



# **FACILITIES FOR COUNCILLORS WITH SPECIAL NEEDS POLICY**

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**BY: ETHEKWINI MUNICIPALITY COUNCIL**

## INDEX

<b>CLAUSE</b>	<b>SUBJECT</b>	<b>PAGE</b>
1	PREAMBLE	3
2	DEFINITIONS	3
3	POLICY STATEMENT	4
4	PURPOSE	4
5	SCOPE OF APPLICATION	5
6	OBJECTIVE	5
7	APPLICATION PROCESS AND FACILITIES THAT MAY BE GRANTED	5
8	PROVISION OF ASSISTANTS TO COUNCILLORS	8
9	SPECIAL TRAVEL FACILITIES	9
10	RECOVERY OF COUNCILLOR WITH SPECIAL NEEDS	9
11	NON COMPLIANCE WITH THIS POLICY	10
12	DEVIATIONS FROM POLICY	10
13	AMENDMENT	11
14	EFFECTIVE DATE	11

# FACILITIES FOR COUNCILLORS WITH SPECIAL NEEDS

## 1 PREAMBLE

NOTING THAT:

- Councillors are citizens of the Republic of South Africa;
- The Constitution of the Republic of South Africa Act 108 of 1996 guarantees:-
  - That all citizens are equally entitled to the rights, privileges and benefits of citizenship in section 3(2)(a),
  - That everyone has inherent dignity and the right to have their dignity respected and protected in section 10.

RESOLVING:

- To adopt this Policy regarding facilities for Councillors with Special Needs which seeks to remove barriers and create equal opportunities for Councillors with Special Needs and to provide for incidental matters.
- Reference must be made to facilitate Regulations of the Occupational Health and Safety Act-which applies to all visitors, employees of the organization

## 2 DEFINITIONS

- 1.1 **“Assistant”** means a person assisting the Councillor with special needs and whose duties may include those listed in clause 8.3 below.
- 1.2 **“Blind”** means the inability to see or the loss or absence of the sense of sight.
- 1.3 **“Deaf”** means partial or total inability to hear. A condition in which the sense of hearing in one or both ears is not functional.
- 1.4 **“Councillor”** means a councillor of the Municipal Council of eThekweni Municipality.

- 1.5 **“Medical Practitioner”** means a medically trained person who has a valid registration as a medical practitioner with the Health Professions Council of South Africa.
- 1.6 **“Medical Specialist”** means a Medical Practitioner who has a valid registration as a medical specialist in a speciality or sub-speciality in medicine with the Health Professions Council of South Africa.
- 1.7 **“Official Business”** means any activity and/or meeting that is related to the business of the Municipal Council and Council Committees.
- 1.8 **“Paraplegia”** involves a loss of sensation and movement in the legs and in part or the entire trunk. This varies according to the level of the injury. Generally, the lower the injury, the less the loss of movement and sensation. Paraplegia usually results from an injury to the spinal cord in the mid and lower back
- 1.9 **“Partial Sightedness”** means not 100% blind.
- 1.10 **“Presiding Officer”** means the Speaker or Chairperson of Council Committees of eThekweni Municipality
- 1.11 **“Quadriplegia”** normally means a loss of sensation and movement in all four limbs and the trunk. This generally results from a spinal cord injury to the neck. However, the loss of sensation and movement may not be complete with some sensation and movement being retained in parts of the arms and legs.
- 1.12 **“Special Needs”** shall include, but is not limited to blindness, deafness, paraplegia, partial sightedness, quadriplegia, visual impairment, severe arthritis and conditions requiring the use of walking aids.
- 1.13 **“Visual Impairment”** means reduced or weakened sight.

### **3 POLICY STATEMENT**

The Municipal Council of eThekweni Municipality recognises that Councillors with Special Needs must participate effectively in all structures of the Municipal Council.

## **4 PURPOSE**

To ensure that Councillors with Special Needs properly integrate and participate meaningfully in all structures of the Municipal Council through the creation of equal opportunities and the elimination of physical barriers.

## **5 SCOPE OF APPLICATION**

This Policy applies to all Councillors with Special Needs.

## **6 OBJECTIVE**

To provide the necessary facilities to all Councillors with Special Needs.

## **7 APPLICATION AND ASSISTANCE**

### **7.1 APPLICATION PROCESS**

- 7.1.1 Councillors with Special Needs who wish to submit an application for assistance, in terms of this Policy, must inform their Party Whip of their intention to do so.
- 7.1.2 The Councillor must submit an application using the prescribed forms to the Deputy Head-Office of the Speaker.
- 7.1.3 The Councillor must submit a full motivation with all supporting documentation which includes, but is not limited to, medical certificates from a Medical Practitioner, together with a report from a Medical Specialist in the medical field affecting the Councillor. ( costs of these reports must be clarified- councillor to bear cost of certificates and own specialist reports)
- 7.1.4 Applications that are incomplete and which do not have all the required documentation will not be considered and will be returned to the Councillor for completion.
- 7.1.5 The Deputy Head-Office of the Speaker must forward the application to the Speaker.

- 7.1.6 The Speaker must, refer the applicant/ Councillor to the Occupational Health and Safety Unit for an independent medical assessment.
- 7.1.7 The report of the independent Medical assessment from Occupational Health and Safety Unit must be forwarded to the Speaker. The report will include recommendations about work stations and facility adjustments required to accommodate the Councillor's disability.
- 7.1.8 The Executive Committee shall sit in-committee when considering such applications.
- 7.1.9 The decision of the Executive Committee must be communicated to the Speaker.
- 7.1.10 Should the Executive Committee decide that the requesting Councillor is entitled to certain benefits, in terms of this Policy, then the Speaker must communicate such request(s) to the City Manager or his appointee for implementation according to relevant Policy provisions.

## **7.2 ASSISTANTS**

An Assistant may be allocated to provide additional assistance to qualifying Councillors in terms of clause 8, below.

## **7.3 SPECIAL NEEDS NOT LISTED HEREIN**

The Speaker may determine facilities for other Special Needs on an individual basis.

# **8 PROVISION OF ASSISTANTS TO COUNCILLORS**

## **8.1 ALLOCATION OF ASSISTANTS**

- 8.1.1 A Councillor may submit a request to be furnished with an assistant to provide additional assistance that is not ordinarily rendered by eThekweni Municipality or the Councillor's political party to Councillors of eThekweni Municipality.
- 8.1.2 The application process, set out in clause 7, must be followed.

- 8.1.3 An assistant may only be allocated to a Councillor for the most serious cases of special needs and only if it is confirmed by the Medical Specialists that the Councillor will be unable to perform his/her functions in the Municipal Council and/or the ward without the help of an Assistant.
- 8.1.4 If the request is approved by the Executive Committee and the Speaker, the Municipality may make provision for the contract employment of one person as Assistant for each Councillor with Special Needs.
- 8.1.5 The duration of the contract shall be for:
- 8.1.5.1 The Councillor's term of office;
  - 8.1.5.2 Councillor's recovery;
  - 8.1.5.3 Councillor's resignation;
  - 8.1.5.4 Councillor's death,
  - 8.1.5.5 Councillor ceasing to be a Councillor of eThekweni Municipality, or
  - 8.1.5.6 The provision of the support being withdrawn by the Municipality, whichever occurs first.
- 8.1.6 The Councillor may recommend three names for appointment as Assistant to the Councillor. Although the recommendations of the Councillors concerned may be considered, an Assistant must be identified and employed by the Municipality.
- 8.1.7 A contract of fixed term employment shall be prepared by Legal & Compliance Unit or Human Resources Unit and shall be concluded between the City Manager or his nominee and the identified appointee.

## **8.2 REMUNERATION**

The Assistant employed to render services to a Councillor with Special Needs shall be remunerated at a level which must be decided by the City Manager or his nominee in consultation with the Speaker. In making this decision the City Manager, or his nominee, and the Speaker shall be guided by the duties that the assistant will be required to perform as per the job description of the Assistant, the job evaluation results, as well as any other relevant information.

### **8.3 SCOPE OF SERVICE**

The relevant Councillor with Special Needs may, with the assistance of the City Manager or his nominee, determine and review the scope of service to be rendered by such Assistant. Such services may include, but not limited to:

8.3.1 transport requirements of the Councillor; and/or

8.3.2 Assistance of a personal nature that the Member may require.

## **9 SPECIAL TRAVEL FACILITIES**

The City Manager or his nominee shall pay accommodation and transport costs for an Assistant travelling with a Councillor of eThekweni Municipality on official business only if:

9.1(s)he has been satisfied by the relevant Councillor that there is a need for the Assistant to accompany that Councillor; and

9.2The distance from the Councillor's home to the venue of the Municipal Council's activity (a single journey) is in excess of a 100km.

## **10 RECOVERY OF COUNCILLOR WITH SPECIAL NEEDS**

10.1 Should a Councillor recover such that his/her ailment no longer falls under the definition of "Special Need", then such Councillor no longer qualifies for the benefits in terms of this Policy and must immediately notify the Speaker.

10.2 The benefits allocated to the relevant Councillor must be terminated as at the date of the recovery of the Councillor.

10.3 The Speaker must at least annually, request that the Councillor submits to a medical examination by an independent Medical Practitioner and/or Medical Specialist appointed by eThekweni Municipality in order to ascertain whether the Councillor still qualifies for benefits in terms of this Policy. If the Councillor fails to submit to such a medical examination within 30 days of a request to do so, then the benefits and assistance received in terms of this Policy must cease immediately.

10.4 If the Councillor has failed to disclose his/her recovery to the Speaker and has been unduly receiving benefits under this Policy, then the costs of the benefits may be recovered from the Councillor concerned.

10.5 Should the Councillor be required to repay any monies to eThekweni Municipality, this may be deducted from any monies due to the Councillor. The deduction may be from the Councillor's salary, pension or any other monies due to the Councillor. The sum and the period of deduction shall be at the discretion of the City Manager or his nominee, who may consult the relevant Councillor in this regard, subject to the applicable laws.

## **11 NON COMPLIANCE WITH THIS POLICY**

Any breach of any other provision of this Policy will be dealt with by the Speaker and may lead to disciplinary action.

## **12 DEVIATIONS FROM POLICY**

Upon written motivation and on good cause shown, the Speaker & Party Whips Committee, may consider the approval of any deviation from the provisions of this Policy and, thereafter, recommend same to the Executive Committee.

## **13 AMENDMENT OF THIS POLICY**

This Policy may be amended by the Municipal Council.

## **14 EFFECTIVE DATE**

The effective date of this Policy shall be the date of approval by the Council.