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THE SIERRA LEONE SOCIAL PROTECTION ACT, 2024.

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No.



2024

Sierra Leone

A BILL ENTITLED

THE SIERRA LEONE SOCIAL PROTECTION ACT, 2024

Short title.

Being an Act to promote and advance the social and economic well-being of vulnerable persons, to establish a legal and institutional framework for the development, implementation, maintenance, facilitation, monitoring and evaluation of social protection programmes, to promote poverty reduction; to develop exit strategies for beneficiaries to be able to attain independence and to provide for other related matters.

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation. 1. In this Act unless the context otherwise requires -

"assistance" includes a support, grant or allowance given or payable to a person or implementing institution under this Act;

"Authority" means the National Social Protection Authority established under section 3;

"authorised officer" means a public officer designated as an authorised officer in writing and includes a social protection officer in the Authority or implementation institution;

"basic income security" means a level of income that an individual or family shall not be without, and making sure that an individual or family is not allowed to go below that level;

"beneficiary" means an implementing institution or person that satisfies the eligibility criteria to receive social protection assistance under this Act;

"Board" means the Board of Trustees established under section 4;

"child" means a person who is below the age of 18 years;

"chronically poor" means an individual, a household, group or community which is in a state of extreme poverty and is likely to be in that state over an extended period of time and includes a destitute, beggar, person with disability, war-wounded, chronically ill, and person living with HIV/AIDS;

"dependant" means a person who depends on another, especially a family member, for financial support;

"Director General" means the Director General of the National Social Protection Authority;

"economically at risk" means a person, household, group or community whose work or income is unstable and include people who fail to engage in economically viable activities that can support their livelihoods, or are unemployable because they lack the required education or skills and asset that can enable them to engage in meaningful work;

"elderly" means a person who is 60 years or above;

"emergency" means a short or long-term shock that can result in a sudden loss of income or change in a person's socio-economic status as a consequence of force majeure, requiring immediate intervention;

"exit strategy" means programmes and initiatives designed to train, retrain and rehabilitate an eligible recipient of social protection support to achieve self-support and self-reliance such that the person or household can exit out of the scheme;

"Fund" means the National Social Protection Fund created under section 25;

"implementing institution" means a social protection implementing institution;

"Minister" means the Minister responsible for labour and "Ministry" shall be construed accordingly;

"order" means a directive from the Board to the Authority to carry out certain decisions agreed by the Board;

"overpayment" means excess amount received by a beneficiary;

"person with special needs" means a physical, sensory, mental or other impairment which has substantial long-term adverse effect on a person's ability to carry out normal day to day activities;

"poverty line" means the minimum level of income considered adequate that would allow a person or household to meet its basic needs as may be determined by the Authority from time-to-time;

"Register" means the National Social Protection Register established under section 37;

"resident" means a person who lives in a particular place or who has his home in a particular place;

"social protection" means a set of policies and programmes including contributory and non-contributory schemes designed to reduce poverty and vulnerability by promoting efficient labour markets, diminishing people's exposure to risks and enhancing their capacity to protect themselves against hazards and interruption or loss of income;

"social protection floors" mean nationally defined minimum basic social security guarantees that ensure universal access to essential health care and income security, intended to prevent or alleviate poverty, vulnerability and social exclusion;

"social protection officer" means a public officer within the Authority appointed as such by the Authority;

"socially vulnerable" means a person who is unable to withstand the impact of injury, gender-based violence including trafficking, sexual exploitation, abuse, harassment and discrimination, witness of major crime or incident, leaving with disability, ill health, loss or disruption of livelihood, natural hazards and include single parent, widow, sex worker,

vulnerable child, teenage mother, unsupported migrant worker and family, infertile woman, female accused of witchcraft or sorcery, survivor of health epidemic and natural disaster;

"vulnerable person" or "vulnerable group" means a person or group of persons whose total means of livelihood falls below the poverty line.

2. (1) This Act shall apply to citizens and non-citizens residing in Sierra Leone who are socially vulnerable, poor and economically at risk. Application of Act.

(2) The Minister may, notwithstanding subsection (1), by statutory instrument, after consultation with the Board -

- (a) exempt a person or category of persons, from the application of this Act;
- (b) extend the application of this Act to a person or category of persons excluded from the application of this Act.

PART II - THE NATIONAL SOCIAL PROTECTION AUTHORITY

3. (1) There shall be established a body to be known as the National Social Protection Authority which shall be responsible to regulate, coordinate, facilitate, promote, monitor and evaluate social protection delivery in Sierra Leone. National Social Protection Authority.

(2) The Authority shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Authority shall have a common seal, the use of which shall be authenticated by the signatures of-

- (a) the Chairman or a member of the Authority authorised either generally or specially by the Board for that purpose; or
- (b) the Director-General or some other person authorised by the Board for that purpose.

(4) A document purporting to be an instrument executed or issued by or on behalf of the Authority and to be sealed with the common seal authenticated in the manner stated in subsection (3) shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(5) In appropriate cases the common seal of the Authority may be affixed to documents outside Sierra Leone.

Board of
Authority.

4. (1) The governing body of the Authority shall be a Board which shall consist of the Chairman, who shall be a person who possess high integrity, extensive knowledge and practical experience in the administration of social protection, appointed by the President subject to the approval of Parliament and following other members -

- (a) the Permanent Secretary, Office of the Vice President or his representative, not below the rank of a Director;
- (b) the Financial Secretary or his representative, not below the rank of a Director;
- (c) the Commissioner of Labour, Ministry responsible for labour or his representative, not below the rank of Director;
- (d) the Professional Head, Ministry responsible for social welfare or his representative, not below the rank of Director;
- (e) the Professional Head, Ministry responsible for gender and children's affairs or his representative, not below the rank of Director;

- (f) the Chief Medical Officer, Ministry responsible for health and sanitation or his representative, not below the rank of Director;
- (g) the Professional Head, Ministry responsible for basic and senior secondary school education or his representative, not below the rank of Director;
- (h) the Professional Head, Ministry responsible for technical and higher education or his representative, not below the rank of Director;
- (i) the Professional Head, Ministry responsible for youth affairs or his representative, not below the rank of Director;
- (j) the Professional Head, Ministry responsible for planning and economic development or his representative, not below the rank of Director;
- (k) the Professional Head, Ministry responsible for agriculture or his representative, not below the rank of Director;
- (l) the Professional Head, Ministry responsible for local government and community affairs or his representative, not below the rank of Director;
- (m) the Commissioner, National Commission for Social Action or his representative, not below the rank of Director;
- (n) the Director General, National Social Security and Insurance Trust or his representative, not below the rank of Director;
- (o) the Statistician General, Statistics Sierra Leone or his representative, not below the rank of Director;

- (p) the Director General, Sierra Leone Social Health Insurance Scheme or his representative, not below the rank of Director;
- (q) the Commissioner, National Commission for Persons with Disability or his representative, not below the rank of Director;
- (r) the Secretary General, Sierra Leone Labour Congress or his representative, not below the rank of Director;
- (s) the Executive Secretary, Sierra Leone Employer's Federation or his representative, not below the rank of Director;
- (t) the President, Sierra Leone Association of Non-Governmental Organisations or his representative, not below the rank of Director;
- (u) the Director General, National Disaster Management Authority or his representative not below the rank of Director.

(2) The Director General shall be Secretary to the Board and shall be responsible to -

- (a) make preparations for and attend meetings of the Board;
- (a) prepare and keep minutes of meetings of the Board; and
- (b) perform such other duties as the Board may from time to time require.

Tenure of
members.

5. (1) The Chairman shall hold office for a term of 3 years and shall be eligible for re-appointment for a further term of 3 years only.

(2) A person shall cease to be a member of the Board on any of the following grounds-

- (a) inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend 3 consecutive meetings of the Board without reasonable cause;
- (f) if he resigns his office by written notice to the Minister.

6. (1) The Board shall meet for the dispatch of its business, at least, once every 3 months at such time and place as the Chairman may determine. Meetings of Board.

(2) The Chairman shall preside at every meeting of the Board, and in his absence, the members present shall appoint a member from among their number to preside.

(3) A minimum of 5 members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act on his behalf shall summon a special meeting within 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at a meeting of the Board shall be 5.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) A proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

Disclosure
of interest.

7. (1) A member of the Board who has an interest, whether direct or indirect, in a matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in a deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Board.

Immunity of
members.

8. (1) An action or other proceedings shall not lie or be instituted against a member of the Board or member of a committee of the Board for or in respect of an act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) A member of the Board shall not be personally liable for any debt or obligation of the Authority.

Committees
of Board.

9. (1) The Board may, for the discharge of its functions, appoint one or more committees consisting of members of the Board or non-members or both, to perform such functions as the Board may determine.

(2) Without prejudice to the generality of subsection (1), the Board shall appoint a Social Protection Technical Committee comprising a representative each from the following institutions, not below the rank of a Director-

- (a) the Ministry responsible for justice;
- (b) the Ministry responsible for defence;
- (c) the Ministry responsible for local government and community affairs;
- (d) the Ministry responsible for information and civic education;
- (e) the National Commission for Social Action;
- (f) the National Social Security and Insurance Trust;
- (g) Statistics Sierra Leone;
- (h) the National Civil Registration Authority;
- (i) the Sierra Leone Social Health Insurance Authority;
- (j) the National Commission for Persons with Disability;
- (k) the Sierra Leone Association of Non-Governmental Organisations;
- (l) the National Disaster Management Authority;
- (m) the Legal Aid Board; and
- (n) the Office of National Security;

(3) A committee appointed under subsection (1), shall submit a report of its proceedings to the Board at such time as the Board may determine.

Functions
of Board.

10. (1) Subject to this Act, the Board shall have supervision of the Authority, including overseeing the sound and proper financial management of the Authority.

(2) The Board shall, notwithstanding the generality of subsection (1), -

(a) provide such policy guidance and advice and ensure the efficient overall performance of the functions of the Authority;

(b) approve -

(i) procedures and criteria for the selection of projects and programmes for the consideration and approval of the Board;

(ii) policies regarding the management of projects, programmes;

(iii) procedures and criteria for tenders, procurement and disbursement; and

(iv) the budget of the Authority.

(3) The Board shall, in approving a project or programme under sub-paragraph (i) of paragraph (b) of subsection (2), consider all relevant matters, including -

(a) the financial implications of the proposed project or programme;

(b) the time required for the completion of the proposed project or programme;

(c) whether the proposed project or programme-

(i) is sustainable;

(ii) has the capacity to achieve technical, environmental, institutional and economic viability according to established project approval criteria;

- (iii) is in a geographic or sectoral priority area identified for poverty alleviation or positively impacting a vulnerable group;

- (d) the capacity of the implementing institution.

11. The Board shall, for the discharge of its functions under section 10, have powers to request information or document with respect to an inquiry from - Powers of Board.

- (a) the Director General;
- (b) a member of the Authority;
- (c) an implementing institution;
- (d) an applicant; or
- (e) any other person who, in the opinion of the Board, may be able to assist an inquiry.

12. The Chairman and the other members of the Board and a person co-opted by the Board shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Authority for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine. Remuneration of members.

13. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 6 months, in the case of - Filling of vacancies.

- (a) the Chairman, the members of the Board shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) a member, the Chairman shall, subject to this Act, have another person appointed to the Board.

(2) Where a person is appointed as Chairman or as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART III - THE FUNCTIONS OF NATIONAL SOCIAL PROTECTION AUTHORITY

Functions of Authority.

14. (1) The object for which the Authority is established is to regulate, coordinate, facilitate, monitor and evaluate social protection institutions in the delivery of social protection assistance to the poor and vulnerable.

(2) Without prejudice to the generality of subsection (1), the Authority shall be responsible to -

- (a) establish and maintain a National Social Protection Fund which shall be applied for financing social protection projects and programmes proposed by social protection implementing institutions and approved by the Authority;
- (b) create and strengthen an enabling environment for social protection services and systems;
- (c) promote the development and strengthening of an integrated, equitable and sustainable social protection system;
- (d) provide leadership and collaboration in the implementation of various social protection and national poverty reduction programmes;
- (e) conduct, in collaboration with Statistics Sierra Leone, timely and appropriate social research and surveys and other short term social impact assessments to influence policy decisions;

- (f) protect the interest of social protection beneficiaries;
- (g) establish and maintain social protection floors;
- (h) ensure, coordination, cooperation, collaboration and coherence among social protection institutions or organisations;
- (i) conduct regular monitoring and periodic evaluation of implementation of social protection programs;
- (j) establish monitoring and evaluation tools and processes for all social protection programmes
- (k) ensure compliance with prescribed standards set for social protection programmes
- (l) ensure respect for the rights and dignity of social protection beneficiaries;
- (m) facilitate the development of exit strategies by creating the framework for sustainable training, education and employment;
- (n) support capacity building in social protection institutions;
- (o) seek international cooperation and support for social protection;
- (p) promote coherence in social, labour and economic policies and programmes;
- (q) advise the Minister on desirable changes in social protection policy, legislation and its implementation;
- (r) ensure accountability and transparency among social protection institutions or organisations;

- (s) standardise and maintain a National Social Protection Register and information management system;
- (t) ensure a well-established grievance redress mechanism and feedback systems to assess performance of the social protection programmes;
- (u) carry out such other activities as may appear to the Authority to be incidental or conducive to the attainment of the object of the Authority.

PART IV-ADMINISTRATIVE PROVISIONS

Director-General.

15. (1) The Authority shall have a Director-General who shall be appointed by the President, on the recommendation of the Minister, subject to the approval of Parliament and upon such terms and conditions as may be stated in his letter of appointment.

(2) A person shall not be appointed Director-General unless he has formal qualification, proven knowledge and experience in the administration of social protection or in a profession, relevant or appropriate to the operations of the Authority.

(3) The Director-General shall hold office for a period of 5 years and shall be eligible for reappointment for another period of 5 years.

Functions of Director-General.

16. (1) The Director-General shall be the Chief Executive Officer of the Authority and shall be responsible for -

- (a) the administration of this Act;
- (b) the day-to-day administration of the Authority;

- (c) the implementation of such operational policies, programmes and plans relating to the functions of the Authority as may be approved by the Board;
- (d) the supervision and discipline of other staff of the Authority;
- (e) the management of the funds, property, and business of the Authority; and
- (f) performing such other duties as the Board may determine.

17. (1) The Authority shall have a Deputy Director-General whom the Board shall, after consultation with the Minister, appoint. Deputy
Director-
General.

(2) A person shall not be appointed Deputy Director-General unless he has formal qualification, proven knowledge and experience in the administration of social protection or in a profession, relevant or appropriate to the operations of the Authority.

(3) The Deputy Director-General shall hold office for a period of 5 years and shall be eligible for reappointment for another period of 5 years only.

18. The Deputy Director-General shall serve as the principal assistant to the Director-General in the administration of the Authority, and shall carry out such duties as may be assigned to him by the Director-General and also act as Director-General in the absence of the Director-General. Functions
of Deputy
Director-
General

19. (1) The Authority may, on such terms and conditions as the Board may determine, appoint other employees required for the efficient discharge of its functions under this Act. Other staff.

(2) The Authority may engage the services of consultants and advisers as it considers necessary for the efficient discharge its functions.

Departments.

20. (1) The Authority may, for the purpose of carrying out its functions under this Act, have such directives as the Board may, on the recommendation of the Director-General, approve.

(2) A department under subsection (1) shall be headed by a Director appointed by the Board on advice of the Director-General.

PART V-FINANCIAL PROVISIONS

Funds of
Authority.

21. (1) The activities of the Authority shall be financed by funds consisting of -

- (a) monies appropriated, from time to time, by Parliament for the purposes of the Authority;
- (b) monies given to the Authority by way of gifts, endowments, bequests, grants or other contributions by persons and organisations for the purposes of the Authority;
- (c) returns on investment, if any; and
- (e) all other monies which may, from time to time, accrue to the Authority.

(2) The funds of the Authority shall be applied only for the purposes of the approved budget of the Authority.

Accounts
and audit.

22. (1) The Authority shall keep proper books of account and other records in relation to the activities, property and finances of the Authority in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Authority a financial statement which shall include -

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds;

(2) The accounts of the Authority kept under subsection (1) shall, not later than 2 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanation thereon as he may think fit.

(4) The Authority shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Authority.

(5) The Auditor-General or the auditor appointed by him shall submit to the Authority a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Authority; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Authority.

23. The financial year of the Authority shall be the same as the financial year of the Government. Financial
year of
Authority.

24. (1) The Authority shall, within three months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes. Annual
report.

(2) The annual report shall include the accounts and annual financial statement prepared under section 22 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 2 months after he has received the report.

(4) The Authority shall make copies of the report available to all stakeholders once it has been laid before Parliament.

National
Social
Protection
Fund.

25. (1) There is hereby established, a Fund to be called the National Social Protection Fund which shall be the national basket fund for the management and promotion of social protection projects and programmes.

(2) The National Social Protection Fund shall be financed by funds consisting of -

(a) monies appropriated from time to time by Parliament for the purposes of the National Social Protection Fund;

(b) monies given to the Authority by way of social protection donations, gifts, endowments, bequests, grants or other contributions by person and organisations for the purposes of the National Social Protection Fund;

(c) interest, dividends or other income derived from the assets of the National Social Protection Fund;

(d) assets and other monies held by the Authority for the National Social Protection Fund.

(3) Disbursements from the National Social Protection Fund, shall be for the implementation of approved social protection programmes or projects of the Authority, including -

(a) social protection assistance;

(b) provision of social protection services under this Act; and

- (c) supporting implementing institutions delivering social protection.

26. (1) The National Social Protection Fund shall be exempted from the payment of income tax and property tax. Tax exemption.

(2) An instrument executed by or on behalf of the National Social Protection Fund shall be exempted from stamp duty.

PART VI - SOCIAL PROTECTION FLOORS

27. The following sets of basic social protection floors are hereby prescribed as the national social security guarantees aimed at preventing or alleviating poverty, vulnerability and social exclusion Social protection floors.

- (a) access to essential health care, including maternity care that is affordable and of good quality;
- (b) provision of basic income security to children including education, nutrition and care;
- (c) provision of basic income security for individuals in active age who cannot earn enough income, especially in, cases of illness, maternity and disability;
- (d) provision of basic income security for older persons; and
- (e) any other necessary basic goods and services.

28. The objectives of the floors include to-

Objectives of Social protection floors.

- (a) provide residents and children with basic social security guarantees ensuring a dignified life throughout their life-cycle.

- (b) form an element of the social protection system of Sierra Leone together with social protection mechanisms aimed at providing higher levels of protection to as many people as possible, taking into account the contributory and non-contributory capacities of different population groups;
- (c) serves as the basis of a universal social protection coverage.

Provision of
basic Social
protection
guarantees.

29. (1) In the provision of basic social protection guarantees, consideration shall be given to different approaches that combine benefits and schemes.

(2) Benefits under subsection (1) include-

- (a) child and family benefits;
- (b) sickness and healthcare benefits;
- (c) persons with special needs benefits;
- (d) maternity benefits;
- (e) disability benefits;
- (f) old age benefit;
- (g) survivor's benefits;
- (h) employment injury benefits;
- (i) unemployment benefit;
- (j) housing benefit;
- (k) food benefit;
- (l) basic education (primary) benefit; and
- (m) other social protection benefits in kind or cash.

(3) Schemes under subsection (1) include-

- (a) social insurance schemes;
- (b) social assistance schemes;
- (c) public employment schemes;

- (d) employment and skills training support schemes;
- (e) universal benefit schemes;
- (f) other social protection schemes in kind or cash.

PART VII-SOCIAL PROTECTION ADMINISTRATION

30. (1) An implementing institution may apply to the Authority for funds to finance social protection projects and programmes.

Funding social protection projects and programmes.

(2) An implementing Institution shall not be qualified to receive funding from the Authority for its social protection projects and programmes under subsection (1), unless it satisfies the requirements of the Social Protection Implementing Institution Application Request Form in the First Schedule.

31. (1) The Authority may, prior to the approval of an application, conduct a verification to evaluate the extent to which funding is required.

Verification and approval of application by Authority.

(2) The Authority shall, not later than 2 weeks after a successful verification and evaluation of an application under subsection (1), approve that application and provide the implementing institution with the required finance for its social protection projects and programmes, subject to periodic assessments by the Authority.

32. (1) The Authority shall, within a period not exceeding 14 days, where it -

Decision of Authority.

- (a) is satisfied that an implementing institution meets the requirements on the Social Protection Implementing Institution Application Request Form in the First Schedule and is entitled to receive funding, issue an Order to the implementing institution, except in the case of an emergency application under section 36, to do one or more of the following-

- (i) execute directions contained in the Order;
- (ii) advise the implementing institution of the value, duration, conditions and procedures in relation to the funding;
- (iii) provide quarterly or annual reports;
- (iv) perform any other function as it relates to the application.

(b) finds an application to be unsuccessful or inaccurate, issue an Order -

- (i) dismissing the application;
- (ii) disqualifying the implementing institution from receiving support from the Authority for a period not less than 3 months.

(2) An Order made by the Authority under subsection (1), shall be signed by the Director General and endorsed by the Chairman of the Board.

Revocation
of social
protection
funding
approval.

33. The Board may, upon the recommendation of the Authority, revoke funding to an implementing institution to finance social protection projects and programmes approved under section 31, if the Board is satisfied that the implementing institution has -

- (a) breached a condition specified in the Order under paragraph (a) of subsection (1) of section 32;
- (b) ceased to satisfy the requirements of the Social Protection Implementing Institution Application Request Form in the First Schedule;

- (c) provided misleading or inaccurate information in relation to an application submitted for funds to finance social protection projects and programmes under section 30.

34. (1) A person who is vulnerable and without source of support and entitled to social protection assistance may apply to an implementing institution for social protection assistance.

Application for social protection assistance.

(2) A person shall not be eligible to apply for social protection assistance under subsection (1) if he is an existing beneficiary.

35. (1) An implementing institution shall, on receipt of an application for social protection assistance under subsection (1) of section 34, assess the application and if it is satisfied that an applicant-

Disposal of application.

- (a) meets the required conditions, grant social protection assistance to the applicant; or
- (b) does not meet the required conditions, refuse the application, stating reasons for such refusal in writing.

(2) An implementing institution shall, where it is of the view that an investigation is necessary to ascertain the eligibility of an application, undertake the necessary investigation and upon conclusion of an investigation under subsection (1), prepare a full report of the investigation for necessary action.

36. The Authority may, where an application for social protection assistance is made in the event of an emergency and it appears to be expedient to do so, -

Emergency application.

- (a) grant an interim social protection assistance to an implementing institution in favour of an applicant;
- (b) approve such additional assistance as it may deem appropriate.

National
Social
Protection
Register.

37. (1) The Director General shall establish and maintain a National Social Protection Register containing details of persons who -

- (a) have applied for social protection assistance under this Act;
- (b) are beneficiaries of social protection assistance under this Act; and
- (c) have been a beneficiary of social protection assistance under this Act.

(2) The information of applicants or beneficiaries of social protection assistance to be recorded in the Register under subsection (1) shall include -

- (a) full name and photo;
- (b) contact information;
- (c) date of birth;
- (d) gender;
- (e) name, age and number of dependants where applicable;
- (f) type of assistance required or offered;
- (g) assistance commencement date;
- (h) assistance termination date;
- (i) address, or geolocation when addresses are not available;
- (j) conditions, under which the assistance was granted;
- (k) total amount of monthly assistance made;
- (l) National Identification Number; and
- (m) any other information as prescribed by the Director General.

(3) A person shall not divulge information furnished by an applicant or beneficiary of social protection assistance except, with the consent of the beneficiary -

- (a) to a person who requires the information in order to perform an official duty;
- (b) when required to do so by law or an order of a court of competent jurisdiction.

(4) A person who contravenes subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding 6 months national minimum wage or to imprisonment to a term not exceeding 6 months or to both such fine and imprisonment.

38. (1) A person who is vulnerable and without source of support, and is entitled to social protection assistance, include -

Entitlement to social protection assistance.

- (a) a pregnant woman, nursing mother and infant;
- (b) a school age child;
- (c) a youth without means of livelihood;
- (d) a working age person who is vulnerable and not catered for under existing social security schemes;
- (e) a worker who suffers from violence and harassment;
- (f) a person who attains the age of 60 years without a source of income; and
- (g) a person with special needs.

39. (1) The Authority or implementing institution shall, where a beneficiary is entitled to more than one kind of social protection assistance, determine the social protection assistance that is suitable for the beneficiary.

Double Social protection assistance.

(2) An implementing institution shall, where a beneficiary is entitled to social protection assistance under this Act, determine and provide only one social protection suitable assistance to the beneficiary.

Non-qualification for social protection.

40. The following persons shall not be eligible to receive social protection guarantees under this Act -

- (a) persons who are appointed, elected, nominated for a government or public office;
- (b) persons who are receiving pension from a government fund,
- (c) persons who are regularly receiving remuneration, pension, retirement benefit and other incentives in any other manner.

Social protection assistance to be by cash transfer.

41. (1) Cash transfer by an implementing institution shall be made only through the banking system or by such other means as may be prescribed by the Authority.

(2) The Government of Sierra Leone may, notwithstanding anything contained in subsection (1), provide such assistance, by such means as it may specify, -

- (a) to vulnerable pregnant women, lactating mothers and children;
- (b) as unemployment benefits or compensation for loss of livelihoods, temporary or permanent disabilities or other work-related risks;
- (c) to support the housing needs of vulnerable individuals and families, such as rental assistance, subsidies, or public housing programs.

PART VIII-COMPLAINT AND APPEAL PROCESS

Complaint and settlement of social protection dispute.

42. (1) The Authority shall establish a Complaint Committee to address complaints made by beneficiaries relating to the application process or with the services provided under the social protection assistance in an impartial, simple, effective, transparent manner.

(2) An applicant who is dissatisfied with the application process or a beneficiary is not satisfied with the services provided under the basic social protection project programme, may make a complaint to the Complaint Committee in the form specified in Second Schedule.

(3) The Complaint Committee shall, where a complaint is made under subsection (2), use such lawful steps, as may deem appropriate or expedient, to assess the value of the services rendered by an implementing institution and the entitlement of the beneficiary and decide the relative rights of the complainant and the social protection institution and give such directions as in its opinion, meets the justice of the case.

(4) Access to a complaint process under this section, shall be free of charge.

(5) The Committee shall, where in its opinion, a complaint appears to be difficult to resolve, refer the complaint to the Board.

43. Where an applicant or a beneficiary is not satisfied with the decision of the Board, he may, within one-month, file an appeal to the Minister. Appeal to Minister.

44. (1) An appeal against the decision of the Minister shall lie in the Court of Appeal. Court of Appeal.

(2) The Court of Appeal may, on application by a complainant, by order vary or set aside any of the social protection assistance if it considers it desirable to do so for the purpose of resolving the social protection dispute or removing ambiguity or uncertainty.

45. (1) The Authority may require a recipient implementing institution to repay funds or part thereof paid as a result of misleading or inaccurate information and may suspend further funds until such sum has been repaid. Recovery of overpayment.

(2) The Authority may, where funds are required to be repaid by a recipient implementing institution under subsection (1), recover such funds as a debt owing to the Government in a court of competent jurisdiction.

Offences
and penalties.

46. (1) A person shall not -

- (a) willfully make a false statement to mislead or attempt to mislead the Authority; or
- (b) commit fraud or engage in corrupt practices during social protection administration;
- (c) without lawful justification or excuse -
 - (i) obstruct or hinder the Authority in the performance of its functions under this Act;
 - (ii) fail to comply with a lawful instruction of the Authority;
- (d) deal with documents, communication or information in a manner inconsistent with his duty under this Act.

(2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not less than 17 months national minimum wage or to term of imprisonment not exceeding one year, or to both such fine and imprisonment.

PART IX-MISCELLANEOUS

Regulations.

47. (1) The Minister may, by statutory instrument, make Regulations for giving effect to this Act.

(2) Notwithstanding the generality of subsection (1), the Minister may make regulations-

- (a) extending the application of this Act to any category of persons excluded from its provisions;
- (b) securing and protecting the private individual information contained in the National Social Protection Register; and
- (b) specifying the range, qualifying conditions and levels of benefits giving effect to the guarantees under section 29.

SCHEDULE

FIRST SCHEDULE

Social Protection Implementing Institution Application Request
Form (30(2), 32(1)(a), 3(b))

Request Project Code

Project Title:	
Name and Address of Social Protection	
Implementing Institution	
Project Location:	
Type of Assistance	
Type of Beneficiary	
Project Aim	
Project Objective	
Project Component and Description	
Project Duration	
Start Date -	End Date

Project Cost:

No	Activity	Description	Cost
Total			

Funding Source:

Source	Type (Budget, Loan, Grant)	Amount (Le)
Total		

Alignment with Government National Development Plan	
Has the Social Protection Implementing Institution applied for the same support to other Institution	
Project Sustainability	
Environmental Impact	
Resettlement Needs	
Gender Impact	
Evidence of Targeting and Enrollment of Beneficiaries	
Project Expected Outputs	
Project Expected Outcomes	

Annual Disbursement Plan: (For Financial Year)

Quarter Budget	Foreign (Le)	Domestic (Le)
Total Annual Budget		

Project Proposal>: Attached copy Separately	
Institutional Structure including staff strengthen>: Attached Separately (if applying for the first time)	
Project Contact Person:	

Declaration: I hereby certify that the Information contain herein is complete and accurate. This information is furnished with the understanding that it is to be used to determine the amount and conditions of the project approval. Furthermore, I hereby request the Authority in this request application to release necessary information to the Board in order to verify the information contained herein.

Signature

Date

SUPPORTING DOCUMENTS

The social protection implementing institution is required to list and attach supporting documents to the application for Social Protection assistance request form:-

Institution/Organisation	
Mandate/Functions	
Supporting Documents	1
	2
	3
	4
	5
	6
	7
	8
	9
	10

SECOND SCHEDULE**BENEFICIARY COMPLAINT FORM (42(2))**

Please provide details of your complaint as provided for in this complaint form and submit to the Social Protection Complaint Committee.

All personal details will remain **CONFIDENTIAL**

PERSONAL DETAILS	
Name of person lodging complaint	
Residential Address	
Postal Address	
Contact Number/s	
Email Address	
COMPLAINT DETAILS	
Date and time of incident (if applicable)	
Location of Incident	
Who/what is the subject of your complaint	
Summary of complaint/issue	
WITNESS DETAILS (Please leave blank if not applicable)	
Name of witness	
Address	
Contact number/s	

COMPLAINT OUTCOME

As a result of lodging this complaint, is there any outcome you would like	Yes No
If yes, please provide details	
Signature and Date	

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to establish the National Social Protection Authority to coordinate and promote the delivery of social protection in Sierra Leone and to provide for other related matters

The Bill is divided into 9 parts.

Part I- Preliminary - contains definition of words used in a particular context, the limit and guiding principles for the application and construction of the Bill.

PART II - establishes the National Social Protection Authority and deals with matters relating to the Board of Authority

PART III - outlines the functions of Authority.

PART IV - makes provision for the appointment and functions of the Director-General, Deputy Director-General and other staff.

PART V - contains financial provisions including accounts and audit.

PART VI - deals with social protection floors and basic social protection guarantees.

PART VII - contains provision relating to social protection administration including, funding social protection projects and programmes and the establishment of a National Social Protection Register.

PART VIII - deals with complaints and settlement of social protection disputes.

PART IX- MISCELLANEOUS - vests on the Minister, the authority to make Regulations for giving effect to this Act.

MADE this day of , 2024.

MR. MOHAMED RAHMAN SWARAY
Minister of Labour and Social Security.

FREETOWN
SIERRA LEONE , 2024