Officer in terms of this Policy, but any such sub-delegation must be consistent with herein above.

## 6. Provision and Procedures of the Policy

### 6.1. Conditions and Implementation of the Policy:

The successful implementation of this Policy rests on the following critical factors:

- a) Providing training, capacity building and sensitization of advancement of PWD and specifically on the Policy. The first level of sensitization is within the CoJ’s entities themselves. All departments must be aware of the Policy and enabled to support the planning and implementation processes. This would ensure that issues pertaining to PWD are mainstreamed into departmental plans.
- b) Mobilizing support for the implementation of this Policy and communication around the Policy. Whilst there has been stakeholder participation in its development, on-going sensitization thereof is critical.

- c) Endorsement of the Policy by all partners and buy-in sourced from all stakeholders, both administratively and politically.
- d) Engagements with the private sector, MEs and donors.
- e) Functional and effective institutional arrangements meeting the following minimum standards:
- i. Institutional arrangements should be in place and internal departments should be ready to act and deliver on their responsibilities;
  - ii. Key stakeholders must be involved and informed at all stages;
  - iii. Multi-Sectoral PWD forums must be established and enabled to function effectively at ward level; and
  - iv. Reporting procedures and mechanisms from ward level to citywide must promote and ensure accountability on the utilization of funds and meeting the KPIs pertaining to PWD.
- f) Municipal Budgeting for PWD. The approach to intervention programmes at ward level requires the allocation of specific budgeting and resources. CoJ in its IDP processes must allocate sufficient resources to:
- i. Improve its human resource capacity for PWD;
  - ii. Ensure that a budget is earmarked for development of PWD in line with the programmatic priorities of the CoJ; and
  - iii. Ensure that the budget is equitable, based on the population and the needs of PWD in the City of Johannesburg.
- g) Establishment of a CoJ Transformation Committee chaired by the Chief Operating Officer or his designate responsible for Transversal programmes and represented by all Departments and MEs. The CoJ Transformation Committee must:
- i. Meet twice a month in order to oversee the implementation of transformational programmes including Gender equality, Disability and Youth.
  - ii. Ensure an official in each Department and ME is assigned duties to report on GEYODI matters;
  - iii. Identify the system to collect, collate and package gender-disaggregated information for purposes of revealing non-discriminatory or equality within the Departments and ME and among citizens that it interfaces with;
  - iv. Coordinate the implementation of the Policy in their Departments;



- v. Collect, collate and package gender-disaggregated information for purposes of revealing non-discriminatory or equality within the Department and ME and among citizens that it interfaces with;
  - vi. Promote and monitor the implementation of PWD budgeting; and
  - vii. Attend CoJ PWD Forum meetings held on a quarterly basis coordinated by CoJ-DSD;
- h) Reporting on progress:
- i. All the Cluster Departments should report progress on the Policy implementation plan to their Executive Directors; and
  - ii. All input must be forwarded from the relevant Executive Directors to the CoJ-DSD for consolidation and reporting to the Human and Social Development Sub Mayoral Cluster Committee and to the GEYODI Section 79 Committee.
- i) Implementation of this Policy must be aligned with Executive Management Team score cards and annual Service Delivery Implementation Plans.
- j) The Policy must be aligned to the CoJ IDP and clear KPIs relating to PWD' issues within departments and MEs developed.
- k) This Policy will come into effect upon approval by the Municipal Council and an action plan for implementation must be developed within 6 (six) months thereafter.

## 6.2. Policy Directives and Interventions

The CoJ-DSD PWD Sub-Unit should address the plight of PWD through advocacy and empowerment programmes and ensure that PWD rights are upheld. Programmatic interventions can be classified as follows:

- a) Prevention and Awareness: Activities that empower and educate PWD, families and communities on issues related to PWD to address challenges of social exclusion which lead to inaccessibility of services. These are done through information session, workshops or door to door campaigns and through MEs.
- b) Provision of Assistive Devices: Mechanisms to enable all citizens, including PWD, to reach every destination by their streets and pathway systems and ensure an environment that is accessible e.g. provision of assistive devices such as wheelchairs, walkers and mobility canes, executed through partners such as the Rotary Club.

- c) Skills Development and Job opportunities: The focus of the programme is to facilitate acquisition of adequate and relevant skills for possible future participation in the economy as well as linking to job opportunities.
- d) Advocacy: interventions to ensure access to basic services and promotion of human rights. This is done through referrals and linkage to various stakeholders for access to services and promotion of social inclusion of PWD.
- e) Facilitation of Support Groups: Activities to expand the richness of human life through implementation and facilitation of various activities. It focuses on enhancing people's opportunities and choices, thereby encouraging self-reliance and self-worth.

### **6.2.1. Awareness and training programmes as part of a holistic service to persons with disabilities**

- a) The CoJ-DSD will implement appropriate awareness campaigns and training programmes that aim to change perceptions, attitudes and behaviour so that the status of PWD can be improved. This must be done in consultation with registered NGOs, CBOs, Provincial DSD and other spheres of government.
- b) The CoJ-DSD will use existing platforms to increase the dialogue and profile of issues affecting vulnerable groups to identify practical solutions and best practices to guide the planning and implementation of plans and programmes.
- c) The CoJ-DSD will implement and support programmes (awareness, training and preventative) for a safer City.
- d) The CoJ-DSD will implement training programmes to capacitate vulnerable groups to access employment opportunities and the mainstream economy.
- e) The following types of programmes for PWD will be considered:
  - i. Programmes to ensure that PWD and their families, caregivers and communities are aware of their rights and responsibilities and the services available to strengthen and support them.
  - ii. Celebration of relevant international and national days focussing on PWD.
  - iii. Programmes that lobby for the rights of PWD.

### 6.2.2. Early intervention training programmes

The CoJ will support early intervention training programmes in consultation with NGOs CBOs and other spheres of government throughout the City of Johannesburg. Interventions for PWD may include:

- a) targeted life skills programmes for PWD in identified areas;
- b) targeted economic development programmes for PWD in identified areas;
- c) targeted community outreach projects as respite care and therapeutic services for PWD in identified areas; and
- d) targeted home-based care projects for PWD in identified areas through the EPWP programme.

### 6.2.3. Networks to promote the rights and the advancement of persons with disabilities

- a) The CoJ-DSD will promote and support the development of a cohesive and effective network of structures, organisations and groups to promote the rights and advancement of vulnerable groups.
- b) The CoJ-DSD will support targeted mechanisms in identified areas that will facilitate the collaboration and inter-connectedness of intergovernmental and government-and-civil society structures to ensure that maximum benefit and impact is derived from the collective efforts.
- c) The CoJ-DSD must create internal mechanisms to ensure that Departments within the CoJ collaborate and form partnerships with regard to programmatic and policy issues on vulnerable groups issues. This will include the creation of mechanism to mainstream the consideration of vulnerable groups issues across CoJ departments.
- d) The CoJ-DSD will establish the structures and processes to facilitate how the CoJ utilises research on issues of vulnerable groups to inform the design and delivery of services and strategies.
- e) The CoJ-DSD will collaborate with other spheres of government and more specifically with the Gauteng Provincial Government Department of Social Development to avoid duplication of funding and to contribute towards unity of effort in the delivering of social development services. The Implementation Protocol Agreement between the CoJ and the Provincial Department of Social Development will guide this collaboration.
- f) Services and Programme Areas:
  - i. Capacity Building and Empowerment Programmes - Capacity and empowerment programmes directed at skills development to enhance accessing employment opportunities; promote

sustainable livelihoods; support independence and self-sufficiency and integration into the community.

- ii. Promoting Sustainable Livelihoods for PWD - Sustainable Livelihoods programmes must focus on building self-reliance and -sufficiency, build their skills and their chances of employment and improve their lives on a social and economic level.
- iii. Services to Children and Youth with Disabilities - Services to children and youth with disabilities must include skills development, access to education, access to employment opportunities and, in respect of youth, access to sports and recreation activities.
- iv. Residential Facilities for PWD - Residential facilities must support and enhance other social services programmes such as capacity building and empowerment, social integration, promoting sustainable livelihoods, etc.
- v. Support Services to Family - The family members should be the PWD first and immediate support network. Many families lack understanding of the needs and abilities of the person, or simply do not have enough money or space to properly support the person with disability. Support services to families must therefore include training on managing different types of disability, counselling services, etc.
- vi. Development Programmes for Women with Disabilities - Services for women with disabilities must acknowledge the various levels of discrimination experienced by women, i.e. gender discrimination; discrimination on the basis of their disability and discrimination on the basis of race, religion or sexual orientation. As in the case of children and youth with disabilities, services must be specific and responsive to needs of women with disabilities.
- vii. Victim Empowerment - PWD are often more vulnerable than those without disability when they fall victims to crime. They need special support - for example, a person who is deaf will need a sign language interpreter to be able to report the case to the police, or to access trauma counselling services.
- viii. Services to Older PWD - Older PWD require, over and above the services provided to older person in general, support services that are sensitive and responsive to their particular disability. Activities that improve the lives of older PWD may include programmes that enable them to live an active healthy, protected and independent life for as long as possible, and informing them of social welfare services available to them.
- ix. Accessible Public Transport - Public transport that is accessible and user-friendly to PWD enhances chances of accessing social, cultural and economic opportunities.

#### 6.2.4. Budget allocations

- a) All CoJ departments and MEs must allocate a percentage of their annual budget towards disability related programmes that address issues of employment, business empowerment, physical and built environment barrier removals and enhancement of access to services.
- b) The CoJ-DSD must make financial provisions towards Johannesburg Disability Forum and Regional Disability Forums financial needs annually.
- c) The Johannesburg Disability Forum (JDF) and the Regional Forums (RDFs) must submit their financial requests towards the end of every financial year to CoJ-DSD through PWD sub-unit.

#### 6.2.5. Governance

The CoJ's governance sector plan places strong emphasis on ward system development as well as public participation and empowerment. There is a need for the Policy to be implemented at ward level and coordinated at regional disability forums, which in turn should report to the CoJ Disability Forum.

***In summary these structures would consist of:***

- a) The City-wide Disability Forum would provide the opportunity for all the different structures to meet twice a year.
- b) Regional managers must convene quarterly meetings of representatives of the Regional People with Disability Forums.
- c) The main functions will be to ensure that this Policy is implemented and that monitoring, and evaluation is done on a regular basis.

***The CoJ scorecard must include key performance indicators around the Policy to ensure accountability:***

- a) Targets will form part of the CoJ's Performance Management system and therefore Departments and MEs are required to compile specific indicators that are aligned to strategic compliance and priorities.
- b) Executive Directors and Heads of Departments and MEs, must submit progress reports to the Health and Social Development Cluster on a quarterly basis for subsequent reporting to Council.
- c) Departments and MEs must allocate annual budgets to address departmental services, accessibility challenges and PWD developmental support programmes.
- d) PWD co-ordination focal points of must be established in each Department and ME (GEYODI Official in each Department and ME) responsible for the following:
  - i. Coordinate the implementation of the Policy in their Departments.

- ii. Collect, collate and package information on PWD's for purposes of revealing the disability status within the Department and ME and among citizens that it interfaces with. (Confidentiality and respect for the privacy of PWD should be in line with ethical principles regarding use of statistics.).
- iii. Promote and monitor the implementation of PWD budgeting.
- iv. Attend regional PWD forum meeting coordinated by CoJ-DSD on a quarterly basis.
- v. All the Cluster Departments should report progress on the Policy implementation plan to their Executive Directors.

All inputs must be forwarded from the relevant Executive Director's to the CoJ-DSD for consolidation and reporting to the Human and Social Development Sub Mayoral Cluster Committee and to the GEYODI Section 79 Committee.

## 7. Contravention of policy

Paragraph 5.1 (a) herein above recognises the CoJ as the custodian of this Policy and that all powers are vested in the Accounting Officer (City Manager) to ensure legitimate implementation thereof. The CoJ reserves the right to act in case of breach by any party responsible for the implementation of this Policy and in case of contravention the CoJ may:

- a) Evaluate the performance of the government officials involved and reserves the right to suspend and/or re-instate until investigation is completed;
- b) Enforce the law in case of any criminality involved; and
- c) Withdraw partnership agreements in case of stakeholders and beneficiaries breaching the terms of this Policy.

## 8. Monitoring and evaluation

Monitoring and Evaluation of government interventions (i.e.: programmes, projects, and policies) is carried out in order to determine the **relevance** and **appropriateness** of the intervention being monitored and evaluated, the **effectiveness** of its design and its implementation, the **efficiency** of resources invested in the intervention (i.e.: this policy), the **impact** of the policy upon the target group, and the **sustainability** of the results brought by the policy.

The Department of Social Development in the City of Johannesburg shall in its quest to monitor and evaluate all its interventions, including this policy, employ the results-based monitoring and evaluation approach. It is upon this approach that all monitoring and evaluation functions within the department shall be based.

The imperative of employing the results-based (or outcome-based) monitoring and evaluation approach, lies in that, instead of only focusing on counting the programme, projects, or policy outputs, as well as its activities and resources, it enables institutions, and governments in particular to measure and evaluate the results, and then provide information for decision-making. Results-based monitoring and evaluation provides feedback on the actual outcomes and goals of the City's actions. Thus, it further provides answers to the following questions, i.e.:

- a) What are the goals of the policy?
- b) Are they being achieved?
- c) How can achievement be proven?

Monitoring and evaluation revolve around a number of key elements these are: **inputs, activities, outputs, outcomes, and impacts**. Government departments (across the three spheres) in South Africa are mandated by the National Treasury to adopt a results-based approach in implementing and managing the service delivery. This, thus, emphasizes the essence of planning, monitoring, and evaluation, along with management of inputs and activities in order to realize results.

Results-based monitoring and evaluation systems are a powerful public management tool that will be employed by the Department of Social Development in order to demonstrate and enhance accountability, transparency, and results. Monitoring and evaluation of this policy shall involve the following ten activities or steps as depicted in sequential form below (these are further explained under section 9 of the Monitoring and Evaluation framework of the Department of Social Development), i.e.:

- 1) Step one: conducting a readiness assessment;
- 2) Step two: agreeing on outcomes to monitor and evaluate;
- 3) Step three: selecting key performance indicators to monitor outcomes;
- 4) Step four: setting baselines and gathering data on indicators;
- 5) Step five: planning for improvement – selecting results targets;
- 6) Step six – monitoring for results;
- 7) Step seven – the evaluation in M&E, using evaluation information to support a results-based management system;
- 8) Step eight – reporting the findings;

- 9) Step nine – using the findings, and
- 10) Step ten – Sustaining the M&E system within the organization.

Section 11 of the monitoring and evaluation framework provides a broad overview of how we plan to execute the monitoring and evaluation of policies and other interventions within the department. In addition to the monitoring evaluation process detailed under section 11 of the monitoring framework, the monitoring and evaluation function within the department seeks to address the following aspects regarding the performance of interventions within the department, i.e.:

- a) Compliance with monthly and quarterly reporting of data;
- b) Supporting the department’s interventions through provision of formative feedback on progress towards attainment of targets (monthly and quarterly targets);
- c) Providing recommendations on way forward (possible policy expansion), and
- d) Providing an assessment of possible contributions to long term impacts of the policy, and the department.

The following represents the typical steps that will be undertaken in monitoring and evaluating this policy within the department

- a) Stakeholder Consultations;
  - i. Liaise with stakeholders on matters of performance;
  - ii. Identify relevant performance information to track;
  - iii. Identify parameters and scope of monitoring, and
  - iv. Establish what would constitute enough evidence to support data reported.
- b) Development of Monitoring Tool
  - i. Establish a monitoring tool to be used in collecting and analyzing data on monthly and quarterly basis.
- c) Data Collection
  - i. Liaise with stakeholders on matters concerning performance information;
  - ii. Gather data from regions (project sites);
- d) Data Analysis
  - i. Collating data from regions (project sites);
  - ii. Cleaning and analyzing data obtained/ received from regions;
- e) Report Writing
  - i. Draw conclusions post data analysis;



- ii. Produce findings based on data analysis;
- iii. Develop policy monitoring and evaluation reports;
- f) Stakeholder Consultation
  - i. Liaise with stakeholders (units/programmes) on outcomes of policy monitoring reports;
  - ii. Present report findings to stakeholders;
- g) Development of Management Response
  - i. Produce a management response on the implementation of recommendations from quarterly monitoring reports;
  - ii. Track implementation of recommendations from quarterly and monthly monitoring reports.

## 9. Policy review

In terms of section 17(1) (e) of the MFMA this Policy must be reviewed every 3 (three) years and the reviewed policy tabled to Council for approval as part of the budget process.