SALGA
South African Local Government Association

Disability Framework for Local Government & Reasonable Accommodation

Workshop Report
4 – 5 September 2012

CONTENT

EXECUTIVE SUMMARY

Disability Management Services (DMS) was appointed by the South African Local Government Association (SALGA) to conduct a 2-day workshop to discuss with municipal representatives the progress made with implementation of the Disability Framework for Local Government as well as reasonable accommodation within their jurisdictions. According to the Framework internal and external mainstreaming of disability must occur within local government. Specific targets are set linked to municipal key performance areas. Overall, the opinion of delegates was that most municipalities are not meeting the targets set in the Disability Framework. Possible reasons cited include the following:

- A lack of political commitment and the will to mainstream disability issues;

- A lack of dedicated resources and budget;

- A lack of monitoring and enforcement of the Framework;

- Staff at the municipalities is not capacitated to deal with the issues arising or special programme units have too many other obligations as disability constitutes only one small component of their portfolio.

From the discussion it became apparent that many municipalities will not have complied with the set targets by the 2014 strategy end date. The original problem issues for which the Framework was developed remain fundamentally the same. Some exceptions do exist.

The Framework will need to be revised and time frames revisited to allow for sustainable interventions and for municipalities to make the necessary progress.

1. Introduction

In 2006-2007, the then Department of Provincial and Local Government (the dplg) conducted baseline studies to determine the status of service delivery to people with disabilities and the compliance with disability-relevant legislation in municipalities. The studies were done with reference to international disability instruments as well as national legislation. In short the following findings emerged:

PROBLEMS	RECOMMENDED ACTIONS
Knowledge on disability is very fragmented within municipalities.	Awareness raising, sensitization and education on disability are required.
Disability issues are addressed as a matter of compliance and not as one of inclusivity.	Integration of people with disabilities within all processes of local government is required.
The employment target for people with disabilities of 2% is not reached.	Specific strategies for increasing employment of people with disabilities need to be developed.
There is a lack of participation by persons with disabilities in various community forums and structures.	Available opportunities must be equitably distributed and structures must include people with disabilities.
There is a lack of capacity and resources to provide reasonable accommodation.	The principle of universal access to services should be adopted.

Ineffective communication about service delivery to and from citizens with disabilities exists.	Disability units and forums must be established to promote the human rights of persons with disabilities.

A consultative process followed that culminated in the **Disability Framework for Local Government ("the Framework")** being launched in 2009. This framework intends

- To provide an enabling environment for municipalities, provincial local government departments and other role players in the local government sphere to address disability issues;

- To give guidance on the implementation of the National Disability Policy and other policy and legislative instruments;

- To implement structures and mechanisms for the coordination of disability issues and monitoring within local government;

- To advocate for the mainstreaming of disability into the local government agenda within the parameters of the five Key Performance Areas (KPAs) identified for local government.

The latter 5 KPAs are as follows:

- Municipal transformation and organizational development;

- Basic service delivery and infrastructure;

- Local economic development;

- Municipal financial viability; and

- Public participation and good governance.

The remainder of the report is written with reference to these 5 key performance areas.

According to the Framework internal mainstreaming refers to the integration of disability components into workplace policies, programmes, practices and processes of provinces and Municipalities with due cognisance of labour laws. External mainstreaming ensures that disability components are made an integral part of municipal Integrated Development Plans (IDPs) and are considered at all levels of municipal projects and service delivery initiatives, starting from the conceptual phase to implementation, and to monitoring, evaluation and reporting. The Framework contains an Implementation Plan (Part 5) which, amongst other, focuses on critical actions to be undertaken within the performance focus areas as identified above.

The question that arises is to what extent the Framework has been implemented within the local government sphere and whether it has indeed led to the mainstreaming of persons with disabilities.

SALGA appointed an independent service provider to facilitate a workshop to engage with municipalities on the matter in an effort to measure the progress made. SALGA is the autonomous association of municipalities acting as sole representative of local government. It has identified 4 (four) key areas for itself, namely to offer advice and support to member municipalities, stake holder engagement, to act as collective bargaining agent on behalf of member municipalities and to build die profile of local government locally and internationally.

2. Purpose

Disability Management Services (DMS) was appointed by SALGA to conduct the 2-day workshop. The purpose of this assignment was to facilitate and document the discussions of the workshop focusing on the Disability Framework for Local Government as well as reasonable accommodation. This Baseline Report is the outcome of the deliberations.

3. Workshop objectives

The workshop aimed:

a)   To provide an opportunity for municipalities to be informed and to discuss existing policy imperatives and strategies for implementation;

b)   To share and reflect on different experiences and practices of how municipalities are dealing with their disability programmes;

c)   To establish the achievements and challenges experienced by municipalities in the implementation process;

d)   To determine the implementation progress since the publication of Disability Framework for Local Government 2009 - 2014 and make necessary recommendations for the Framework's future effective implementation.

4. Procedure

The format of the workshop was a combination of a presentation on the Disability Framework and on reasonable accommodation with the aim of creating greater understanding and working through various issues in group sessions. The purpose of the latter group sessions was to identify shortfalls, the reasons for such and to brainstorm possible corrective

measures. Delegates in general had a good understanding of the Disability Framework and were not too interested in having a formal presentation on the matter. This item was subsequently cut short and the programme moved straight into work-shopping the various issues of concern. SALGA's objective amongst others of using the workshop to increase awareness and understanding on the Disability Framework was miss-aligned with the target group that attended. However, this was a minor issue and the workshop progressed with good participation throughout from the delegates. Inputs were captured on flip cards and electronically. This formed the basis for the drafting of this Report. Attendance at the workshop was below what was expected. A workshop proposal was that SALGA, when inviting municipalities in future, should ensure the attendance of officials and councilors to achieve future implementation.

5. Workshop findings and recommendations

The following are the findings and recommendations that were generated by the workshop delegates. Additional comments and recommendations are also made by DMS.

General findings and comments
The following constitutes general findings impacting on all key performance areas: • Confusion exists regarding SALGA's role as institution. Delegates were of opinion that SALGA should more forcefully monitor compliance, enforce the provisions and penalise non-performance. SALGA, however, is not an enforcement body but rather a collective representative of municipalities. Going forward the role of SALGA must be clearly defined - where does the responsibility start and where does it end. Expectations of municipalities will have to be managed.

- The workshop strongly felt that the Department: Cooperative Governance & Traditional Affairs (CoGTA), previously the Department of Provincial and Local Government (dplg), was not performing and not monitoring or enforcing the achievement of the KPAs for disability within local government. CoGTA is supposed, inter alia, to support municipalities in achieving service delivery. It is supposed to ensure legal compliance and should monitor and evaluate key performance indicators but seemingly fail to do so. Some level of confusion exists between the roles and mandates of SALGA and the CoGTA.

- It was felt that the KPAs contained in the Framework are probably unrealistic in the present South African context and there is doubt of the ability of Municipalities to achieve them within the given time frame (i.e. 2014).

- An effective method or tool needs to be developed to measure progress on the implementation of the Framework.

- Special programme officials have multiple roles/portfolios assigned to them, for example, gender, youth and people with disabilities (also referred to as vulnerable groups). This role is too broad to handle leading to fragmentation and resulting in inadequate attention to disability. Further officials and other municipal employees are not equipped and capacitated to deal with disability issues. Delegates were of the opinion that each municipal programme needs a focal person e.g. focused on disability, elderly, children *or* HIV/AIDS to ensure that sufficient focus and resources are provided to achieve service delivery for each of these groups.

- There is little or no representation, involvement and participation of the disability forum on the council standing committees (LED/ICP/Budget) and hence disability is not mainstreamed in to all municipal activities.

- Delegates' responses had some inconsistencies because their inputs were based on their personal opinions and unique experiences within their own municipal areas.

- Some municipalities expressed a sense of achievement in some areas.

- Insufficient monetary resources (i.e. budget) exist and much debate centered on assistance in the form of conditional grants to municipalities to assist them in achieving their disability mandate.

- Reasonable accommodation and the practical implementation thereof probably need to be explored further.

Key performance area 1: Municipal transformation and organizational development		
Workshop findings	**Workshop recommendations**	**Time frames and priorities**
Different role players were identified and the effectives of their performance within this key performance area were discussed: • **SALGA** SALGA doesn't differentiate between Municipalities that are performing and those who are not. The latter needs to be reprimanded and corrective action taken whilst Municipalities who do perform must	• **SALGA** SALGA to coordinate a team that will assess the current status quo of Disability Forums in the Municipalities. SALGA must showcase success stories and give recognition to those who are. It was	Nov 2012

be recognised.	proposed that periodic monitoring must occur and must take corrective action against those who don't perform.	Continuous
• Municipalities Disability Units/Disability officers of Special Programme Units are not represented on internal Employment Equity Forums. Some Municipalities still don't have a Disability Unit or designated officer in place.	**• Municipalities** They should be represented on the internal Employment Equity Forums to ensure holistic disability representation.	Immediate
Disability equity awareness and advocacy campaigns within the workforce are inadequate.	Disability awareness and skills programmes should be introduced.	Continuous
• Mayor Continuous oversight and championing disability issues should be their role. Mayors should be clearly mandated and be held accountable. Not all mayors are currently fulfilling this role and	**• Mayors** Must become more visible in their commitment and must better integrate and mainstream disability into the municipal business.	Immediate

executing it.		
Municipalities are not meeting the 2% employment target set by Government Should be held accountable for the failure to achieve the numerical target.	Various employment strategies must be investigated and Mayors held accountable for achievement of workforce profile goals.	2013
• **Municipal Managers**	• **Municipal Managers**	
Municipal Managers should champion disability equity issues within municipal administration and operations. However, disability mainstreaming is not reflected in all Municipal Managers' performance contracts. Municipalities do not meet the 2% employment target set by Government. MMs should be held accountable for the failure of their respective municipalities to achieve the numerical targets set.	Must ensure that a disability plans and budgets are in place. All section 57 Municipal Manager (MM) contracts must include disability as a KPA. MM must ensure that it cascades throughout the municipality and must evaluate and monitor performance in this area.

• **Departments** | Put in place for the next financial/performance year (2013-2014) and then beyond. |

• **Departments** An ad hoc and piece meal approach is followed by Departments to deal with disability issues. Implementation of disability mainstreaming is incidental notwithstanding the Disability Framework being in place.	Departments must have a planned focused integrated plan and approach as to how to mainstream and incorporate disability within their areas of responsibility.	
• **Internal Disability Forums of disabled employees** Representative groups of employees with disabilities are not in place or fully functional in the workplace.	• **Internal Disability Forums of disabled employees** Internally focused forum for employees with disabilities should exist and function optimally.	2013
• **Other role players** The National Ministry for women, youth and people with disabilities must come on board. The perception is that the Ministry is not involved currently. There is a marked absence of this important role player within the local government context.	• **Other role players** Better co-operation and co-ordination between different levels of government must be encouraged.	March 2013 Identified as priority area Immediate

Comments and/or recommendations
• As mentioned above the expressed expectation was that SALGA must monitor and enforce the Disability Framework better within this KPA. This does not take cognisance of SALGA's real mandate and that it is not a monitoring and enforcement body. The CoGTA rather must play its role namely to coordinate, monitor and enforce. • Municipalities need further guidance, practical support, skills training and advocacy interventions to support their achievement of the internal mainstreaming objectives. Disability equity workplace strategic plans must be formulated.

Key performance area 2: Basic service delivery and infrastructure		
Workshop findings	**Workshop recommendations**	**Time frames and priorities**
Indigent database forms are not accessible and do not specify the type of disability an applicant has. No database of vulnerable groups specifically people with disabilities exists and therefore provision of services to this group is a challenge. Targets are there but no implementation due to limited budgets and limited number of projects. Service delivery gaps identified include the following:	Forms should be accessible and available in all languages as well as Braille. Provision should be made to indicate whether the applicant has a disability and the nature thereof. Municipal databases of people with disabilities and their accommodation needs must be established. With regards to service delivery the following should be implemented:	Immediately Immediately and then quarterly updates 2013/2014

• Centralised water points are still inaccessible; • Electricity meter boxes are inaccessible in that not pitched at the level of wheelchair users and blind people can't read it. • Toilets are still not accessible • Other community services are not accessible e.g. municipal statements, municipal buildings, recreational facilities, municipal roads and housing. • Communication methods are inaccessible and disability unfriendly. • Delegates "rated" the different government departments based on their perceptions and experiences as follows: CoGTA – 0% SALGA – 0%	• Water points should be closer to houses with accessible pathways leading to them; • Meter boxes should be lowered to a level of wheelchair users and should have a cover for protection for children. A voice device should be installed to indicate to blind persons how much electricity they have available. • Toilets should be disability friendly. • Specifications have to be clear on disability and specifications should be enforced with contractors. • Municipal statements should be in Braille. • Recreational facilities must be user friendly and should be available in all areas e.g. gyms, sports grounds, halls and stadiums. • Roads must be tarred. • Public transport must be disability	

Municipalities – 5% Dept. of Health – 35% (do provide some level of Assistive Devices) Dept. of Social Development – 5% (Creation of DEP syndrome) Dept. of Labour – 0% Public Works – 15% Transport – 0% Human Settlement – 1% Water – 0% Sports – 1% Trade and Industry – 2% OSDP – 0% Dept. of Justice – 0% Dept. of Home Affairs – 50% Dept. of Agriculture – 1% • Limited budgets were time and time again expressed as an area of concern limiting the ability of municipalities to deliver on their service delivery mandates.	friendly and universally accessible. • Delegates were of opinion that municipalities must have a tool/rating methodology to ensure compliance with the Framework. One must be able to measure to what extent the each municipality complies with the requirements • It was proposed that 5% of Municipal Infrastructure Grants (MIG) must be conditional to be used to upgrade facilities and infra-structure to make them accessible for persons with disabilities. • Dedicated amounts must be budgeted for service delivery to persons with disabilities.	2013/2014 2013/2014

• Where resources are given to municipalities they are not spending it on disability or not factoring in persons with disabilities' needs.		

Comments and/or recommendations
• External mainstreaming objectives clearly have not been achieved. Delegates understand the Disability Framework and many of the suggestions correspond with what is in the current Framework. The lack of progress is attributed to various factors, namely a lack of political will, a lack of skills and/or a lack of budget.   • Little if any monitoring and enforcement occurs and therefor little progress has been made.   • Their perceptions on the effectiveness of the different service delivery aspects are poor and their informal rating of the different government departments is an important indicator of the level of frustration experienced by delegates.   • The lack of visibility and monitoring by the CoGTA were raised as a concern throughout. CoGTA should consider developing a self-assessment tool or scorecard that can assist councils in evaluating their own performance.   • Databases of persons with disabilities within municipal areas will assist in identifying particular needs.   • Universal design principles should be included upfront in any new design and infra-structure developments being put in place.   • Municipalities should include access requirements in all their tender documents.

Key performance area 3: Local economic development

Workshop findings	Workshop recommendations	Time frames and priorities
The response in general was that Local Economic Development (LED) managers at municipalities were not performing in relation to mainstreaming disability into their initiatives. Workshop delegates were especially critical of this department in	• The workshop delegates proposed that SALGA ensures that Municipal Managers' scorecard must contain a certain percentage of special LED programmes. They	2013 / 2014 (remaining lifespan of the Framework)

their comments. BBBEE Procurement Policies were seen rather as a barrier that did not contribute much to the plight of persons with disabilities. The opinion was that BBBEE did not benefit the disability sector. More particularly the following issues were raised: • A review of Supply Chain Management (SCM) policies to cater for persons with disabilities was required. • Persons with disabilities do not appear on the LED registration database and such should be encouraged. • Training programmes to capacitate the disabled sector were limited, although some municipalities felt that they were making progress in this area.	proposed that 10% of LED programmes must target persons with disabilities. • The intention is to mainstream but if that is not happening dedicated projects have an important role to play. • IDP projects in each department should thus state that a certain % of the budget to be spent on special programmes for the disabled sector. • Training for SMMEs owned by persons with disabilities should occur. Capacity building and training should be strengthened in partnership with other departments and other stake holders. • Establish national SCM bench mark and cascade it down to municipalities.	Next budget year 2013 Continuous Early 2013

Municipality • LED projects are there but persons with disabilities generally are not included or targeted for participation. • Delegates were also critical of Provincial government for not being more involved and supportive of initiatives for persons with disabilities. They were only visible on international days for the disabled.	• Identify political champions, for example, the Minister of Cooperative Governance and Traditional Affairs) in the LED areas. • "Ring fence" targets and communicate same to all municipalities within this area • Sign provincial MOU's in order to strengthen the ties with provincial departments specifically in the area of economic development. With regards to skills transfers the following was recommended: • SALGA, LG SETA, funders and provincial departments must develop a skills development strategy whereby specific skills requirements are identified and training programmes developed • Municipalities need to analyse	

	and establish the skills needs of persons with disabilities in relation to LED and develop skills strategies to address these needs.	
	• Disability issues must be mainstreamed into a National LED Framework	
	• It was also recommended that SALGA or CoGTA facilitate provincial workshops with different Disabled Persons' Organisations (DPO's).	2013
	• The development of an effective LED monitoring and evaluation tool was a strong recommendation. SALGA is to facilitate the development of the tool within the key performance areas.	2013 Identified as priority area

Comments and/or recommendations

- LED is an approach towards economic development which allows and encourages local people to work together to

achieve sustainable economic growth and development thereby bringing economic benefits and improved quality of life for all residents in a local municipal area. Persons with disabilities are not sufficiently capacitated and included in LED programmes which influence their economic status.

Key performance area 4: Municipal financial viability		
Workshop findings	**Workshop recommendations**	**Time frames and priorities**
Mixed responses were received from this working group. Some were of opinion that disability is mainstreamed into their operational plans and that budget is allocated across all municipal services ensuring that the disability components are being mainstreamed. Examples of the Indigent policy, Employment Equity Plan and Housing List where persons with disabilities are given first priority were cited. The Disability Framework has already been included into Municipal Plans after it was launched in March 2009: • Municipalities do mobilise resources that are linked to IDP objectives as an priority;	• It was recommended that Special Programmes Units should be located within the Office of the Mayor or the Municipal Manager and then the two offices can delegate politically and administratively to ensure mainstreaming in all municipal departments. • A strong recommendation was that Treasury should put a condition on the Municipal Infrastructure Grant (MIG) requiring that a % has to be spent by municipalities on reasonable accommodation measures and making the	In the next restructuring of the municipality Financial year which commences 1 July 2013 Identified as priority area

• Engagements are made with Provincial Departments and Private Sector and other Organs of State for funding as well as with District Municipalities. Notwithstanding delegates were wondering to what extent they are achieving tangible outcomes in this KPA. • The majority was of opinion that sufficient budget is not allocated and that the resources were not specific to disability. Rather monies were allocated to Special Programmes which then still needed to be sub-divided. • Accountability for this KPA predominately resides within Social Services Development rather than the Office of the Municipal Manager.	infrastructure universally accessible. • A certain percentage of the Equitable Share of resources allocated to municipalities should be ring-fenced for any support service requirements. • It was proposed that every municipality should have a minimum of R500 000-00 in its Operational Budget for people with disabilities' needs – providing guidance to municipalities that has no policies to do so. • Better coordination of resources with both district and provincial budgets is advisable.	Financial year which commences 1 July 2013 and beyond As soon as possible (2013/2014 Financial Year Identified as priority area

Comments and/or recommendations
• Better if situated in the MM's office where it has an operational focus

• A greater alignment between the different levels of local government is required.	

Key performance area 5: Public participation and good governance		
Workshop findings	**Workshop recommendations**	**Time frames and priorities**
• As with the other KPAs above delegates were op opinion that community participation and representation were not happening. • External Disability Forums were in the majority of cases not functional. • Persons responsible to establish, sustain and manage such Forums typically also have other portfolios thus paying insufficient attention to managing these Forums. • The participation of people with disabilities in ward committees and other forums were minimal. • No database of DPOs and NGOs who can be approached to	• Get representation from local Disability Forums. • Must capacitate persons with disabilities to participate in the structures. • Establish a database of DPOs and CBOs who can be invited to participate. • Use accessible communication formats to communicate with regards to municipal matters. • Examples of aaddressing special needs include: • Basic training of officials • Employment of interpreters • Braille • Posters • Reading material	March 2013 Identified as priority area June 2013 to June 2014 June 2013 2013-2014

participate exists.		
• Inaccessible municipal buildings and infra-structure impact on the ability of persons with disabilities to participate.	• To be held in accessible buildings	
• Persons are not informed about the structures and initiatives in accessible formats.	• Supports that funding be made conditional / and utilise MIG funds (ring fencing) for infrastructure.	
• Organisations representing people with disabilities for lobbying and advocacy are not visible in the forums/structures.	• Must raise awareness on disability issues with the community, for example also on the inclusion of children with disability.	
• No accurate information is available to determine the number of people with disabilities currently serving in the municipalities. That means that municipalities don't know the actual current level of participation because no tool to measure performance is currently in place in this area.	• Municipal Disability Forums must ensure issues pertaining to disability are a standing item in the municipal agenda.	Continuous
	• Currently the status quo is that there are special programme officers to deal with issues pertaining to various vulnerable groups. There must be one	As soon as possible

• Accurate information is not available to determine whether assistive devices and accessible consultation venues and material are available. • Budgets available are mostly for programmes and very minimal. It is typically events based and/or linked to International Day of Persons with Disabilities. • Some municipality reports quarterly to provincial government e.g. OTP and DLG on disability matters but no formal evaluation tool is in place ensuring transparency and accountability for disability inclusion.	person specializing in each issue, including dedicated disability resource. • If was proposed that conditional grants must be linked to implementation of the Disability Framework. MIG funds should be "ring fenced" for maintenance and creating an accessible infra-structure. • Engaging with the Financial and Fiscal Commission (FFC) was proposed regarding the unfunded mandates in municipalities and the utilisation of Municipalities' equitable share and conditional grants to support the implementation of the Framework.	2013 2013

Comments and/or recommendations
• Public participation that forms a cornerstone of the Disability Framework is not happening due to various reasons. • Going forward municipalities need accessible ways of communicating with role players to ensure participation.

- Participants' responses on how this can be improved in itself indicate a lack of awareness on disability matters.
- Practical barriers influence persons with disabilities ability to participate in municipal structures. Examples include transport (how to get people at the Forums), environmental and infra-structural barriers (physical access to buildings and facilities) and lack of skills and competencies on the side of persons with disabilities themselves.

6. Way Forward

Following the workshop it was agreed that the Baseline Report drafted as an outcome of the workshop needs to be circulated to all delegates as well as provincial offices. The Report will inform SALGA's future actions. Delegates were of opinion that a review of the framework may well be necessary. Any requirements for assistance from municipalities must be submitted to SALGA via the provincial offices. The Baseline Report will be discussed at the National Working Group. It is necessary that disability is put on the agenda again on all government levels and that the political will be created to deal with the issues arising. Discussions with all other role players should follow.

7. Conclusion

Municipalities are aware and familiar with the content of the actual Disability Framework. The question that arises is whether there is sufficient understanding about disability per se that informs how they actually respond and implement the content of the Disability Framework.

Factors negatively impacting on the progress made include a perceived lack of political commitment and the will to mainstream disability issues as well as a lack of dedicated people resources and budget. The lack of monitoring and

enforcement of the Framework is a huge area of concern. Someone must take ownership of the Disability Framework and its monitoring and enforcement otherwise future implementation will not happen. Confusion around the roles of the CoGTA and SALGA must be addressed as a matter of urgency. Whoever is responsible must develop and implement an effective methodology or evaluation tool to measure progress on the implementation of the Framework.

Overall it was felt that the KPAs contained in the Disability Framework are probably unrealistic in the present South African context and there is doubt of the ability of Municipalities to achieve them within the given time frame (i.e. 2014).

ANNEXURE A - ABBREVIATIONS

CBO	Community Based Organisation
DPO	Disabled People Organisation
FFC	Financial and Fiscal Commission
CoGTA	Department: Cooperative Governance and Traditional Affairs (former dplg)
LED	Local Economic Development
SALGA	South African Local Government Association
SCM	Supply Chain Management
MM	Municipal manager
MIG	Municipal Infrastructure Grant